

PLANNING COMMISSION STAFF REPORT

MEETING DATE: FEBRUARY 9, 2016

PREPARED BY: Terry Linder, Senior Planner, Community Development Department
APPROVED BY: Andrew Crabtree, Director, Community Development Department

..TITLE

ZONING AMENDMENT ZA-14-23, SUBDIVISION SD-14-12 AND DEVELOPMENT AGREEMENT DA-14-10: EAST DUNNE-BUSK:

Approval of a Zoning Amendment, Subdivision and Development Agreement for the construction of 12 single-family homes. The project includes two existing single family homes that will be retained. The 3.65 acre site, identified by Assessor's Parcel Number 817-19-044, is located on the southeast corner of East Dunne Avenue and Murphy Avenue (Betty Busk, Owner).

..END

RECOMMENDATION(S):

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1. Application ZA-14-23: Recommend City Council approval.
2. Application DA-14-10: Recommend Council approval.
3. Application SD-14-12: Adopt a resolution approving the tentative map, subject to findings and conditions.

..END

CEQA (California Environmental Quality Act):
Project, Description of CEQA requirements

A copy of the initial study and appendix documents are available on the City web site <http://www.morgan-hill.ca.gov/DocumentCenter/View/17388>. Potential impacts identified in the study include: Hazardous materials, Air Quality, Hydrology/Water Quality, and Noise. The project would not result in any significant impacts that could not be addressed through Mitigation Measures included within the project.

..BODY

PROJECT SUMMARY:

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| 1) Location: | Southeast corner of the intersection of East Dunne Avenue and Murphy Avenue |
| 2) Site Area: | 3.65 acres |
| 3) General Plan: | Single Family Medium (3-6 du/ac) |
| 4) Zoning: | R-1 7,000/RPD |
| 5) Request: | Zoning amendment to establish a planned development overlay and precise plan for the construction of 12 single-family homes on a 3.65 acre site that contains two existing single family homes that will be retained as part of the project. Also requested is approval of a 14-lot vesting subdivision map and development agreement. |

BACKGROUND:

The applicant is requesting approval of a zoning amendment to establish a planned development overlay and precise plan for the construction of 12 single-family homes on a 3.65 acre site (2.45 net acres excluding street area). The project includes two existing single family homes that will be retained along with the new development. The applicant is also requesting approval of a 14-lot

vesting subdivision map and development agreement to formalize the project's Residential Development Control System (RDCS) requirements.

The project site is located on the southeast corner of the East Dunne Avenue and Murphy Avenue intersection. The project site has a General Plan designation of Single Family Medium (3-6 du/ac) and is zoned R-1 7,000/RPD. Surrounding land uses include Nordstrom Park to the north, Advent Lutheran Church to the south, single-family detached homes to the east and vacant commercial land to the west.

Site Aerial



ANALYSIS:

Zoning Amendment

The applicant is requesting approval of a Planned Development (PD) overlay zone and adoption of a precise development plan for the entire 3.65 acre site. The Planned Development Zoning is required because the project includes design components that do not conform to the base standards of the R-1 7,000 zoning district.

The proposed development plan includes the construction of 10 single family detached homes, two single family attached homes and the retention of the two existing single family homes. The project site plan indicates that the single-family residences would front on a new public street extending from Murphy Avenue onto the project site, and two private cul-de-sacs that would extend north from the new public street. Six of the new residences would front on the public road and the remaining eight would be served by two internal private streets.

The project design includes the development of open space buffer areas (.21 acres) along the project site's frontages on East Dunne Avenue and Murphy Avenue. The open space areas would

contain underground infiltration tank units for the storage and treatment of storm runoff from the project development's impervious surfaces.

While the project site is currently zoned R-1 7,000, the applicant is proposing that two of the lots within the project be developed in reference to the R-1 4,500 district standards with the intent that the project include a mix of standard and attached home types as well as allow retention of two existing residences on the project site. The overall project density (5.7 dwelling units per acre) would conform to the General Plan density range for the site.

The requested PD Zoning would allow for the following exceptions to the base development standards otherwise required under the R-1 7,000 zoning district for lots 1, 5, 8, 10, and 12 and the R-1 4,500 zoning district for the units on lots 3 and 4:

- ✓ Six lots (1, 5, 8, 10, 11 & 12) do not meet the minimum **front setback** of 25 feet for the first story and/or 30 feet for the second. Three of the six instances (lots one, ten and twelve) require exceptions greater than the 25 percent. Lots 1 and 10 contain the existing single family homes and require front setbacks exceptions of nine to ten feet, which represents up to a 40 percent exception to the minimum 25 foot front setback requirement. The new home proposed on lot 12 has a four foot first story and a nine foot second story encroachment into the front setback requirements. The encroachment for lot 12 is the result of the elbow portion of the public street pushing into the front of the lot which results in a 15 foot wide triangular portion of the home to encroach into the front setback. The lot is 107 feet wide so the encroachment represents 14 percent of the overall front setback which staff believes is minor given the overall lot width. The proposed reduction to the front setback for Lots 5, 8 and 11 would be less than a 25% deviation from the base district standard and would facilitate the project maintaining overall conformance with other standards for the district.
- ✓ Two lots (3 & 6) do not meet the first and second floor minimum (11 feet for R-1 4,500/12.5 for R-1 7,000) **side yard** setback requirements. Lot 3 is proposed to have a one foot exception but is also adjacent to a five foot wide open space area so the unit will have the appearance of being setback 15 feet from back of side walk. Lot 6 is proposed to have a 6.5 foot exception to the 12.5 foot side yard setback requirement for two story homes. The 6.5 foot exception represents a 52% exception, which exceeds the City's 25 percent PD flexibility guideline. Staff requested the applicant move the single-family attached units away from the easterly project boundary to minimize the number of two story units placed adjacent to the existing homes within the Sonora Ranch development. Moving the lot line between lots 6 and 11 was considered, but that would have created the need for side setback exceptions for lot 11. The proposed 6.5 foot exception on lot 6 is adjacent to a single story element on lot 11. The distance between the two-story elements on lots six and 11 would be 32 feet which would minimize the canyon affect between the proposed units.

A table is attached to this report which outlines the applicable development standards proposed for each of the 14 lots. The areas highlighted in the table are discussed above and indicate the instances where the standard zoning requirements would not be met.

The purpose of the PD overlay zone is to allow flexibility from the City's site development standards in exchange for the provision of open space areas, affordable housing units, and enhanced site design. Standard practice with planned developments has been to keep exceptions to within 25 percent of the base development standards, and frequency of occurrence. The proposed PD Zoning generally meets that standard with the exception of the front setbacks

on lots 1, 10 and 12 and the side setback on lot 6 where the magnitude of exception is greater than 25 percent.

The large magnitude front setback exceptions (36% and 40%) are for the existing homes (lots 1 and 10) and the triangular encroachment on lot 12 (30%). Extensive effort was made to develop an alternative design that would eliminate or lessen the magnitude of this setback reduction, but the alternative plans all resulted in a greater number of exceptions or magnitude of exception to other standards on other surrounding lots. As part of this process, the applicant reduced the proposed number of units from 15 to 14 so that fewer setback exceptions would be needed than had been originally proposed. After working with the applicant on ten site plan variations for the project, staff concluded that the plan as proposed would provide the greatest amount of compliance with the applicable zoning regulations and the least amount of impact to the existing residents both within and surrounding the proposed development, while accommodating an appropriate number of units for the project. An exception to the standard 25 percent deviation is thus recommended due to the design limitations of maintaining the two existing homes, the site's location adjacent to two arterials and the need to create a secondary access for the adjacent church.

In addition to the setback exceptions, flexibility is also requested with a City street standard. The streets labeled on the plan as "private" meet the City's public street standards with the exception of the 32 foot radius of the cul-de-sac bulbs. The City's minimum radius requirement is 36 feet. Enlarging the radius of the cul-de-sac bulbs results in additional exceptions required to base zoning standards. For example, the current plan does not require exceptions to the minimum lot size or minimum lot depth. Enlarging the radius would require exception to the minimum 7,000 square foot lot size for lots one and nine. Additional setback exceptions to rear yard setbacks would be required or exceptions to the front yard setbacks would be required on lots 8, 9 and 14 and the exception to the front setback for lot 1 would be further impacted.

In exchange for the requested flexibility, the project site design includes the following features:

- For safety reasons, street access has to be located at a point as far south on Murphy Avenue as possible to allow a left hand turn lane to be developed on Murphy Avenue. Moving the project access south also allowed for the creation of a corner location for the adjacent Advent Lutheran Church. The corner location will facilitate site access for the church and allow the church to maximize their future development potential by allowing secondary access to the rear of the site. To accommodate the requirement to provide a full public street adjacent to the church, one unit had to be eliminated from the project. Access to Dunne Avenue was also prohibited due to the proximity to the Murphy Avenue intersection, median configurations and the travel speeds on Dunne Avenue. To address the length of the dead end street within the development, an emergency vehicle access is proposed at the end of the most easterly cul-de-sac.
- The circulation plan allows for the retention of the two existing home. The existing home at the corner of Murphy Avenue and Dunne Avenue (lot 1) was constructed around 1900. It does not meet the requirements to be deemed a cultural resource, but will be preserved in the proposed project along with many of its surrounding trees. The home is also occupied by the daughter of the current property owner who wishes to remain on the property. The second home, located on lot 10, was constructed by the owner's late husband in the 1960's and is not considered eligible as a historic resource. The current property owner wishes to remain in the home after the property is developed.

- The noise levels from Dunne Avenue and Murphy Avenue require the rear yards areas be projected by a noise barrier. The project is proposing a six foot tall precast wall along the side and rear of lot two and the side of lots 3, 7, 8 and 14. The proposed project design minimizes the amount of sound wall required by siding homes onto Dunne Avenue allowing for 110 foot breaks between the walls. The entry for the existing home on lot one faces west and the owner would prefer to maintain the current orientation. The project does not propose to surround the existing home with a sound wall along its Dunne Avenue and Murphy Avenue frontage. Instead, the project is proposing to maintain many of the existing trees and surround the front yard area with a three foot high open wire fence (see detail, sheet L-3 of landscape plans). The same fencing is proposed along the Dunne Avenue frontage to separate the front yards from the common area and create a safety barrier. Breaks in the wire fence are provided at the end of the cul-de-sacs to allow pedestrian access to Dunne Avenue. The protected rear yard area for lot 1 has yet to be defined. Staff is recommending as a condition of map recordation, that Site Review approval be completed, including a detailed landscape plan for lot 1 that defines a useable yard area that meets the requirements of the acoustical report.

In conclusion, the exceptions both in number and magnitude do not appear excessive given the shape and location of the property. These exceptions are off-set by a project design that creates a safe circulation plan, provides a full public street that will greatly benefit the adjacent church and honors the wishes of the current property owner to continue to reside on the property.

Based on the finding of a superior circulation and site plan, it is recommended the Commission recommend Council approval of the proposed precise development plan.

Subdivision

The project is fully allocated and will be completed in a single phase. The subdivision map will include 14 residential lots ranging in size from 3,545 square feet to 10,246 square feet. A common open space parcel of 9,052 square feet approximately five to 15 feet in depth surrounds the project on the Dunne Avenue and Murphy Avenue perimeters. As mentioned earlier, site access would be from a new public street extending east from Murphy Avenue into the project site, and two private cul-de-sacs extending north from the public street. The maintenance of the private streets and open space parcel would be the responsibility of the Homeowners Association. All lots as proposed meet minimum lot width, depth and size requirements; approval of the subdivision application is recommended.

Development Agreement

The applicant is requesting approval of the project development agreement. Project development agreements are required as a formal contract between the developer and the City. The development agreement formalizes the commitments made during the Measure C process and establishes the project milestone deadlines including the 'commence construction' date. The project specific commitments are identified in Exhibit C of the development agreement and the project milestone deadlines are contained in Exhibit B.

The attached development agreement covers the commitments from the project's 2013 RDCA application and the development schedule for the projects FY 2015-16 and FY 2016-17 allocations. As mentioned earlier in the report, the redesign of the project resulted in the loss of one unit so the number of allocations for FY 2015-16 has been reduced from 7 to 6 and is reflected in Exhibit B of the development agreement.

Significant changes to the project layout as submitted for the RDCS competition were necessary in order for the project to meet City standards, so the project was re-evaluated for consistency with the RDCS commitments made in application MC 13-16: Dunne Ave.-MDMH Investors. The majority of the RDCS commitments are unchanged; however the project is no longer eligible for points under the Open Space Category criterion B1a and Lot Layout criteria B 3a and 3b.

Open Space Category criterion B1a requires the buffer area along Dunne and Murphy to exceed the minimum required by at least ten feet. Minimum required wall setback along an arterial is 15 feet from face of curb. The project committed to an additional ten feet so a minimum of 25 feet of open space area should be provided along East Dunne Avenue and Murphy Avenue. A twenty-five foot setback can only be found adjacent to lots 8 and 14. The new project layout is no longer eligible for these two points awarded under Open Space Category criterion B1a.

Lot Layout criteria B3a and B3b require an off-set of front and rear setbacks from home to home. The required off-set for single family homes is five feet in the front and five feet in the rear. The incorporation of the public street and public street dimensions eliminated the front and rear off-sets. The majority of the homes sit at the minimum required rear and front setback so the new layout would no longer qualify for these points (2 points total).

The Planning Commission's policy is to allow on a case by case a change in the category scores if it finds (1) whether the project would receive the same or a higher score within each evaluation category and/or in the total RDCS evaluation; (2) the change would maintain or improve the quality of a project; and (3) the change would result in the same or greater value to the City or project. Only those changes which would not degrade the quality of the project, lower the value of commitments, or lower the total point score in the RDCS evaluation, shall be approved.

To address the reduction in the point score, the applicant is willing to commit to alternate RDCS criteria. The new project layout allows for the applicant to commit to gridding the water system between East Dunne Avenue and Murphy Avenue, Public Facilities Criterion B2a which is a two (2) point commitment. Another one (1) point opportunity derived from the project redesign is elimination of fast through traffic and the street frontage made available to the adjacent church for access. This change would allow for one (1) additional point to be awarded under Circulation criterion B1a. The final (fourth) make-up point would come from Lot Layout criterion B1e. A sufficient transition in lot sizes is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. With the implementation of staff's request to relocate the duet from the easterly project boundary, the project layout now has two of the three homes adjacent to the existing development as single story and all adjacent lot sizes would be equal to or greater and the existing adjacent development. In summary, the two points lost from the Open Space category and the Lot Layout category can be made up with a new commitment in the Public Facilities category and new points awarded under Lot Layout and Circulation due to project design changes. These new commitments can be found on pages two and five of Exhibit C of the proposed development agreement.

The proposed zoning, subdivision and DA amendment request were analyzed with respect to consistency with the General Plan policies and Zoning Ordinance.

General Plan Community Development goals and policies

The site has a land use designation of Single-Family Medium (3-6 units per acre). The Single-Family Medium land use designation allows for single-family residences at densities ranging from three to six dwelling units per acre. The site has a density of 5.71 units per acre, therefore, complying with the prescribed density range of the general plan.

Applicable Community Development Policies

- 1a. Ensure that City decisions regarding planning are reached in a comprehensive, coordinated manner.
- 2a. Encourage the orderly development of the city, with concentric growth and infill of existing developed areas.
- 2d. Plan for the needs of all socioeconomic segments of the community, encouraging self-sufficiency in jobs and housing within the city.
- 7a. Plan for a population of approximately 48,000 residents in 2020.
- 7b. Plan for an approximate 70/30 ratio of single family to multi-family housing for all future residential development.
- 7n. Subject mobilehome park and subdivision development to Residential Planned Development (RPD) zoning.
- 8c. Encourage future residential development projects where local streets are safe, convenient and aesthetically pleasing; and where elementary schools and parks are centrally located to serve the immediate residential area.
- 8d. Complete street connections between neighborhoods to promote efficient circulation and emergency service response time.
- 8e. Design residential neighborhoods so they are distinct and separated from conflicting non-residential uses.

The project site is surrounded by existing development. Public utilities and services are available at the site without significant expansion or impact to the existing services. The project competed in the 2013 RDCS competition and has received allocations consistent with the target population of 48,000 in 2020. As a primarily single-family detached project it contributes to the 70 percent single family residential development policy. The project would not conflict with any applicable land use plan or policy.

Applicable Conservation Policies

- 7a. New development should be designed to exceed State standards for the use of water and energy.
- 7b. Promote energy conservation techniques and energy efficiency in building design, orientation and construction.
- 7g. The landscaping plans for new development should address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.
- 7j. The incorporation of renewable energy generating features, like solar panels, should be encouraged in the design of new development and in existing development.
- 7k. Promote water conservation and efficient water use in all public and private development projects and landscaping plans.
- 7l. Encourage use of non-potable water for landscape irrigation.

The project must comply with the Uniform Building Code as adopted by the City which requires a minimum of 90 points for Build It Green and compliance with the City's Water Conservation Landscape ordinance. The project is also committed to installing photovoltaic panels and pre-wired 220 volt charging stations in each home. The project is required to use drought tolerant grasses

and restrict the grass area to less than 25 percent. The project also includes the use of an existing on-site well or installs a new well for landscape irrigation purposes.

Applicable Flood Control Policies

- 4n. Require mitigation of any storm water runoff produced by development that occurs beyond that described in the General Plans of the City and County as of 1982.
- 4o. Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention.

Project includes on-site detention and has completed storm water drainage calculations.

Applicable Water Quality Policies

- 6h. Preserve and protect mature, healthy trees whenever feasible, particularly native trees and other trees which are of significant size or of significant aesthetic value to immediate vicinity or to the community as a whole.

An arborist report was completed as part of the environmental initial study. Healthy native and non native trees are to be protected and preserved to the extent possible.

Applicable Noise Policies

- 7a. New development projects shall be designed and constructed to meet acceptable exterior noise level standards.
- 7b. The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.
- 7e. Noise level increases resulting from traffic associated with new projects shall be considered significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
- 7f. Noise levels produced by stationary noise sources associated with new projects shall be considered significant if they substantially exceed ambient noise levels.
- 7g. Noise levels produced by other noise sources (such as ball fields) shall be considered significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.
- 8a. Roadway design, traffic signalization and other traffic planning techniques (such as limiting truck traffic in residential areas) shall be used to reduce noise caused by speed or acceleration of vehicles.
- 8b. If noise barriers are deemed the only effective mitigation for development along major transportation corridors, an acoustical analysis shall be conducted to determine necessary dimensions.
- 8c. The maximum height of sound walls shall be eight feet.
- 8d. Ensure that sound barriers do not become targets for vandalism

An acoustical report was completed as part of the environmental initial study. Mitigation measures have been approved which require the proposed homes to meet interior and exterior noise standards. The project includes a six foot tall precast wall along the side and rear of lot two and the side of lots 3, 7, 8 and 14. The wall is located behind a 5-15 foot wide landscape area which will be planted to screen the wall and discourage vandalism.

Zoning Ordinance

The Busk property has an existing zoning designation of R-1 7,000. The applicant is requesting a Planned Development (PD) overlay for the project site which would include rezoning the property. The property would be rezoned to R-1-7,000 PD.

Applicable Division I requirements:

Chapter 18.12 – R-1 Medium Density Residential District

Section 18.12.060 – Site development standards – R-1-7,000

Chapter 18.13 – High-Density Single-Family Residential

Section 18.13.050 – Site development standards – R-1-4,500

Pursuant to Sections 18.12.060, the *R1-7,000* zoning district is required to have minimum lot areas of 7,000. The *R1-7,000* allows for corner lot sizes of 3,500 square feet for duet units (two single-family attached units).

The *R1-7,000* require 20-foot front and rear setbacks for the first story on a residential unit, 25-foot rear and front setbacks for second stories, and 12.5-foot setback from the side property line (for buildings with a maximum height greater than 17 feet above grade). A 15-foot side yard setback is required when the side yard of a two-story residence is adjacent to a rear yard on an adjacent lot. The minimum lot width required for detached units is 60 feet for the *R1-7,000* district; the minimum lot width allowed for duet units on corner lots is 40 feet. The minimum lot depth allowed is 85 feet and the maximum building height allowed is 30 feet or 2.5 stories (whichever is less) for all lots. The maximum building coverage allowed for both districts is 50 percent.

In order to amend the Zoning, as requested, the following findings must be made:

- A. ***That the proposed amendment is in general conformance with the general plan.***

The project site has a land use designation of Single-Family Medium (3-6 dwelling units per acre). The project proposes a density of 5.71 units per acre. The proposed density and zoning is consistent with the land use designation.

- B. ***That the public necessity, convenience and general welfare require the adoption of the proposed amendment.***

The proposed amendment would allow for the development of the property to provide future road, pedestrian and bikeway improvements; the amendment would diversify the housing types and the housing opportunities available to the residents of the City; the amendment would allow for a safe circulation plan; the amendment would allow full public street access on the north site of the adjacent church and allows for a would benefit the health and welfare of the occupants of the proposed development and the City as a whole.

- C. ***The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated***

into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of [Section 18.78.070](#) of the Municipal Code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.

The amendment is for a rezone to include a Planned Development Overlay and would not amend the residential land use of the property. The Zoning Amendment would comply with the General Plan as required by Government Code Section 65860.

Community Engagement

A ten day notice of the public hearing was published in the January 29, 2016 edition of the Morgan Hill Times and notices were mailed to property owners within 300 feet of the application site.

Conclusion

Staff recommends the Planning Commission recommend City Council approval of the zoning amendment, and development agreement applications, subject to the findings and conditions of the attached resolutions. It is also recommended the Commission approve of the subdivision application contingent upon the Council approving the zoning amendment request.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

An initial study has been completed which concluded that the currently proposed project would not result in any significant impacts that could not be addressed through mitigation measures. A copy of the initial study and appendix documents are available on the City web site <http://www.morgan-hill.ca.gov/DocumentCenter/View/17388>. Impacts identified in the study include: Hazardous materials, Air Quality, Hydrology/water quality and Noise.

Biological: The project site has over 52 trees, ten of them oak trees. Majority of the trees on the site are pines and walnut trees which were found by the arborist to be in poor health and are not protect by the City's tree ordinance. The oaks are generally listed as good to fair health and are recommended to be incorporated into it the development plan as much as practical. For example the oak tree located to the east of the old house could potential be saved if the sidewalk could vary from attached to detached at that location; same situation for the oak located directly behind the sidewalk on lot eight. Any of the oaks that are removed will have to be mitigated with a replacement planting at a one to one ratio. The applicant is required as part of the Site Review process to review lot by lot the retention of as many healthy trees as possible. The retention of the healthy mature pines, cedars, and oaks along the Dunne Avenue will help minimize the visual impact that will result from the elimination of the majority of the on-site trees.

Hazardous materials/Air Quality: Impact potentially exists from exposure to dust and soil which may be contaminated with lead, arsenic and other pesticide residue due to the sites past agricultural use and the age of the existing structures. Although the project's construction-related air pollutant emissions would not exceed the BAAQMD's applicable significance thresholds, mitigation measures have been included to reduce the project's construction emissions. Additional mitigation addresses the proper disposal of chemicals found in, on or around the existing out buildings prior to demolition.

Hydrology/Water Quality: There is a 126-foot deep groundwater-supply well present on the site within an older water tower, near one of the residences. If it is not properly abandoned prior to construction, damage to the well could provide a downward conduit for groundwater contamination during construction and once the residences are constructed. The damaged well could also provide a conduit for cross contamination between aquifers. This is a potentially significant water quality impact. Mitigation Measures require abandoning the well in accordance with applicable City and County well abandonment regulations.

Noise: The site's location adjacent to East Dunne Avenue and Murphy Avenue would subject the project residents to noise levels in excess of the City's 60 outdoor and 55 indoor dBA limitations. To mitigate the outdoor noise, the project is proposing a six ft. wall along the rear and/or side yards of lots two, three, seven, eight and 14. To mitigate the indoor noise levels the units adjacent to East Dunne Avenue and Murphy Avenue are required to have a closed ventilation system, and unshielded windows and doors must have a STC rating of 28.

The project impacts and mitigations are discussed in detail within the projects initial study. Appropriate measures have been incorporated into the mitigated Negative Declaration that will reduce potential impacts to a less than significant level. A Mitigation Monitoring and Reporting Program have been prepared for the project, and it identifies the timeframe and responsibility for implementation of the mitigation measures.

LINKS: Initial Study: <http://www.morgan-hill.ca.gov/DocumentCenter/View/17388>.

ATTACHMENTS:

1. Zoning Compliance Table
2. February 22 Project plans
3. Mitigated Negative Declaration Resolution
4. MND
5. MMRP
6. Zoning Amendment Resolution
7. Development Agreement Resolution
8. Development Agreement
9. Subdivision Resolution
10. Vicinity Map