

RESOLUTION NO. 20-060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A TENTATIVE PARCEL MAP FOR A 4-LOT PARCEL MAP ON A 19.67-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF JUAN HERNANDEZ DRIVE AND BARRETT AVENUE (JUAN HERNANDEZ – MH MEDICAL PROPERTIES (LILLIAN COMMONS)) (APNS 817-09-039, 817-09-040 AND 817-09-041).

WHEREAS, on November 18, 2019, Lillian Commons, LLC submitted an application for a tentative parcel map (SD2019-0007: Juan Hernandez – MH Medical Properties) for the Lillian Commons project; and

WHEREAS, such request was considered and recommended for approval by the Planning Commission at its regular meeting of September 29, 2020 and October 13, 2020;

WHEREAS, such request was considered by the City Council at its regular meeting of November 4, 2020; and

WHEREAS, in accordance to the California Environmental Quality Act (CEQA), the City completed an Initial Study to determine whether the project could have a significant effect on the environment, and found that with the application of mitigation measures there will not be a significant effect in this case, and therefore a Mitigated Negative Declaration has been prepared and considered by the City Council prior to action taken to adopt this Resolution; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The Tentative Parcel Map, together with its provisions for its design and improvements, is consistent with the General Plan.

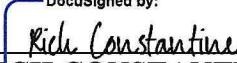
SECTION 2. The Tentative Parcel Map as described herein, and attached hereto, as Exhibit B, is hereby approved, as conditioned in the set of standard conditions attached hereto, as Exhibit A, and by this reference incorporated herein, as well as all mitigation measures identified in the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program incorporated by this reference as though fully set forth herein.

City of Morgan Hill
Resolution No. 20-060
Page 2 of 27

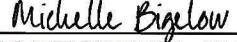
PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 4th day of November 2020 by the following vote:

AYES:	COUNCIL MEMBERS:	Yvonne Martinez Beltran, Rene Spring, John McKay, Larry Carr, Rich Constantine
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:

Rich Constantine
RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:

Michelle Bigelow
IRMA TORREZ, City Clerk

☒ CERTIFICATION ☒

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.20-060, adopted by the City Council at the meeting held on November 4, 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL

DATE: 11/11/2020

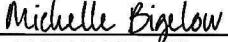
DocuSigned by:

Michelle Bigelow
IRMA TORREZ, City Clerk

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SD2019-0007: JUAN HERNANDEZ – MH MEDICAL PROPERTIES (LILLIAN COMMONS)

THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

MHMC= Morgan Hill Municipal Code

MHARH= Morgan Hill Architectural Review Handbook

CMH= City of Morgan Hill

CFC= California Fire Code

I. PROJECT DESCRIPTION

The project includes a Tentative Parcel Map to subdivide the project site into four parcels.

The project shall comply with all requirements of related project approvals granted by the City, including all of the following:

- A. Initial Study/Mitigated Negative Declaration – June 2020 (EA2019-0023)

II. PROJECT MITIGATION MEASURES

The applicant shall be subject to compliance with the mitigation measures of the project's adopted Mitigation Monitoring and Reporting Program. The following mitigation measures shall be included with all building permit, grading, or improvement plans.

- A. **MM AIR-3.1:** The following mitigation measure shall be implemented during all phases of construction to minimize emissions:

- The project applicant shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 70-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:
 - All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet U.S. EPA Tier 4 particulate matter emissions standards. Alternatively, diesel-powered equipment that meets U.S. EPA Tier 2 or 3 engines and include CARB-certified Level 3 Diesel Particulate Filters (or equivalent) would meet this requirement, as would the use of equipment that is electrically powered or uses non-diesel fuels.

City of Morgan Hill

Resolution No. 20-060

Page 4 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 2 of 24

- B. **MM-BIO-1.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. If construction can be scheduled to occur between September 1st and January 31st (inclusive) to avoid the raptor nesting season, no impacts will be expected. If construction will take place between February 1st and August 31st, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. Surveys shall be completed within 30 days of the on-set of site clearing or construction activities. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, buildings) onsite trees as well as all trees within 250 feet of the site for nests.
- C. **MM-BIO-1.2:** If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) that shall remain off limits to construction until the nesting season is over, to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Wildlife Code will be disturbed during project implementation. A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the Development Services Director prior to issuance of a grading perm.
- D. **MM-BIO-5.1:** To the extent feasible, activities shall avoid impacts to any protected trees. Avoidance is considered to be completely avoiding any work or staging under the dripline of trees. The boundary of the designated avoidance buffer shall be flagged or fenced prior to initial ground disturbance. If complete avoidance is not feasible, BIO MM-5.2 shall be implemented.
- E. **MM-BIO-5.2:** The project proponent shall comply with local ordinances and submit permit applications for removal, trimming, damage, or relocation of all trees covered by the City ordinance. The replacement trees shall be planted on site to the extent feasible and the project proponent shall comply with all other replacement requirements imposed by the City.
- F. **MM-NOI-1.1:** Develop a noise construction control plan including but not limited to the following construction best management control:
- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
 - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 5 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 3 of 24

avoid noise associated with compressed air exhaust from pneumatically powered tools; and

- Stationary noise sources shall be located as far from noise-sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of two pounds per square foot (e.g., such as 0.75-inch plywood).
- Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors should be closed.
- During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 6 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 4 of 24

- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

G. **MM-NOI-2.1:** A qualified acoustical consultant shall be retained to review mechanical equipment systems during final design of the proposed project. The consultant shall review selected equipment and determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Prior to the issuance of building permits for the project, the emergency generator must be selected and approved by the City planning department. The generator shall include adequate noise suppressing features to reduce impacts on surrounding uses to meet the City's exterior and interior noise level requirements of 60 dBA.

H. **MM-TRN-1.1:** Improvements to mitigate the impact at this intersection consist of the implementation of a traffic signal. However, the decision to install a traffic signal is not be based solely on satisfying one traffic signal warrant. Instead, intersections that meet the peak-hour signal warrant shall be subject to further analysis before determining that a traffic signal is necessary. Thus, the project impact at this intersection shall be mitigated with payment of the traffic impact fee, as determined by City staff.

III. PROJECT CONDITIONS OF APPROVAL

This Tentative Parcel Map approval is limited to the plan set dated October 6, 2020 on file (File Number SD2019-0007) with the Development Services Department. These documents show the location and sizes of all lots in this development, the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

The Final Map shall be in substantial compliance with the approved Tentative Map as determined by the City Engineer and Development Services Director.

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 7 of 27

SB2019-0007 – Lillian Commons

Conditions of Approval

Page 5 of 24

PLANNING DIVISION

DEFENSE AND INDEMNITY

- A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

TIME LIMITS

- A. **Term:** The Tentative Parcel Map approval granted pursuant to this Resolution shall remain in effect for two years to November 4, 2022. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Development Services Department/Planning Commission prior to the expiration date. (**MHMC 17.20.170; 17.24.110**)

SITE DEVELOPMENT

City of Morgan Hill

Resolution No. 20-060

Page 8 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 6 of 24

A. Street Names: Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601) and CP 94-13.

B. Standard Condition AIR-1: The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

C. Standard Condition AIR-2:

- Install air filtration in residential and medical buildings. Air filtration devices shall be rated MERV16 or higher for portions of the site that have annual PM2.5 exposure above 1.1 micrograms per cubic meter and MERV13 or higher for all other portions of the site. To ensure adequate health protection to sensitive receptors (i.e. residents), this ventilation system, whether mechanical or passive, all fresh air circulation into the dwelling units shall be filtered.

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 9 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 7 of 24

- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
- Ensure that the use agreement and other property documents:
 - Require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks;
 - Include assurance that new owners or tenants are provided information on the ventilation system; and
 - Include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacement of the filters, as needed.

D. **Standard Condition AIR-3:** Provide electrical power at truck loading docks to avoid use of truck refrigeration units.

E. **Standard Condition AIR-4:** Designate truck circulation routes that avoid residential areas to the greatest extent reasonable.

F. **Standard Condition GEO-1:** To avoid or minimize potential damage from seismic shaking, the proposed development shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings shall be required to meet the requirements of applicable Building and Fire Codes, including the 2019 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

G. **Standard Condition GEO-2 (Storm Drain System):** Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

1. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
2. Water Pollution Control Drawings for Sediment and Erosion Control.

H. **Standard Condition GEO-3 (NPDES Permit Conformance):** As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total

City of Morgan Hill

Resolution No. 20-060

Page 10 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 8 of 24

disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans (SWRCB NPDES General Permit CA000002).

I. **Standard Condition HYD-1:** In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following measures are included in the project to reduce construction-related water quality impacts to a less than significant level:

The following BMPs shall be implemented during project construction:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- All exposed or disturbed soil surfaces will be watered at least twice daily to control dust.
- Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site will be swept daily (with water sweepers).
- Vegetation in disturbed areas will be replanted as quickly as possible.

J. **Standard Condition HYD-2:** In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following measures shall be included in the project to reduce construction-related water quality impacts to a less than significant level:

- As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 11 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 9 of 24

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- K. **Standard Condition HYD-3:** The Project Engineer shall provide a hydrology report demonstrating that post-development stormwater runoff peak flows discharged from the site do not exceed pre-project peak flows for the two (2) through 10-year storm events. Peak flow controls must also meet the flood control standards established by the Santa Clara County Drainage Manual.

HABITAT PLAN

- A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. (**MHMC 18.132**)
- C. **Conditions:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). (**MHMC 18.132**)

CULTURAL RESOURCES

- A. **Significant historic or archaeological materials:** This project has been determined not to be in a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map, but nonetheless could adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A
Page 12 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 10 of 24

shall apply and should be provided as standard conditions on the building permit, grading permit, or improvement plans. If human remains are discovered, it is probable they are the remains of Native Americans.

1. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
2. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
3. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
4. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
5. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

City of Morgan Hill

Resolution No. 20-060

Page 13 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 11 of 24

- The City of Morgan Hill Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
6. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
 7. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
 8. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
 9. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
 10. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

GENERAL

- A. **Recordation of Map:** The recordation of the final map shall not be completed until approval of the Design Review Permit is completed.
- B. **Signed copies of Approval Certificate:** Submit two (2) signed copies of the Approval Certificate to the Planning Division prior to issuance of a building permit.

City of Morgan Hill

Resolution No. 20-060

Page 14 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 12 of 24

ENGINEERING DIVISION

PROJECT SPECIFIC ENGINEERING CONDITIONS

A. Site Access

1. Barrett Avenue Driveways: The project is proposing two full access driveways along Barrett Avenue, across Barrett Elementary School. These new driveways are designated in the project's Traffic Impact Analysis, dated June 19, 2020, as Driveway 3 (closest to Juan Hernandez Drive) & Driveway 4. The City Engineer has determined that allowing these two driveways to be full access will create unsafe conditions for vehicle, pedestrian and bicycle traffic in the vicinity of Barrett Elementary School especially during the school's drop-off and pick-up periods.
 - a. At Design Review stage, revise Driveways 3 & 4 to provide emergency vehicle access only.
2. Juan Hernandez Driveways:
 - a. The project is also proposing two full access driveways along Juan Hernandez Drive. These driveways are designated in the project's Traffic Impact Analysis as Driveway 1 (existing, southern driveway at New Private Street B) & Driveway 2 (new main driveway located in the middle of the project site) per the project's Traffic Impact Analysis. The City Engineer has determined that allowing Driveway 1 (existing, southern driveway) to remain at its current location will create conflicting vehicle turn movements. The project's Traffic Impact Analysis stated that "the close proximity of Driveway 1 to the Juan Hernandez Drive/St. James Drive intersection (approximately 100 feet to the south), in addition to the increase in traffic volumes at the site driveway, could potentially create conflicts between southbound left-turning traffic accessing Driveway 1 and northbound left-turning traffic at St. James Drive."
 - i) At Design Review stage, relocate Driveway 1 (southern driveway) to the north and align with St. James Drive (existing public street) to form the east leg of the intersection.
 - b. Third New Driveway at Juan Hernandez Drive: The applicant has requested City staff to consider a third new driveway along Juan Hernandez Drive (north of the new main driveway – Driveway 2) if the two proposed driveways along Barrett Avenue will be restricted to emergency vehicle access only. This third driveway is not reflected on the plans submitted by the applicant.
 - i) At Design Review stage, the project shall submit an analysis of the suitability of a third new driveway at Juan Hernandez Drive

City of Morgan Hill

Resolution No. 20-060

Page 15 of 27

EXHIBIT A
SD2019-0007 – Lillian Commons

Conditions of Approval

Page 13 of 24

and adequacy of the driveway operations for review and approval by the City Engineer.

B. Barrett Avenue Improvements: The applicant requested input from the Morgan Hill Unified School District (MHUSD) on the project's site plan. The applicant agrees with the following MHUSD recommendations: (1) provide a school drop-off/pick-up area for the school within the project site, adjacent to Barrett Avenue; (2) widen the proposed sidewalk to a minimum width of 6', along the project frontage, on the south side of Barrett Avenue to allow for both bicyclists and pedestrians; and (3) provide a mid-block crosswalk at Barrett Avenue. Engineering staff discussed the above recommendations with MHUSD staff on September 4, 2020.

1. At Design Review stage, the project shall submit an analysis of the proposed school drop-off/pick-up area and any conflicts with the two existing school driveways at Barrett Avenue. A drop-off/pick-up area located closer to the intersection of Barrett Avenue and Juan Hernandez Drive is preferred as this will allow students and other pedestrians to use the existing crosswalk at the intersection. This will eliminate the need for a mid-block crosswalk at Barrett Avenue.

C. Tentative Map

1. At Design Review stage, address the following:

- Add a Public Service Easement over the location of the public water main and water meters within the project site, as determined by the City Engineer.
- Show additional Stormwater/Storm Drainage Easements over stormwater control measures and associated storm drainage pipes if one or more parcels will drain to a stormwater control measure located on an adjacent parcel.
- Show private water, private storm drainage, and private sanitary sewer easements over these utilities over any of these utilities if these are proposed to cross over parcels.

2. The width of the right-of-way dedication on the south side of Barrett Avenue will be finalized at Design Review stage.

D. Grading: At Design Review stage, submit a Preliminary Drainage Report.

E. Stormwater Management: This project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. At Design Review stage, the project shall address the following:

1. Submit a revised Stormwater Control Plan that includes all the items listed in Appendix B (Stormwater Control Plan Checklist) of the Guidance Manual.

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 16 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 14 of 24

2. Size each Drainage Management Area (DMA) based on proposed grading and each DMA boundary clearly identified. Note: Multiple DMAs may drain to one stormwater control measure, but one DMA may not drain to multiple stormwater control measures.
3. Submit the Project's Geotechnical Report that includes site-specific soil infiltration rates for each area of the site where infiltration facilities are proposed, and information about any surface or subsurface soil contamination at the site.
4. Infiltration facilities that allow runoff to be filtered through surface or imported soils (indirect infiltration method), such as bioretention areas, shall be used unless a combination of indirect and direct infiltration systems are necessary to increase detention and/or retention.
5. Revise the plans to show the following:
 - a. Each stormwater basin located within the limits of a parcel
 - b. Sanitary sewer connections from all trash enclosures
 - c. Site-specific cross-sections for the proposed stormwater basins. Include top and bottom elevations.
 - d. Stormwater basin details
 - e. If the project proposes bioretention areas, provide details identifying elevations for all structure components associated with the facilities (top of media, top of gravel pack, subdrain invert, etc.).

F. Utilities

1. At Design Review stage, revise the plans to address the following:
 - a. On Parcel C, provide separate sewer laterals for the Office building and Apartment building located to the southeast of the Office building.
 - b. Show the size of the water lines.
 - c. Provide a sanitary sewer test manhole behind the property line for the non-residential portion of the project for pretreatment to measure flows and for samples to be readily obtained therefrom by the City.

G. Reimbursement: The applicant/property owner shall reimburse the Morgan Hill Unified School District (MHUSD) in the amount of \$23,120 for the traffic signal improvements completed at the intersection of Juan Hernandez Drive and Tennant Avenue by MHUSD in 2007. The reimbursement amount was calculated based on the estimated share of peak hour trips contributed to the intersection by each anticipated new development in the vicinity of the intersection.

H. Parkland Dedication and Parkland Fee In-Lieu Exemption: The residential portion of the project is subject to the payment of parkland in-lieu fees to meet the parkland obligation pursuant to the Parkland Dedication and Parkland Fee In-Lieu requirements (Morgan Hill Municipal Code Chapter 17.28).

City of Morgan Hill

Resolution No. 20-060

Page 17 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 15 of 24

STANDARD ENGINEERING CONDITIONS

A. GENERAL

1. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. (**MHMC 12.02.090 A; 17.32.010 A**)
2. The applicant shall have a Final Map prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the City Engineer. (**MHMC 17.20.200 A; 17.20.290; 17.24.010**)
3. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. (**MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A**)
4. Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. (**MHMC 12.08.040 A; 12.08.090**)
5. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
6. Enter into a Subdivision Improvement Agreement (SIA) with the City of Morgan Hill to cover required improvements. (**MHMC 12.02.150; 17.32.010 B; 17.32.160**)
7. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (**MHMC 17.20.350 H**)
8. **IMPACT FEE INCREASE** - The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City

City of Morgan Hill

Resolution No. 20-060

Page 18 of 27

EXHIBIT A
SD2019-0007 – Lillian Commons

Conditions of Approval

Page 16 of 24

maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

B. STREET IMPROVEMENTS

1. The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
2. The project shall install and dedicate street improvements including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**
3. Dedication of the required corner cutoff at the intersection of Juan Hernandez Drive and Barrett Avenue. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010)**
4. Underground existing utilities: All existing overhead utilities adjacent to any site boundary or along any street frontage of the site shall be placed underground in accordance with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**

C. SANITARY SEWER SYSTEM

1. The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. **(MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)**

City of Morgan Hill

Resolution No. 20-060

Page 10 of 27

SB2019-0007 – Lillian Commons

Conditions of Approval

Page 17 of 24

2. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. **(MHMC 13.24.060; 17.32.20 C)**

D. STORM DRAIN SYSTEM

1. A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B;17.32.090; CMH Design Standards and Standard Details for Construction)**
2. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**
3. Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. Items of construction shall include, but not be limited to installation of surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to retain stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
4. Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the City Engineer.
 - a. Storm drain calculations to determine detention/retention pond sizing and operations.
 - b. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - c. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
(CMH Design Standards and Standard Details for Construction)
5. As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 20 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 18 of 24

coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Land Development Engineering. A Waste Discharger Identification (WDID) number will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WIDI number and approved SWPPP Manual shall be provided to Land Development Engineering Division and the Building Division prior to any approval of grading activities (SWRCB NPDES General Permit CA000002).

6. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:

- a. ALL project onsite and offsite construction activity shall have the site inspected by a qualified third party SWPPP Inspector (QSD or QSP or RCE) or the project shall be charged for SWPPP inspections performed by a City Inspector. This will be determined at improvement plan stage.
- b. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
- c. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
- d. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
- e. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building Division and Land Development Engineering Division if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Land Development Engineering). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Public Works (public right-of-way issues) inspectors respectively.
- f. Prior to rain events, BMPs not in compliance will need to be corrected immediately.

City of Morgan Hill

Resolution No. 20-060

Page 21 of 27

SB2019-0007 – Lillian Commons

Conditions of Approval

Page 19 of 24

- g. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
- h. Other non-compliance issues need to be addressed within a 24-hour period.
- i. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.
- j. BMPs maintenance/inspections shall include tree protection if applicable.

E. WATER SYSTEM

- 1. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)**
- 2. Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with SCVWD standards.
- 3. Installation of water line extension on the proposed private streets. **(MHMC 17.32.020 A & D; CMH Water System Master Plan)**
- 4. Provide separate water services and meters for each parcel. These are to be installed by developer. **(MHMC 17.32.020 D)**

F. OTHER CONDITIONS

- 1. The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- 2. The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. **(MHMC 17.32.020 E.1)**
- 3. The final map for a minor subdivision (4 lots or less) shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. **(MHMC 17.20.390; 17.24.210)**
- 4. Final landscape plans shall be submitted with and included as part of the improvement plans for the project. **(MHMC 17.08.090)**

City of Morgan Hill

Resolution No. 20-060

EXHIBIT A

Page 20 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 20 of 24

5. Prior to the approval of any Building Permit for grading activity, the developer shall schedule a pre-construction meeting with the Public Works Inspection Division with the following project team members:
 - a. Civil Engineer of record
 - b. Geotechnical Engineer of record
 - c. Third Party QSD/QSP SWPPP Inspector
 - d. General Contractor
 - e. Subcontractors

G. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

1. State Water Resources Control Board Post Construction Requirements (PCRs): Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydropmod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering's website. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
 - a. Performance Requirement 1: Site Design and Runoff Reduction
 - b. Performance Requirement 2: Water Quality Treatment
 - c. Performance Requirement 3: Runoff Retention
 - d. Performance Requirement 4: Peak Management
2. **Properly Design Trash Enclosure Areas:** All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
 - a. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
 - b. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - c. Doors: Trash enclosure shall have door(s) which can be secured when closed.
 - d. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.

City of Morgan Hill

Resolution No. 20-060

Page 23 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 21 of 24

- e. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal- proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.
3. **Design Standards for Structural or Treatment Control BMPs:** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow- based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

 - a. Volumetric Treatment Control BMP

 - i) The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
 - ii) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
 - iii) The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.
 - b. Flow Based Treatment Control BMP

 - i) The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
 - ii) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.
4. **Stormwater Runoff Management Plan (SWRMP) required:** The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post-construction BMPs) proposed for managing stormwater runoff.
5. **Stormwater BMP operation, maintenance, and replacement responsibility**

City of Morgan Hill

Permit No. 20-060

Page 22 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 22 of 24

- a. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the city.
 - b. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
 - c. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.
6. **Stormwater BMP operation and Maintenance Agreement (SWBOMA):** Prior to the issuance of any building permits requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The city shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Land Development Engineering).
 7. **Stormwater BMP inspection responsibility**
 - a. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a Register Civil Engineer (RCE).
 - b. Unless otherwise required by the City engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - i) Site address;
 - ii) Date and time of inspection;
 - iii) Name of the person conducting the inspection;
 - iv) List of stormwater facilities inspected;
 - v) Condition of each stormwater facility inspected;
 - vi) Description of any needed maintenance or repairs; and
 - vii) As applicable, the need for site re-inspection.
 - c. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.

City of Morgan Hill

Resolution No. 20-060

Page 25 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 23 of 24

8. **Records of maintenance and inspection activities:** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the City engineer or designee with records of all inspections, maintenance and repairs.
9. **Annual Certification of SWRMP:** On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

POLICE DEPARTMENT

- A. **Safety and Security Plan.** The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.
- B. **Camera Access.** The Police department will require access to camera feed and camera recordings to be able to view real time and recorded footage if/when required.

HOUSING DIVISION

- A. **Inclusionary Housing Agreement:** The developer shall execute and record an Inclusionary Affordable Housing Agreement with the City prior to issuance of a building permit. **(MHMC 14.04.050)**
- B. **BMR Standards:** The Below Market Rate (BMR) units shall comply with the BMR standards.

BMR standards:

1. **Location.** BMR units shall be distributed evenly throughout the project.
2. **Lot Size.** Lot size shall be at least the same size as the smallest lot of a market rate unit within the project;
3. **Bedroom Count.** Average bedroom count shall be the same as the average bedroom count in the market rate units in the project;
4. **Exterior.** Exterior trim entry door hardware, and finish to the same standard as the Market Rate
5. **Minimum standards for equipment, fixtures, appliances and finishes** have been established for the BMR units. All items installed by the developer shall be of good quality and in new condition. Good quality shall be deemed

City of Morgan Hill

Resolution No. 20-060

Page 26 of 27

SD2019-0007 – Lillian Commons

Conditions of Approval

Page 24 of 24

as entry level but generally not the lowest level of product offered for that application. All products shall offer durability, reliability and maintain a quality appearance and function that is standard to most other median priced homes in the area. The below listed items must be installed as a basic feature of each BMR home.

6. Minimum Interior standard finishes will be as follows:
 - a. All closets shall have doors
 - b. Interior doors to be raised panel type or same as market rate
 - c. Door hardware to be brass finish or equivalent
 - d. Appliances shall be major brand name
 - e. Microwave with an exhaust vent shall be installed over the range
 - f. Kitchen counters shall be white ceramic tile
 - g. Kitchen cabinets shall be stained wood with white melamine interiors
 - h. Units will be roughed in for AC including electrical and line set
 - i. Basic alarm system to secure all accessible openings to the home
 - j. Carpet in bedrooms, hallways, family rooms
 - k. Linoleum or tile entry, bathroom kitchens
 - l. Laminate flooring may substitute for carpet or linoleum
 - m. Electric garage door opener
7. Timing of Construction. BMR units shall be constructed in proportion to the BMR ownership housing requirement applicable to the project. For example, for a project with 389 units and an 20% BMR rental housing commitment, at least one BMR unit shall be constructed before or concurrently with every 5th market rate unit constructed. The last market rate unit to be completed in the project may not receive a certificate of occupancy until the last BMR unit has received a certificate of occupancy. The Director may approve a modified schedule if the timing requirement will create unreasonable delays in the issuance of certificates of occupancy for market rate units.

EXHIBIT "B"

