

RESOLUTION NO. 21-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A 27-LOT TENTATIVE SUBDIVISION MAP WHERE 23 LOTS ARE FOR RESIDENTIAL DEVELOPMENT AND 4 LOTS ARE DESIGNATED AS ONE OF THE FOLLOWING: ONE COMMON OPEN SPACE/PARK, TWO COMMON OPEN SPACES, AND ONE PARCEL FOR ANCILLARY PRIVATE DRIVE AISLE ON A 2.7-ACRE SITE FOR PROPERTY LOCATED AT 335 SPRING AVENUE (APN 767-11-030)

WHEREAS, on November 30, 2020, Joe and Sheila Giancola submitted an application for a Tentative Subdivision Map to subdivide a 2.7-acre parcel into 27 lots where 23 lots are for residential development and the remaining 4 lots are designated as the following: one common open space/6,595 square foot park, two common open spaces, and one ancillary private drive aisle. (SD2020-0010/EA2020-0021: Spring - Giancola); and

WHEREAS, such requests were considered by the Planning Commission at its meeting of October 12, 2021; and

WHEREAS, the proposed project was reviewed in compliance with the California Environmental Quality Act (CEQA). The Planning Commission found the project to be exempt from CEQA pursuant to Section 15332 – Infill Development and the project does not meet any of the exceptions to categorical exemptions set forth in Section 15300.2. A categorical exemption memorandum has been prepared; 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 PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. Recitals.

The Planning Commission has considered the full record before it, which may include but not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. California Environmental Quality Act Finding

Finding: The Initial Study prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA.

The Planning Division of the City of Morgan Hill prepared an Initial Study and memorandum for categorical exemption (Planning File No's SD2020-0010/EA2020-0021: Spring - Giancola) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA"), and state and local guidelines implementing CEQA; and

SECTION 3. Tentative Subdivision Map Finding (MHMC Section 17.20.090)

Finding: The Tentative Subdivision Map, together with its provisions for its design and improvements, is consistent with the applicable General Plan or specific plans adopted by the City.

The Tentative Subdivision Map entitled "Spring View" submitted by MH Engineering Co. September 24, 2021, attached as Exhibit A, has been designed consistent with the City's General Plan, considering neighborhood circulation patterns, and providing future connections and the Zoning Ordinance lot dimension standards.

SECTION 4. The Planning Commission approves SD2020-0010/EA2020-0021: Spring - Giancola. The map shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "B".

PASSED AND ADOPTED THIS 12th DAY OF OCTOBER 2021, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: **KUMAR, GONZALEZ-ESCOTO,
MUELLER, TANDA, DOWNEY,
MUNOZ-MORRIS, HABIB**

NOES: COMMISSIONERS: **NONE**

ABSTAIN: COMMISSIONERS: **NONE**

ABSENT: COMMISSIONERS: **NONE**

ATTEST:



JENNA LUNA, Deputy City Clerk

APPROVED:

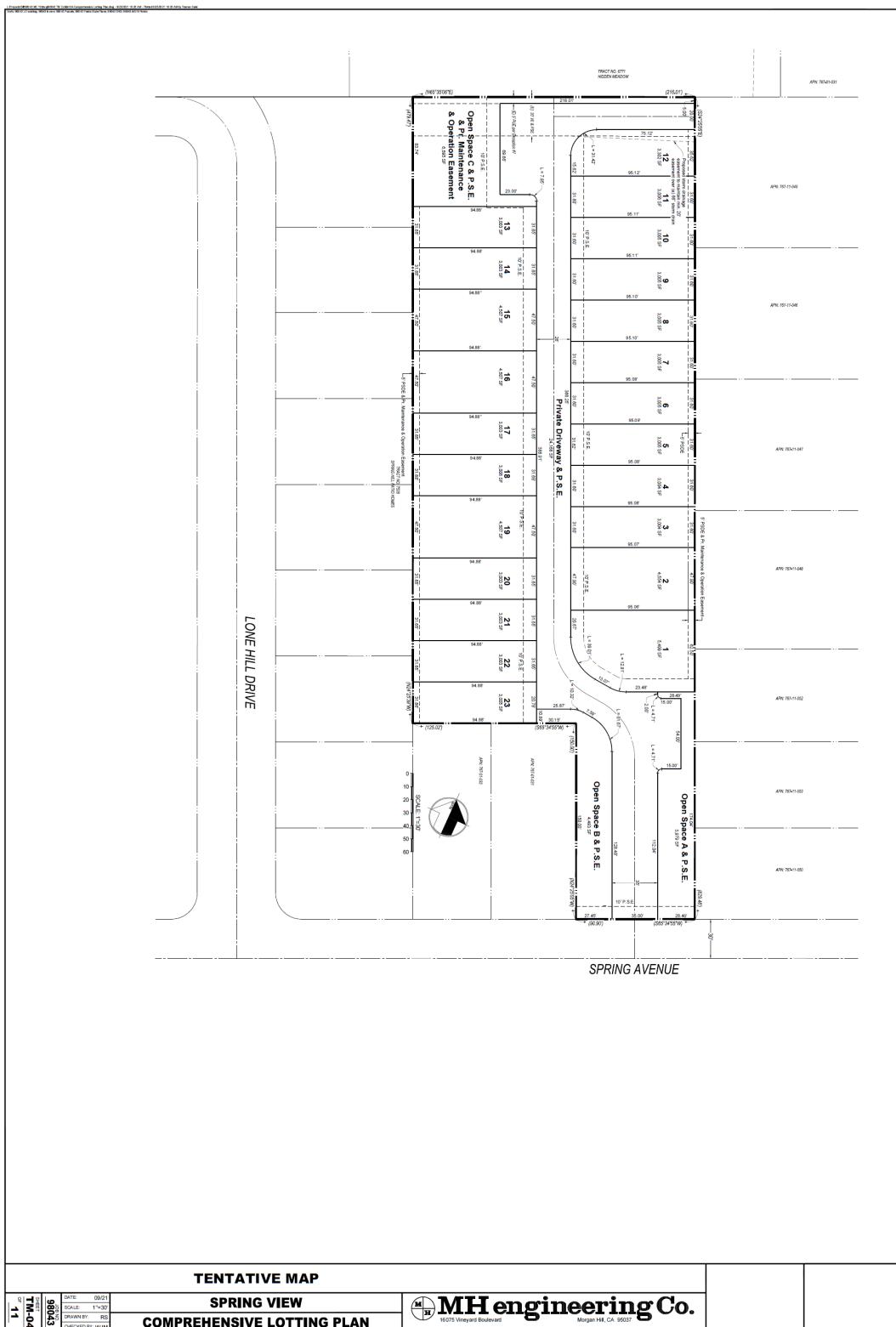


MALISHA KUMAR, Chair

Date: Oct 24, 2021

EXHIBIT "A"

TENTATIVE SUBDIVISION MAP



TENTATIVE MAP

SPRING VIEW

SPRING VIEW COMPREHENSIVE LOTTING PLAN

MH
16075 Vineyard Boulevard

MH engineering Co.

Leer
Mannheim

| | | |
|-------------|---------|----------|
| 11 | TM-043 | RS |
| SHEET OF | JOB NO. | DRAWN BY |
| 1 | 98043 | 09/21 |
| | | 1"=30' |

EXHIBIT "B" STANDARD CONDITIONS

APPLICATION NO: SD2020-0010/EA2020-0021: Spring - Giancola

**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

Tentative Subdivision Map to subdivide a 2.7-acre parcel into 27 lots where 23 lots are for residential development and the remaining 4 lots are designated as the following: a common open space/6,595 square foot park (parcel C), two common open spaces (parcels A and B), and one ancillary private drive aisle. The property, identified by Assessor Parcel Number 767-11-030, is located on the north side of Spring Avenue.

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

- A. Tentative Subdivision Map SD2020-0010
- B. Environmental Assessment EA2020-0021

PLANNING COMMISSION

- A. The Final Map shall include the following language for the common open space and park lots: We hereby reserve for the benefit of the owners of the lots and parcels within the "Spring View" subdivision, "Parcels A, B, and C" delineated and designated as "Open Space" for the purpose of landscaping, recreational amenities, storm water management, and all other appurtenances thereto. Said Parcels shall be conveyed to, and maintained by, the home owners association created for the "Spring View" Subdivision, as stated in the covenants, conditions, and restrictions.
- B. The Final Map shall include the following language for the private drive aisle: We hereby reserve of the benefit of the owners of the lots and parcels within the "Spring View" Subdivision, their licensees, visitors, and tenants, for the purposes of ingress, egress, parking (where designated) and of the installation and

maintenance of private utilities under, upon and over the private drive aisle depicted on the map. Said parcel shall be conveyed to, and maintained by, the homeowners association created for the "Spring View" subdivision as stated in the covenants, conditions, and restrictions.

C. Prior to final map submittal, the crosswalk shown at the bend of the private drive aisle near the Spring Avenue entrance shall be removed.

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 Subdivision Map approval granted pursuant to this Resolution shall remain in effect for two years to October 12, 2023. 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 prior to the expiration date. (**MHMC 18.104.210**)

GENERAL

A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.

B. **Covenants, Conditions and Restrictions:** The applicant shall provide a set of Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation, for review and approval by the Development Services Director prior to final occupancy or recordation of a final map. All such CC&Rs shall include the following:

1. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third-party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.

*Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill.

2. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred

in such action.

3. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.
4. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
5. This section may not be amended without the prior written consent of the Development Services Director for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.
6. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance obligation or duty of maintenance is increased by such amendment.

ENGINEERING DIVISION

PROJECT-SPECIFIC ENGINEERING CONDITIONS

A. General:

1. At improvement plan/building permit stage, show the new residential building and foundation on Lot #12 located outside or not encroaching into the proposed 20' storm easement. The City will allow a minor encroachment of the building's roof overhang over the 20' easement, if necessary.

2. At improvement plan/building permit stage, show the extents of the proposed emergency vehicle access/path on the adjacent easterly parcel, past the project's easterly property line and to Barnell Avenue. The project shall verify the existing pavement structural section of the emergency vehicle access on the easterly parcel and provide pavement design section improvements for adequate fire equipment access.

B. **Final Map:** The project's final map shall be approved by the City Council prior to issuance of a grading permit. (**MHMC 17.20.390; 17.24.210**)

C. **Reciprocal Access:** 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 final map. (**MHMC 17.20.350 H**)

D. **Stormwater Management:**

1. The Geotechnical Investigation Report prepared by Silicon Valley Soil Engineering dated November 2020 stated that the stormwater management, structure, foundation design, and calculations are not part of the geotechnical investigation or scope. At improvement plan/building permit stage, submit a Geotechnical Engineer's letter/report update that provides the Geotechnical Engineer's approval of the proposed underground stormwater storage facility design and recommendations that include the acceptable building setback of Lot 13 from the proposed underground stormwater storage facility.
2. At improvement plan/building permit stage, the project shall comply with the following:
 - a. The Final SWCP report shall include the plan sheets for the stormwater details, DMA map, and grading and drainage plans.
 - b. The final SWCP report shall include a discussion on the underground storage facility's closed bottom system design with no infiltration due to the seasonal high groundwater levels and this should be reflected as a site condition in the Technical Infeasibility Checklist.
 - c. Clarify the total provided storage for the underground stormwater storage facility.
 - d. Include a detail of the underground storage facility.
 - e. Submit supporting calculations for the 41-hour drawdown time for the underground storage facility. The HydroCAD model results and hydrographs shall show the same drawdown times.
 - f. Submit a letter from Contech, manufacturer of the proposed Storm Filter, and include as an attachment to the final SWCP. Also include the sizing calculations to show how the proposed Storm Filter meets the requirements of Performance Requirement No. 2.

- g. The "undisturbed or planted areas" in the front yards and backyards of each of the lots shall meet the requirements for self-retaining. During improvement plan/building permit stage, confirm that the retention tributary area (RTA) has been calculated correctly as this determines the required Performance Requirement No. 3 retention volume.
- h. Provide confirmation that the bioswale model inputs reflect the current design.
- i. Provide a table showing the required Performance Requirement No. 3 retention volume for the public hardscape not being treated and the excess storage provided on site to show in lieu treatment is provided on site. Include a discussion in the SWCP.
- j. Provide preliminary information on how the pretreatment device can be inspected and maintained during its design life and to ensure the pretreatment measure meets Valley Water's requirements to maintain groundwater quality.
- k. Provide a detailed plan of the proposed retaining wall and its associated subdrainage system along the eastern property boundary. The detailed plan shall ensure the retaining wall does not impact the operations, maintenance, and inspection of the adjacent bioretention planters, located in the rear yards of Lots 1 through 12. The project shall also provide a review letter that is signed and stamped by the project's geotechnical engineer stating that the retaining wall is in conformance with the project's geotechnical investigation and recommendations. The letter shall review and address the adjacent bioretention planters' design and proximity to the retaining wall.
- l. Show the required protection of the bio-swales and underground chamber system during construction. This will include clearly marking the facilities, protection of the facilities from siltation and compaction, etc. Guidance can be found in the LIDI Technical Assistance Memo at
https://storage.googleapis.com/centralcoastlidi-org/uploads/LIDI_ConstructionTAM_20140.11.20.pdf

3. The locations of the clean outs in the underground stormwater storage facility and the proposed plantings in the Landscaping Plans will be reviewed in detail at improvement plan/building permit stage to ensure that the clean outs are accessible for maintenance.

E. Street Improvements:

- 1. The new driveway approach at Spring Avenue shall have a maximum width of 35'.
- 2. The project shall underground past the project's Spring Avenue frontage to the west, in front of APNs 767-11-031 & 767-11-032, and the City will

reimburse the developer for this undergrounding work that is not the developer's responsibility. The details of the undergrounding and reimbursement will be finalized at improvement plan/building permit stage.

3. In conjunction with the required overhead utility undergrounding along the project's Spring Avenue frontage, the project shall install a new standalone streetlight per City Standards along the Spring Avenue frontage to replace the existing streetlight that is on the existing overhead joint pole.
4. Detailed review of the proposed frontage improvements along Spring Avenue, including Broadband design, will be performed at the improvement plan stage. Refer to the City's Broadband Standards for the design of the broadband conduit.
5. At improvement plan stage, the project shall evaluate the pavement condition of Spring Avenue and improve the street, as necessary, to meet current City standards for collector streets. Evaluation may involve pavement core sampling at multiple locations to the satisfaction of the City Engineer.
 - a. If the existing pavement condition does not meet current City Standards, the project shall remove and replace the existing section of the asphalt concrete pavement on Spring Avenue. The minimum required street improvement shall be a two-inch removal and replacement of the existing asphalt concrete pavement along the project's Spring Avenue property frontage and up to the street centerline.

F. Utilities:

1. The water main and water meters along the private drive aisle will be public.
2. At improvement plan/building permit stage, add a junction/test sanitary sewer manhole upstream of the connection to the existing 10" sanitary sewer line near the northerly property line.
3. The onsite sanitary sewer lines and sewer laterals are required to be private.
 - a. Prior to final map approval/building permit issuance, the Owner(s) shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains and sewer laterals. The Agreement shall be recorded at the County Recorder's Office prior to building final.

G. Parkland Dedication/Parkland Fee In-Lieu: This project is subject to the Parkland Dedication and Parkland Fee In-Lieu requirements (MHMC 17.28).

1. The developer shall pay fees, in-lieu of parkland dedication, at the time of filing of the project's final map to meet the parkland obligation. The project's parkland obligation will be calculated using the formula shown in MHMC Section 17.28.060.
2. Private recreation credits, which could allow a credit of up to 40% towards the parkland obligation, could be available for private open space(s) within the subdivision that meets the standard requirements listed in MHMC Section 17.28.130.

STANDARD ENGINEERING CONDITIONS

I. GENERAL

- A. **Final Map:** 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**)
- B. **Public and Private Improvements:** 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**)
- C. **Improvement Plans:** The applicant shall submit as part of the improvement plans for the project, profiles of all improvements in the subdivision 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**)
 1. Improvement plans are to show water lines, sanitary Sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- D. **Subdivision Improvements Agreement:** Enter into a Subdivision Improvements Agreement with the City of Morgan Hill to cover required improvements. (**MHMC 12.02.150; 17.32.010 B; 17.32.160**)
- E. **Impact Fees & 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 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)**

II. STREET IMPROVEMENTS

- A. **Public and Private Streets:** 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)**
- B. **Installation and Dedication of Streets:** The project shall install and dedicate street improvement 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)**
- C. **Underground existing utilities:** All existing overhead utilities adjacent to any site boundary or along any street frontage of 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)**
- D. **Street Trees:** The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan.

III. SANITARY SEWER SYSTEM

- A. **Design of Sewer Improvements:** 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 proposed public street(s) or 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**)

B. **Sewer Connection:** 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**)

IV. STORM DRAIN SYSTEM

A. **Storm Drainage Study:** 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**)

B. **Storm Drainage Design:** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. (**MHMC 17.32.020 A & B**)

C. **Storm Drainage Capacity:** 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 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), 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**)

V. WATER SYSTEM

A. **Domestic Water System:** 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)

- B. **Water Well Abandonment:** 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.
- C. **Water Line Extension:** Install water line extension on the proposed public streets and/or private streets. **(MHMC 17.32.020 A & D; CMH Water System Master Plan)**
- D. **Water Meters:** Provide separate water services and meters for each lot. These are to be installed by developer. **(MHMC 17.32.020 D)**

VI. OTHER CONDITIONS

- A. **Easement Dedications:** The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- B. **Undergrounding New Utilities:** 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)**
- C. **Landscaping and Irrigation Systems:** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the property owner or designated maintenance entity.
- D. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the project. **(MHMC 17.08.090)**

VII. NPDES STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **Stormwater 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_hydmmod_charette_index.shtml). A copy of the Guidance Manual can be obtained from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable Post-Construction Requirements:

1. Performance Requirement 1: Site Design and Runoff Reduction
2. Performance Requirement 2: Water Quality Treatment
3. Performance Requirement 3: Runoff Retention
4. Performance Requirement 4: Peak Management

B. **Peak Storm Water Runoff Discharge Rates:** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. 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.

C. **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:

1. Volumetric Treatment Control BMP
 - a. 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
 - b. 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
 - c. 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.
2. Flow Based Treatment Control BMP

- a. 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
- b. 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.

D. Stormwater Runoff Management Plan (SWRMP): 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.

1. The Stormwater Runoff Management Plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved Stormwater Runoff Management Plan.
2. The developer shall provide a signed certification from the civil engineer responsible for preparing the Stormwater Runoff Management Plan that all stormwater best management practices have been designed to meet the requirements of this chapter.

E. Stormwater BMP Operation, Maintenance, and Replacement Responsibility:

1. Prior to building final, the property owner shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified 3rd party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.

F. Stormwater BMP Operation and Maintenance Agreement (SWBOMA): Prior to the issuance of any building permit 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 BMPs. The City standard Stormwater BMP Operation and

Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.

Resolution No. 21-11 Spring - Giancola (Need Chair Signature)

Final Audit Report

2021-10-24

| | |
|-----------------|---|
| Created: | 2021-10-22 |
| By: | Jenna Luna (jenna.luna@morganhill.ca.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAAs5lamikqXp7p8gbkRMPb6s0CxHZ4K_8h |

"Resolution No. 21-11 Spring - Giancola (Need Chair Signature)" History

-  Document created by Jenna Luna (jenna.luna@morganhill.ca.gov)
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