

RESOLUTION NO. 22-05

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL APPROVING A TWO LOT
VESTING TENTATIVE MAP ON A 5.83-ACRE SITE AND
A DESIGN PERMIT FOR A 67-UNIT CONDOMINIUM DE-
VELOPMENT FOR PROPERTY LOCATED EAST OF THE
MONTEREY ROAD/TILTON AVENUE INTERSECTION
(MANZANITA PARK) (APN 725-01-018)**

WHEREAS, on August 28, 2020, North Corridor Investors LLC submitted applications for a two-lot Vesting Tentative Map and Design Permit for a 67-unit condominium development. (SD2020-0007/SR2020-0017/EA2020-0014: Monterey-Lucky-Shing (Manzanita Park)); and

WHEREAS, such requests were considered by the Planning Commission at its meeting of March 22, 2022; and

WHEREAS, in accordance with 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. The Planning Commission of the City of Morgan Hill found that there will not be a significant effect in this case because mitigation measures are included in the project and therefore a Mitigated Negative Declaration was approved and Mitigation Monitoring Plan adopted prior to action taken to adopt the Resolution approving the project; 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/Mitigated Negative Declaration 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 a Mitigated Negative Declaration for the Monterey-Lucky-Shing Project (Planning File No's. SD2020-0007, SR2020-0017, and EA2020-0014) 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. Vesting Tentative Map Finding (MHMC Section 17.20.090)

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

The Vesting Tentative Map entitled "Manzanita Park Vesting Tentative Map" submitted by MH Engineering Co. February 2022, attached as Exhibit A has been designed consistent with the City's General Plan, considering neighborhood circulation patterns, and providing future connections.

SECTION 4. Design Permit Findings (MHMC Section 18.101.040.J)

Finding: The project is consistent with the General Plan, and Zoning Ordinance.

The City of Morgan Hill 2035 General Plan designates the site as Mixed-Use Flex which permits a mix of residential, commercial, and office uses applied either vertically or horizontally. The Mixed-Use Flex designation allows 7 to 24 units per acre. The project is developing at 11.4 units per acre, consistent with the General Plan.

The project site is located in the MU-F Zoning District within Block One of the Monterey Road Corridor where the City has established Block-Level Master Plan Land Use Regulations (Ordinance No. 2297 N.S.). Typically to develop multi-family dwellings within this district, a PD Master Plan, and Conditional Use Permit would be required. SB 330 supersedes the Municipal Code requirement of a PD Master Plan/Conditional Use Permit required for housing on this site.

Finding: The project is subject to the SB 330 permit streamlining process and has been designed consistent with the City's Design Review Criteria and the City's Residential Development Design and Development Standards

The proposed project complies with all applicable design standards and guidelines contained in the Design Review Handbook and the City's adopted Residential Development Design and Development Standards.

Finding: The proposed project development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The development site is not located adjacent to any wildlands that could expose people or structures to wildfire risks. The project site is not located within an earthquake fault zone. In addition, the project will comply with stormwater and building code requirements. The project will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to the properties or improvements in the vicinity.

Finding: The proposed project complies with all Design Review criteria in subsection H. of Section 18.108.040 of the municipal code.

The project as proposed complies with all criteria in subsection H of Section 18.108.040 (Design Review Criteria) of the Morgan Hill Municipal Code as demonstrated in the staff report.

SECTION 6. The Planning Commission approves SD2020-0007/SR2020-0017/EA2020-0014: Monterey-Lucky-Shing (Manzanita Park). The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "B". Minor deviations to the site review permit may be approved by the Development Services Director when consistent with the overall intent of the project.

PASSED AND ADOPTED THIS 22nd DAY OF MARCH 2022, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: GONZALEZ-ESCOTO, DOWNEY, TANDA, MURLLER, HABIB

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: KUMAR

ATTEST: **APPROVED:**

Jenna Luna

JENNA LUNA, Deputy City Clerk

Laura Gonzalez-Escoto

Laura Gonzalez-Escoto (Mar 25, 2022 06:36 PDT)

GONZALEZ-ESCOTO, Vice Chair
Date: Mar 25, 2022

EXHIBIT "A"

VESTING TENTATIVE MAP

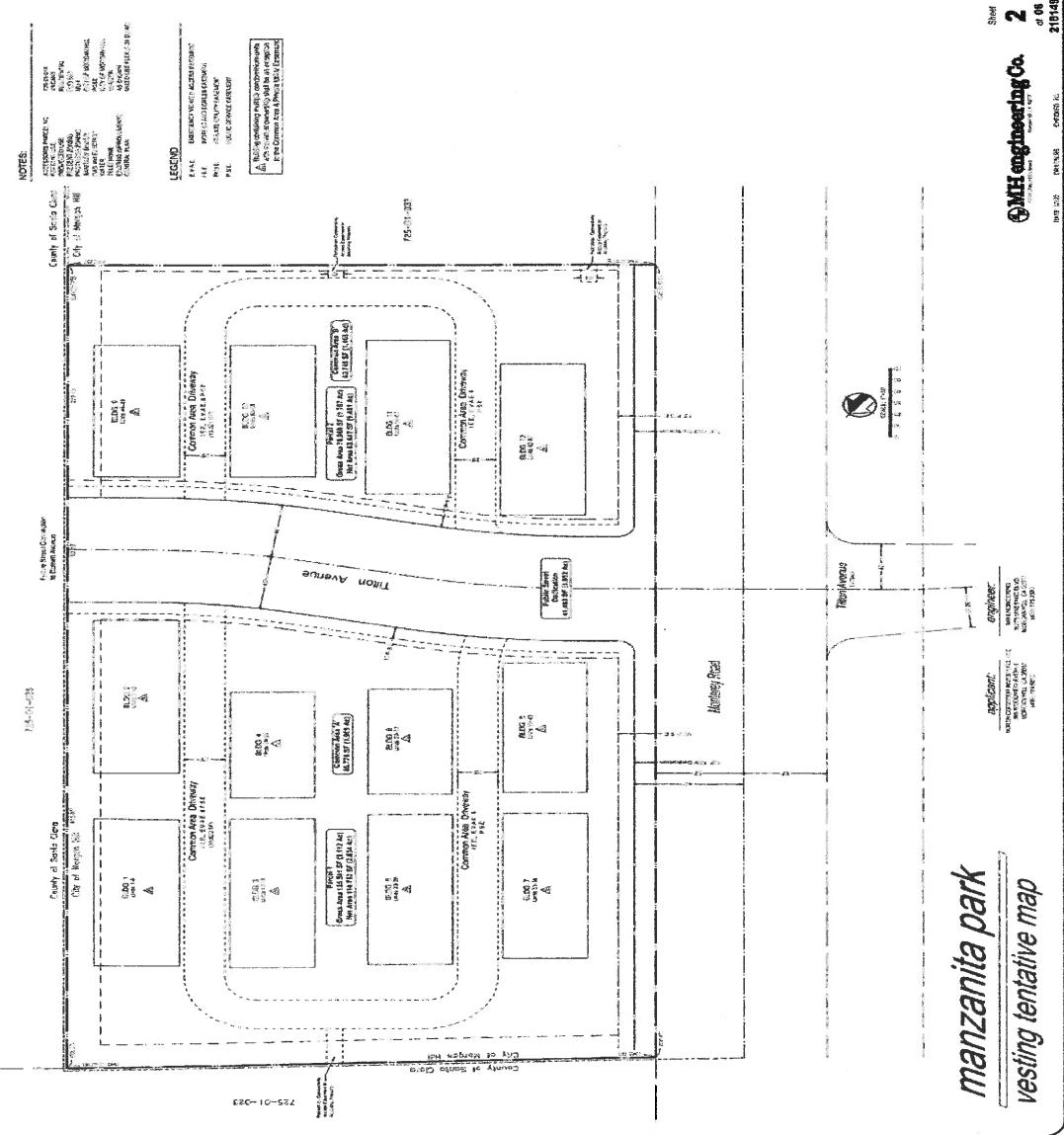


EXHIBIT "B" STANDARD CONDITIONS

APPLICATION NO:SD2020-0007/SR2020-0017/EA2020-0014: Monterey-Lucky-Shing (Manzanita Park)

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 proposed condominium project would consist of 67-units, spread across 12, three-story buildings. The project's 12 buildings would be arranged in four-plex, five-plex, and six-plex configurations. Buildings One through Eight would be located on the project site's northwestern parcel, to the northwest of the proposed extension of Tilton Avenue. Buildings Nine through 12 would be located to the southeast of the extension of Tilton Avenue. A total of six different unit layouts are proposed, each with a two-car garage. Each of the buildings would be designed at a maximum height of approximately 38.5 feet.

The project would include a clubhouse, with kitchen, a cabana, two picnic areas, a basketball court, passive water features, passive recreation areas and/or gardens, park benches and five trash enclosures. Fifteen percent of the units (10) would be deed restricted inclusionary housing units restricted for moderate income households.

A two lot Vesting Tentative Map would create Parcel No. 1 (3.1 acres) and Parcel No. 2 (1.8 acres).

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

- A. Tentative Parcel Map SD2020-0007
- B. Design Review SR2020-0017
- C. Environmental Assessment EA2020-0014

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.

Biological Resources

A. **MM- IV-1(a).** If construction activities associated with the proposed project are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than three days prior to the initiation of work, and shall encompass the project site as well as visual inspection of trees within 500 feet of the site to identify active nests. If nesting or breeding activity is not observed, further action is not required, and work may proceed without restrictions. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction.

If construction activities are to be conducted outside of the breeding season (i.e., September 1 through January 31), preconstruction surveys for nesting migratory birds are not necessary.

B. **MM- IV-1(b).** If any active nests are located within the study area, an appropriate buffer zone shall be established around the nests, as determined by the project biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or the young have successfully fledged. Buffer zones are typically between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the study area, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

Geology and Soils

C. **MM-VII-1.** Prior to approval of any grading and building permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Investigation prepared for the proposed project by Quantum Geotechnical, Inc. The

project plans shall include, but not be limited to, engineering recommendations related to utility trenches, as well as grading, surface and subsurface drainage, bio-filtration facilities, foundations, miscellaneous concrete flatwork, retaining walls, pavement areas, and project review and construction monitoring. Proof of compliance with all recommendations specified in the Geotechnical Investigation shall be subject to review and approval by the City Engineer, Chief Building Official, and a qualified geotechnical engineer.

Noise

D. **MM-XIII-1.** During project construction, the project contractor shall ensure that to the maximum extent feasible, the following measures are incorporated into the project construction operations:

- Noise-generating construction activities shall be limited to the hours identified in Municipal Code Section 8.28.040(D);
- The project shall utilize temporary construction noise control measures including the use of temporary noise barriers, or other appropriate measures as mitigation for noise generated during construction of projects;
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity;
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;
- Project area and site access road speed limits shall be established and enforced during the construction period; and
- Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

The aforementioned criteria shall be included in the project improvement plans submitted by the applicant/developer for review and approval to the City of Morgan Hill Development Services Department, prior to issuance of grading permits. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis as determined by the City Engineer.

Transportation

E. **MM-XVII-1.** Prior to initiation of construction activities, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City Department of Engineering and Utilities. The plan shall include the following:

- A project staging plan to maximize on-site storage of materials and equipment;
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;
- Provisions for maintaining adequate emergency access to the project site;
- Permitted construction hours;
- Designated locations for construction staging areas;
- Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and
- Provisions for street sweeping to remove construction-related debris on public streets.

A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies, and the agencies shall be notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways.

III. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set dated March 22, 2021, on file (File Number SR2020-0017) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit plans as determined by the Development Services Director. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project or any Unit are in compliance with the original City Conditions of Approval of the Project, which are incorporated herein.

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 Design Permit and Conditional Use Permit approval granted pursuant to this Resolution shall remain in effect for two years to March 22, 2024. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**
- B. **Term:** The Vesting Tentative Map approval granted pursuant to this Approval Certificate shall remain in effect for two years to March 22, 2024. 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)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed

for conformance with the DAHLIN Architecture and Planning plans dated March 22, 2021 (SR2020-0017) and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:

1. Detail depicting all concrete curbs as full formed.
2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
4. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berthing, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.

B. **Pedestrian Access:** The Project shall provide pedestrian walkways in compliance with ADA requirements and with Section 18.72.060.H of the Morgan Hill Municipal Code, which states the following:

1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Development Services Director.

C. **Bicycle parking.** The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 and Table 18.72-7 of the Morgan Hill Municipal Code:

Table 18.72-7: Required Bicycle Parking Spaces

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-family dwellings	10 percent of required automobile spaces; min. of 4 spaces	1 per 5 units

1. **Short-Term/Class II Bicycle Parking Standards.** Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.
2. **Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
 - a. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
 - b. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - i. In a locked room or area enclosed by a fence with a locked gate;
 - ii. Within view or within one hundred feet of an attendant or security guard;
 - iii. In an area that is monitored by a security camera; or
 - iv. Visible from employee work areas.
3. **Parking Space Dimensions.**
 - a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
 - b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
 - c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
 - d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.
4. **Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.
5. **Cover.** Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

The location of all bicycle parking spaces shall be identified prior to issuance of a

building permit.

- D. **Electric Vehicle Charging Stations:** The Project shall provide electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code. The project is required to provide two charging stations, plus one for each additional fifty parking spaces. The developer shall provide location of each charging station prior to issuance of building permit.
- E. **Garage parking:** Residents shall use dedicated garages for parking. This requirement shall be incorporated into the Covenants, Conditions and Restrictions (CC&R's) for the project.
- F. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted at building permit stage to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601).

BUILDING DESIGN

- A. **Roof mounted mechanical equipment:** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 feet or greater to match the height of any proposed equipment. (**MHARH p.48, 65, 87, 106**)
- B. **Building mounted lighting:** Lighting fixtures shall not project above the facia or roofline of the building. Any ground mounted lighting projecting onto the building or site shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. (**MHARH p. 67, 109**)
- C. **Architectural elements:** A final site development plan shall be provided at the building permit stage for review and approval to the Development Services Director prior to issuance of a building permit.
 - 1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.
 - 2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

A. **Parking lot landscaping:** All landscaping within parking lots shall comply with the requirements of Chapter 18.72 (Landscaping) in addition to the standards within this section.

1. **Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 18.72-6. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

Table 18.72-6: Minimum Required Parking Lot Landscaping

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
16-30	10 percent
31-60	15 percent
Over 60	20 Percent

2. **Shade Trees.**

- a. One shade tree shall be provided for every five parking spaces in a parking lot.
- b. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
- c. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.
- d. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21. The arrangement should approximate nearly fifty percent shade coverage.

3. **Concrete Curbs.**

- a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of six inches high by four inches deep.
- b. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

4. **Parking Space Landscaping.** A maximum of two feet at the front end of

a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

5. **Timing.** Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.
- B. **Planting and irrigation working drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- C. **Lighting:** Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. **(MHARH p.30, 67, 108)**
 1. A final photometric plan shall be provided at the building permit stage for review and approval to the Development Services Director prior to issuance of a building permit.
- D. **Maintenance of landscaping:** The landscaping installed and accepted with this project shall be maintained on the site as stated within the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director.
- E. **Water Conserving Landscape Ordinance:** The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. **(MHMC 18.64)**
- F. **Reciprocal Ingress/Egress Easements:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the Development Services Director for a reciprocal ingress/egress easement along the common driveway.

SIGNS

- A. **Separate application required for sign approval:** Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall

require separate application and approval by the Planning Division prior to installation of any signs.

B. **Directory signs required:** Directory sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits. **(MHARH p.61)**

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)**

AIR QUALITY

A. **Basic Construction Mitigation Measures (BCMMs) related to dust suppression.** The following measures shall be implemented with the project:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. 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.

CULTURAL RESOURCES

A. **Significant historic or archaeological materials:** A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:

1. Prior to start of grading or earthmoving activity on the "first day of construction", the archaeologist and Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.
2. An archaeologist and a Tribal Monitor shall be present on-site to monitor all ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a. Work at the location of the find will halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;

- c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
- d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - a. 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.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
4. 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, ground stone 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 exclusion zone as defined below.

5. 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 and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. 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.
7. 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:
 - 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)
 - The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)
8. 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.
9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
11. 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 appropriate tribe may be considered and carried out.

12. 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.

NOISE

- A. **Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.
- B. **Window and Door Upgrades:** To comply with the General Plan's interior noise level criteria including a factor of safety, the windows and doors of the building locations identified on Figures 4 and 5 of the Noise Report shall be upgraded to the minimum STC rating indicated. Figure 4 of the Noise Report shows the locations and associated STC ratings needed for bedroom windows/doors. Figure 5 of the Noise Report illustrates the locations and associated STC ratings required for all other habitable room windows/doors.
- C. **Mechanical Ventilation:** Mechanical ventilation (air conditioning) shall be provided to all residences of the proposed project to allow the occupants to close doors and windows, as desired, for additional acoustical isolation.
- D. **Disclosure:** Disclosure statements shall be provided to all prospective residents of the proposed project, notifying of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.

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.
7. Disclosure statement to property owners that the Tilton Avenue public right-of-way will be expanded in the future.

ENGINEERING DIVISION

Project Specific

- A. **Stormwater Infrastructure/Stormwater Management:** The project is located within the jurisdiction of the San Francisco Bay (Region 2) Regional Water Quality Control Board (RWQCB). However, the City is regulated by the Central Coast RWQCB (Region 3) through an NPDES permit (State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ; National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004) and the City's Residential Development Design and Development Standards require that the project comply with the Central Coast (Region 3) requirements as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements ("Stormwater Guidance Manual"). Therefore, the project is required to use the more stringent Low Impact Development (LID) design strategies from the Central Coast (Region 3).
 1. At improvement plan/building permit stage, the project shall address the following:
 - a. Submit the final Stormwater Runoff Management Plan and final Stormwater Control Plan (SWCP)/Report that comply with the Stormwater Guidance Manual.
 - b. Revise the plans to show the construction details for the proposed sub-surface infiltration systems/Raintanks, bio-retention basins, overflow structures, and outlet pipes.

2. The proposed subsurface infiltration systems/Raintanks shall comply with Chapter 6.5, "Subsurface Infiltration System" and Appendix A of the SCVURPPP C.3 Stormwater Handbook and the Santa Clara Valley Water District's (SCVWD) Guidelines for Stormwater Infiltration Devices.
3. Maintenance Access to Stormwater Facilities: All stormwater management control measures shall be accessible at any given time for the purpose of operation, maintenance, and inspections. At improvement plan/building permit stage, the developer/owner(s) shall provide the inspection and equipment access details in the Stormwater Facility Maintenance section of the SWCP and in the Stormwater BMP Operation and Maintenance Agreement.

B. Storm Drainage:

1. A hydrology and hydraulic analysis using a FLO-2D model was prepared for the project by Akel Engineering Group, Inc. to evaluate the project's impacts on localized flooding. The analysis concluded that the proposed project under post-construction conditions would result in increased flood depths along Monterey Road that are less than the one-foot flooding depth threshold established by the City's Storm Drainage System Master Plan. The analysis also indicated that the planned storm drainage pipes along the Tilton Avenue extension and along Monterey Road will effectively convey the pass-through stormwater runoff away from the easterly side of the project.
 - a. At improvement plan/building permit stage, submit revised Civil Plans that reflect the updated grading and utility design used in Akel Engineering's analysis.
 - b. Akel Engineering's analysis used an assumption that all project runoff will be retained on-site per the project's civil engineer. At improvement plan/building permit stage, the project shall address the following:
 - i. Provide the 100-year retention design calculations. The project shall use the City's 2018 Storm Drain Master Plan's Hydrologic and Hydraulic Design Criteria for the 25-year, 24-hour design storm of 5.24" rainfall and for the 100-year, 24-hour design storm of 6.50" rainfall. In addition, pursuant to City Storm Drain Design Standard Section 4.1600, 25% of the total retention basin volume shall be considered as free-board.
 - ii. Show the overland release paths during a 100-year event.
2. At improvement plan/building permit stage, revise the Grading and Drainage Plan to include identification of all storm drain improvements and calls out invert elevations and associated storm drain pipes, underdrains, overflow structures, etc.

C. Water:

1. **Buildings 1 through 8 (north of Tilton Avenue Extension):**
 - a. A public water main is allowed along the private common area driveways to serve Buildings 1 through 8.
 - b. Per Water Standard Section 2.600 (Fire Hydrants), the public water main shall have a minimum pipe size of 8" to serve the on-site fire hydrants, unless fire flow calculations are submitted for review during improvement plan/building permit stage and an exception is allowed by the City Engineer.
 - c. The private common area driveways where the public water main will be located shall have an asphalt concrete street section and shall be in accordance with the pavement design recommendations from the project's Geotechnical Engineer.
 - d. Provide a Public Service Easement (PSE) over the public water main and public water meters located in the private common area driveways.
2. **Buildings 9 through 12 (south of Tilton Avenue Extension):**
 - a. Per City Standard, Buildings 9 through 12 are required to have water service connections to the new public water main along the Tilton Avenue Extension with water meters located within the Tilton Avenue park strip.
3. All new water main installations (public and private) shall adhere to the separation criteria established by the California Waterworks Standards (California Code of Regulations (CCR), Title 22, Division 4, Chapter 16, Section 64572). Any proposal for alternative compliance to these requirements shall be submitted to the State Water Resources Control Board' Division of Drinking Water, pursuant to CCR, Title 22, Section 64551.100.

D. **Broadband:** The project's final broadband design will be reviewed at improvement plan/building permit stage.

E. **Traffic:** Submit a Traffic Signal Plan and Striping Plan showing the improvements at the intersection of Monterey Road and Tilton Avenue and other improvements along the project's Monterey Road frontage. The plans shall include, but not limited to, any required new installations, modifications, relocations, and/or replacement of existing traffic signal poles, signal heads, and equipment required for the intersection. The design shall comply with City Standards, Caltrans Standard Specifications and Plans, the California Manual on Uniform Traffic Control Devices, and other applicable standards.

F. **Street Improvements:**

1. **Monterey Road:**
 - a. The proposed sewer, storm drain, and water utility trench cuts in the recently resurfaced portion of Monterey Road (overlaid in September 2019) will be reviewed at improvement plan stage.

- b. The developer may be required to replace the following pavement segments of Monterey Road with a 2" thick mill and 2" asphalt concrete overlay from the edge of pavement to the centerline of Monterey Road in accordance with the latest City Standards and to the satisfaction of the City Engineer:
 - i) Northbound Monterey Road: from south of Burnett Avenue to the project's northerly boundary
 - ii) Southbound Monterey Road: from north of Tilton Avenue to the projection of the project's southerly boundary.
2. **Tilton Avenue Extension:** The proposed extended portion of Tilton Avenue will be widened in the future to its ultimate street width as determined by the City Engineer.
 - a. The project's private improvements (such as bike racks and other private amenities, landscaping and irrigation, and enhanced paving) that are located within the area of the future street widening and on the adjacent Public Service (PSE), on both sides of the Tilton Avenue extension, shall be continuously maintained by the property owner(s) or the Homeowners Association (HOA) until the City moves forward with the ultimate street widening and the private improvements are relocated/removed.
 - b. At improvement plan/building permit stage, the City will determine if the developer/owner(s) will be required to execute an agreement with the City or an encroachment permit will be issued to the developer/owner(s) that will allow the temporary encroachment of the project's private improvements within the area of the future widening of the Tilton Avenue extension and within the adjacent PSE.
3. Detailed review of other proposed street improvements will be performed at the improvement plan/building permit stage.
4. Mid-street Crosswalk: During the proposed street improvement review, the City Engineer shall consider the installation of a mid-street crosswalk or flashing light at the Tilton Avenue Extension for residents within the development to access amenities throughout the development.

G. **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 map. **(MHMC 17.20.350 H)**

H. **Private Sanitary Sewer Maintenance Agreement:** Prior to final map approval/building permit issuance, the developer/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

lateral. The Agreement shall be recorded at the County Recorder's Office prior to building final.

- I. **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.

GENERAL

- A. **Final Map:**
 1. 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**)
 2. 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**)
- 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 drawings for the project, profiles of all improvements in the project 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 shall show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- D. **Encroachment Permits:** 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**)

- E. **Subdivision Improvement Agreement:** 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)**
- F. **Impact Fee and 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)**
 - 1. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance and at building final. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering.

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. **Right-of-Way Dedications:** The project shall dedicate public right-of-way on Monterey Road and on the new extended portion of Tilton Avenue. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
- D. **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)

E. **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.

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 Connections:** 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)**

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. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**

D. **Storm Drainage General Requirements:** Prior to issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.

1. Storm drain calculations to determine detention/retention pond sizing and operations.
2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.

(CMH Design Standards and Standard Details for Construction)

E. **NPDES Construction Activity General Permit/SWP_{PP} Requirements:** 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 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> (html) and develop a Storm Water Pollution Prevention Plan (SWP_{PP}) Manual in accordance with the General Permit. The SWP_{PP} Manual shall follow the CASQA SWP_{PP} template/format at: https://www.casqa.org/store/products/tabid/154/p_167-construction-handbookportal-initial-subscription.aspx (html) and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWP_{PP} Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities (**SWRCB NPDES General Permit CA000002**).

G. **NPDES General Permit/Site SWP_{PP} Inspections and Compliance:**

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWP_{PP} Inspector (QSD or QSP or RCE)**.
2. SWP_{PP} Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
3. SWP_{PP} Inspections shall occur bi-weekly during the non-rainy season.

4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, SWPPP inspection reports, and when applicable, Rain Event Action Plans (REAPS) shall be e-mailed to: sw.construction@morganhill.ca.gov no later than 12:00 PM each Monday for the previous week's inspections with a brief statement whether the site is in compliance or non-compliant.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
7. 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.
8. Other non-compliance issues need to be addressed within a 24-hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.
10. BMPs maintenance/inspections shall include tree protection, if applicable.

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**)

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. **Final or Parcel Maps:** The final map on all major subdivisions (5 or more lots or subdivision for condominium purposes) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivisions (4 lots or less), the final map 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)**
- D. **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 tract area shall be continuously maintained by the property owner or designated maintenance entity.
- E. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. **(MHMC 17.08.090)**
- F. **Pre-construction Meeting:** 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:
 1. Civil Engineer of record
 2. Geotechnical Engineer of record
 3. Third Party QSD/QSP SWPPP Inspector
 4. General Contractor
 5. Sub-Contractors
- G. **As-Built Submittal Standards:** The developer shall submit digital as-builts of the project's Final Map, Grading Plan, and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **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.

- B. **Storm Drain System Stenciling and Signage:** All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Legibility of stencils and signs must be maintained.
- C. **Trash Enclosure Areas:** In addition to the requirements under Municipal Code Section 18.92.155 (Refuse and Recycling Enclosures), all trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
 1. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents
 2. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 3. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
 4. **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.
 5. **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.
- 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(s) 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 third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.

2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the City.
3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
4. 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.

F. Stormwater BMP operation and Maintenance Agreement (SWBOMA):

1. 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.

G. Stormwater BMP inspection responsibility

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **certified Qualified Stormwater Practitioner (QSP)**.
2. 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:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.

3. Upon completion of each inspection, an inspection report shall be submitted to the City.

H. **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 chief engineer or designee with records of all inspections, maintenance and repairs.

I. **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.

BUILDING DIVISION

A. **California Building Standards Code of Regulations:** Project shall be designed to comply with the most current California Building Standards Codes as amended by the Morgan Hill Municipal Code Title 15.

B. **Geological Hazard Area:** Project is in a Geological Hazard Area (LIQUEFACTION) and shall comply with MHMC 18.70. Plan review by the City Geologist is required at time of Building Permit Application (additional time is required for review).

C. **Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:

1. MHMC 15.65 Sustainable Building Regulations.
2. MHMC 18.72.040 C. Electric Vehicle Charging.
3. MHMC 15.40 Building Security
4. MHMC 15.38 Wage Theft Preventions
5. MHMC 18.148 Water Conservation
6. MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings (Applies to all Building Permit Applications Received on or after March 1, 2020)

FIRE DIVISION

A. **Preliminary Review Only:** The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete plan submittal application that clearly shows all intended grading, demolition, construction or building modifications.

- B. **Proposal limited to:** Review of this Development proposal is limited to acceptability of site access as they pertain to fire department operations and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
- C. **Fire Apparatus (Engine) Access Roads Required:** Prior to the commencement of combustible construction, an access roadway with a paved all-weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-B. **(CFC Section 503 as amended by MHMC 15.44.140)**
- D. **Fire Hydrant Location Identifier:** Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
- E. **Timing of Required Water Supply Installations:** Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- F. **Fire Lane Marking Required:** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F. **(CFC Section 503)**
- G. **Automatic Fire Sprinkler System Required:** Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. **(CFC Chapter 9 as amended by MHMC 15.44.170)**
- H. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.

- I. **Fire Apparatus (Ladder Truck) Access Roads Required:** Provide access roadways with a paved all weather surface and a minimum unobstructed width of 26 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 23 feet inside and 36 feet outside, a maximum slope of 10% and vehicle loading of 72,000 pounds.
- J. **Fire Lane Marking Required:** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F.
- K. **Aerial Fire Apparatus Access Roads:** Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
 - 1. **Width:** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
 - 2. **Proximity to building:** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building and shall be positioned parallel to one entire side of the building, as approved by the fire code official.

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. **Inclusionary Units:** Project shall construct ten (10) inclusionary units and pay 0.05 fractional "in-lieu" fee. The "in-lieu" fee shall be calculated based on the fee schedule in effect at the time the SB330 preliminary application was submitted (May 11, 2020). The "in-lieu" fee shall be paid prior to issuance of building permits for Market-Rate units in the development.
- C. **Inclusionary Housing Dispersal:** All Inclusionary Units shall be reasonably dispersed throughout the development project. For this project, the following unit placement has been determined to be "reasonably dispersed":
 - i. Design Permit plan set dated March 22, 2021, Sheet A.01:
 - ii. Plan Types: Plan A (2 units)

Plan B (2 units)

Plan C (6 units)

iii. Unit Locations: Building No's: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

D. Inclusionary Housing Development Standards: Inclusionary units shall be subject to the following development standards:

1. Location. Inclusionary 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 Inclusionary units. All items installed by the developer shall be of good quality and in new condition. Good quality shall be deemed 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 Inclusionary unit.
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. If installation of an Air Conditioner is a standard feature for market rate units, then it is a standard for the Inclusionary units.
 - 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

E. Timing of Construction: Inclusionary units shall be constructed concurrently with the construction of market -rate units. For the 67-unit project with a 15 percent inclusionary housing requirement (10 units), at least one inclusionary unit shall be constructed before or concurrently with every 7th market rate unit constructed. The last market rate unit to be completed in the project shall not receive

a certificate of occupancy until the last inclusionary 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.