



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 23-020

APPLICATION NUMBER: Design Permit SR2023-0010: Monterey – City Ventures (The Gates)

LOCATION: Southwest quadrant of Cochrane Road and Monterey Road (APNs: 764-10-013 and 764-10-015)

SITE AREA: 3.82-acres

GENERAL PLAN: Mixed Use Flex (MU-F)

ZONING: Mixed Use Flex (MU-F)

DESCRIPTION: Design Permit for the development of a mixed use project that consists of 49 single family attached townhome-style condominiums, 5 commercial units, and associated improvements. The 5 flexible commercial units will range from 600 square feet to 1,440 square feet. The townhome-style condominiums would include three-bedroom units, with some of the units having the option to upgrade to a four-bedroom floor plan. The residential units would range from 1,403 square feet to 2,310 square feet and all units will have balconies and attached garages. Other amenities include solar, centralized common open space, a children's play area, bocce ball courts, a seating plaza, and barbecue areas. Each unit will have individual trash service with the bins being located in each unit's garage. There will be a total of 63 parking spaces throughout the site to meet the residential uncovered parking, guest parking, and also commercial parking requirements. Additionally, approximately 24 on-site parking spaces will be shared with the existing commercial plaza that includes the hair salon and Starbucks. The project would adhere to the City's Inclusionary Housing Ordinance by constructing 7 moderate income below market rate units.

RECITALS

1. On May 5, 2023, the Development Services Department received an application for Design Permit approval of mixed use project consisting of 49 single family townhome-style condominium units, 5 commercial units, and associated improvements. Pursuant to Municipal Code Section 18.108.040.C.1 (Design Permit), projects with three or more new residential units require a Design Permit.
2. The project was reviewed by the Design Review Committee on May 24, 2023, and comments were received from the various departments and agencies. Additional time was required for the applicant to resubmit plans that are in conformance to City

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ordinances and policies. The application was deemed complete for processing on September 25, 2023.

3. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process.
4. On October 24, 2023, the Development Services Department considered said application after a duly noticed 10-day public comment period;
5. Pursuant to the authority set forth pursuant to Section 18.108.040 (Design Permit) of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

SECTION 1. Design Permit Findings

The following findings have been made in approving the Design Permit in accordance with Section 18.108.040 (J.) of the Morgan Hill Municipal Code:

1. The proposed project is consistent with the General Plan and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

The development of the site for a mixed use project consisting of 49-unit single family townhome-style condominiums and 5 commercial units is consistent with the General Plan Policies, development standards and design guidelines.

2. The proposed project complies with all applicable provisions of the zoning code and municipal code.

The proposal is consistent with all provisions in the Zoning Code and Municipal Code.

3. The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.

The project is consistent with the Design Review Handbook and the Objective design criteria.

4. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

An Initial Study/Mitigated Negative Declaration has been prepared in compliance with state and local guidelines implementing CEQA.

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

The project as proposed is not expected to be detrimental to the public health, safety, or welfare to the property or improvements in the vicinity. The project will also be subject to conditions of approval contained in Exhibit A that will reduce the project's impacts to less than significant levels.

6. The proposed project complies with all applicable Design Review Criteria in 18.108.040 (H.).

The project is designed to be consistent with all provisions of the Design Review Criteria including massing and scale, architectural style, materials, articulation and visual interest.

SECTION 2. The proposed project will not result in a violation of the requirements established by the Regional Water Quality Control Board.

SECTION 3. The approved project shall be subject to all conditions contained within Exhibit A, incorporated herein by reference.

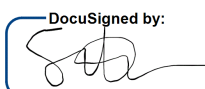
APPROVED THIS 24th DAY OF OCTOBER, 2023.



Jennifer Carman
Development Services Director

AFFIDAVIT

I, Samantha Hauser hereby agree to accept and abide by the terms and conditions specified in this approval certificate.

DocuSigned by:


6BA312D5CEE14E5...
Applicant

11/8/2023

Date

EXHIBIT "A"

CONDITIONS OF APPROVAL

APPLICATION NO: SR2023-0010: MONTEREY – CITY VENTURES (THE GATES)

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

Legend

MHMC= Morgan Hill Municipal Code
MHARH= Morgan Hill Architectural Review Handbook
CMH= City of Morgan Hill
CFC= California Fire Code

I. PROJECT DESCRIPTION

The project includes a Design Permit to develop 49 single family attached townhome-style condominiums, 5 commercial units, and associated improvements on a 3.82-acre site.

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

- A. Vesting Tentative Map SD2021-0006
- B. Design Permit SR2023-0010
- C. Environmental Assessment EA2021-0015

II. PROJECT MITIGATION MEASURES

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

- A. MM BIO-1: Consistent with Condition 15 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist shall conduct preconstruction surveys in all suitable habitat areas as identified during habitat surveys. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity.

To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after

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sunset. Additional time may be required for large project sites. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed shall be counted and their location shall be mapped.

Surveys shall conclude less than 2 calendar days prior to construction. Therefore, the project proponent must begin surveys less than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes less than 2 calendar days in advance of construction. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If burrowing owls are not identified, further action is not required.

- B. MM BIO-2: Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged. Establishment of the exclusion area shall be determined by a qualified biologist to the satisfaction of the City of Morgan Hill Development Services Department.
- C. MM BIO-3: If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of the 250-foot buffer shall be allowed. Construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:
- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
 - The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.

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- If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed, and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active.

Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the SCVHP is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat Agency along with a passive relocation plan in accordance with Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.

- D. MM BIO-4 If construction is proposed during breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist, consistent with conditions set forth by the SCVHP, and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, no further mitigation is required, and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

If nesting migratory birds or raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined by the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and

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construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

- E. MM BIO-5 If construction activities occur between February 1 and August 31, the applicant shall conduct surveys for Swainson's hawk and white-tailed kite in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000), or current guidance. Surveys shall cover a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks or white-tailed kites are detected, a no-disturbance buffer shall be established as determined by the qualified biologist but shall not be less than 500 feet. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

If potential nesting trees are to be removed during construction activities, removal shall take place outside of Swainson's hawk and white-tailed kite nesting season and CDFW will develop a plan to replace known nest trees at a ratio of 3:1. Potential nest trees shall include those trees with current (at the time of the surveys) or documented historic use by Swainson's hawk or white-tailed kites for nesting. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for the mitigation will be 65% survival of all replacement plantings.

- F. MM BIO-6 Consistent with Condition 17 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist shall investigate whether the nearby existing detention basin, located southeast of the project site, has been occupied by nesting tricolored blackbirds within the past 5 years. This shall include checking the California Natural Diversity Database, contacting local experts, and conducting a preconstruction survey in all accessible areas identified as supporting potential tricolored blackbird nesting habitat. The survey shall document the current, and to the extent possible, historical presence or absence of nesting colonies of tricolored blackbird. Surveys shall conclude no more than two calendar days prior to construction. If a tricolored blackbird nesting colony is present or has been within the past 5 years, a 250-foot buffer shall be applied from the outer edge of all hydrophytic vegetation associated with the site and the site plus buffer shall be avoided. The Wildlife Agencies shall be notified immediately of nest

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locations. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If current or recent tricolored blackbird nesting colonies are not identified, further action is not required.

If construction takes place during the breeding season when an active colony is present, a qualified biologist shall monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer shall be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction shall cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).

- G. MM BIO-7 Prior to initiation of grading, excavation, or other construction activities, the applicant shall obtain permit authorization, as determined by USACE, to fill waters of the U.S. under Section 404 of the federal Clean Water Act (Section 404 Permit) from USACE. The Section 404 Permit application shall include an assessment of directly impacted, avoided, and preserved acreages of waters of the U.S. Mitigation measures may be developed as part of the Section 404 Permit to ensure the avoidance and minimize impacts to waters of the U.S.. Final mitigation requirements shall be developed in consultation with USACE. A copy of the Section 404 Permit issued for the project shall be submitted to the City's Development Services Department prior to commencement of grading, excavation, or other construction activities.
- H. MM BIO-8 Prior to initiation of grading, excavation or other construction activities, the project applicant shall submit to the San Francisco Bay Regional Water Quality Control Board an application for Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State. The project applicant shall be responsible for conducting all project activities in accordance with the permit provisions outlined in the applicable permit. A copy of the Water Quality Certification or waiver issued for the project shall be submitted to the City's Development Services Department prior to commencement of grading, excavation, or other construction activities.

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- I. MM BIO-9 Prior to the commencement of construction, the project applicant shall pay all applicable fees to the SCVHP to address permanent impacts to the project site and the 0.52-acre of onsite wetlands. In addition, the project shall comply with standards set forth by Condition No. 3 and Condition No. 12 of the SCVHP. Proof of payment of applicable fees shall be submitted and reviewed by the City's Development Services Department.
- J. MM BIO-10 The project applicant shall obtain a tree removal permit prior to the removal of any Ordinance Sized Trees as defined by the City. The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the Arborist Report prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

For the Ordinance Sized Trees to be preserved as part of the project, pursuant to the Arborist Report prepared for the proposed project by Monarch Consulting Arborists, the project applicant shall implement Tree Preservation Recommendations, including, but not limited to, the following:

- Include tree identification numbers, protection fence locations, and preservation and guidelines on all the project plans, or alternatively create a separate plan sheet that includes all tree protection measures labeled "T-1 Tree Protection Plan;"
- Place a protection fence around the trees to be retained at a radius of eight times the diameter at breast height (DBH);
- Install temporary irrigation or soaker hoses in the Tree Protection Zones (TPZs);
- Monitor watering times or amounts to ensure adequate soil saturation;
- All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management: Standard Practices parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices;
- Implement all general tree protection guidelines included in Appendix D of the Arborist Report, including

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recommendations for arborist assistance while working under trees, trenching, or excavation within a tree's drip line or designated TPZ/Critical Root Zone (CRZ);

- Provide a copy of the Arborist Report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect; and
- Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

The above measures shall be included in the notes on construction drawings, subject to review and approval by the City of Morgan Hill Development Services Department, prior to initiation of construction.

- K. MM BIO-11 Prior to issuance of a grading permit for the proposed project the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone of the project site, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.132.050 of the Morgan Hill Municipal Code.
- L. MM GEO-1: All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by City Engineer, Chief Building Official, and a qualified Geotechnical Engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Investigation prepared for the proposed project by Terrasearch, inc., in reference to additional consultation, observation and testing services provided by Quantum Geotechnical, inc., are properly incorporated and utilized in the project design.
- M. MM GEO-2 Prior to the issuance of grading permits, the project applicant shall ensure recommendations pertaining to undocumented fill are incorporated into all grading and building plans designed by a Civil and Structural Engineer and reviewed and approved by City Engineer, Chief Building Official, and a qualified Geotechnical Engineer in accordance with recommendations specified in the Geotechnical Investigation prepared by Terrasearch, inc.
- N. MM GHG-1: The following requirements shall be noted on project improvement plans, subject to review and approval by the Morgan Hill Development Services Department:

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- The proposed project shall be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site, including in the non-residential development; and
 - A minimum of four commercial use electric vehicle (EV) capable parking spaces shall be included on-site, consistent with the Tier 2 CALGreen standards.
- O. MM HAZ-1: Prior to commencement of construction activities associated with the project site, the project applicant shall implement the recommendations included in the Additional Arsenic Assessment prepared by Stantec Consulting Services, Inc. for the proposed project, including the excavation and disposal of the on-site soils specified in the Assessment (i.e., associated with HA-1, HA-2, HA-3), and the collection of confirmation soil samples to be analyzed by a state-certified hazardous waste testing laboratory for arsenic, to confirm removal of the arsenic to the proposed cleanup level of 11.0 mg/kg. Verification of proper excavation, disposal, and confirmation testing shall be submitted to the Morgan Hill Development Services Department.
- P. MM HAZ-2: Prior to commencement of construction activities, the project applicant shall hire a licensed contractor to conduct additional testing of the 35-gallon unlabeled steel cylinder with an undifferentiable liquid to confirm the contents within. In the event that hazardous materials are found within the cylinder, the project applicant shall dispose of the materials and cylinder in accordance with applicable USEPA methods. The results of the testing, as well as verification of proper disposal, shall be submitted to the Morgan Hill Development Services Department.
- Q. MM HYD-1: Finished building pad elevations shall be a minimum of one foot above the 100-year floodplain line, in accordance with Section 15.80.160 of the Morgan Hill Municipal Code, and shall be shown on project Improvement Plans prior to their approval. The final pad elevation shall be certified by a California registered civil engineer or licensed land surveyor and submitted to the City Engineer. This certification shall be done prior to construction of the foundation or at the completion of final grading, whichever comes first. No building construction is allowed until the certification has been received by the City Engineer and approved by the floodplain manager. Benchmark elevation and location shall be shown on the Improvement Plans to the satisfaction of the Morgan Hill Development Services Department.

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- R. MM NOI-1: Noise-generating construction activities associated with the proposed project shall only occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to issuance of a grading permit by the City of Morgan Hill Development Services Department.
- S. MM NOI-2: To the maximum extent practical, the following measures shall be implemented during project construction:
- 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 construction;
 - 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 above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department prior to issuance of a grading permit.

III. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped October 24, 2023 on file (File Number: SE2023-0010) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit 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.

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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 hereby incorporated herein as set forth in full.

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 approval granted pursuant to this Approval Certificate shall remain in effect for two years to October 24, 2025. Failure to obtain Building Permits with the Development Services Department 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

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- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with SD2021-0006 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 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, berming, 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, if applicable.
- 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.

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- 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. Two 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.

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5. **Cover.** Required cover for long-term 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. **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).
- F. **Tree Protection:** Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
 1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
 4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree or as prescribed by the project arborist. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.

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5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees unless prescribed by the project arborist.
6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.
7. Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

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 unless otherwise approved by the Planning Division. **(MHARH p.48, 65, 87, 106)**
- B. **Building mounted lighting:** Lighting fixtures shall not project above the fascia 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

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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.

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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 any required 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)**

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.

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- 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. **Dust, Noise, Vibration and Materials Management Plan:** A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be submitted for review prior issuance of a grading permit and requirements shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**
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.

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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 [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 the 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 developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. 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 Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.
 2. A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. 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

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- 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

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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

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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.

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,

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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 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.

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ENGINEERING DIVISION

PROJECT-SPECIFIC CONDITIONS

- A. General:** At the improvement plan stage, submit a separate offsite improvement plan set to Land Development Engineering. The onsite improvement plans shall be submitted to the Building Division as part of the project's grading/building permit application.
- B. Water:** At improvement plan/building permit stage, provide water calculations to demonstrate if a single tie into the water main is adequate. Note: Public works may require additional gridding to the main for redundancy.
- C. Street:** Street at Monterey Road approach shall be cross-drain approach with 10' radius per Standard Detail A-11.
- 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. The street tree species will be approved by the City Engineer at improvement plan stage.
- E. Sewer:** At improvement plan stage The City will perform a detailed review of the proposed project sanitary sewer force main design.
- F. Street Improvements:** At improvement plan stage, the project shall evaluate the pavement condition of Monterey Road and improve the street, as required to meet current City standards for arterial streets. Evaluation may involve pavement core sampling at multiple locations to the satisfaction of the City Engineer. i. 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 Monterey Road. The minimum required street improvement shall be a two-inch removal and replacement of the existing asphalt concrete pavement along the entire Monterey Road property frontage and up to the street centerline.
- G. Channel 401/404 Permit:**
 - 1. At improvement plan stage, obtain the approval from the Water Board on the design of the wetland ditch.
 - 2. At improvement plan stage submit the projects final CC&Rs for review by Land Development Engineering. i. CC&Rs shall include long term wetland ditch maintenance.
 - 3. Conditions for the channel wetlands shall be disclosed to the HOA and future residence of the property, as the Channel cannot be modified or relocated without approval from the permitting agencies.

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4. At final map stage, revise plan and add language regarding the wetland ditch area.
- H. Flood: Floodplain Development:** The project is located within an area identified as Special Flood Hazard Areas or Floodway areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), the project is subject to the floodplain management regulations specified in Chapter 15.80 (Flood Damage Prevention) of the Morgan Hill Municipal Code. At improvement plan stage revise the plans to show.
- i. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location
 - ii. Proposed locations of water supply, sanitary sewer, and other utilities;
 - iii. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - iv. Location of the regulatory floodway when applicable;
 - v. Base flood elevation information as specified in Section 15.80.070 or Section 15.80.140.C of the Morgan Hill Municipal Code;
 - vi. Proposed elevation, based on North American Vertical Datum of 1988 (NAVD88), of the lowest floor (including basement) of all structures; and
 - vii. Description of the extent to which any watercourse will be.
- I.** FEMA has suspended the processing of Letters of Map Revision Based on Fill (LOMR- F) during improvement plan stage:
- i. Obtain a LOMR-F following release of the LOMR-F freeze by FEMA.
 - ii. Provide Elevation Certificates to the City prior to occupancy.
- J. Parkland Dedication/Parkland Fee In-Lieu:** This project is subject to the Parkland Dedication and Parkland Fee In-Lieu requirements (**MHMC 17.28**).
- i. 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.
- K. Final Map:** The project's tract/final map shall be approved by the City Council prior to issuance of a grading permit. (**MHMC 17.20.390; 17.24.210**)
- L. 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 shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (**MHMC 17.20.350 H**)

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- M. Private Sanitary Sewer Maintenance Agreement:** 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, sewer laterals, [force main and lift station]. The Agreement shall be recorded at the County Recorder's Office prior to building final.
- N.** 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.

STANDARD 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 drawings 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)**
- i. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- D. Encroachment Permits:** Obtain necessary encroachment permits from City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**

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- E. **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)**
- F. **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)**
 - i. 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.

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 improvements including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**

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

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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)**

Note: The City is allowing this project to detain the difference between the 100-year pre-development peak flow and the 100-year post-project peak flow. The project's detention of a portion of the 100-year flow will address the City's 25-year detention requirement.

- 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.
- i. Storm drain calculations to determine detention/retention pond sizing and operations.

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- ii. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
- iii. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control. **(CMH Design Standards and Standard Details for Construction)**

E. **NPDES Construction Activity General Permit/SWPPP 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> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by 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 SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities **(SWRCB NPDES General Permit CAS000002)**.

F. **NPDES General Permit Site SWPPP Inspections and Compliance:**

- i. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
- ii. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
- iii. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
- iv. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
- v. 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.
- vi. Prior to rain events, BMPs not in compliance will need to be corrected immediately.

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

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 Master Meter:** All residential units are being served by a master public meter(s) and shall be privately sub-metered as allowed pursuant to Section 13.04.130.C of the Morgan Hill Municipal Code. The owner of a multi-unit residential development that includes habitable dwellings, may, upon compliance with the following, install separate private submeters to each residential unit
 - 1. The owner shall obtain approval/permit from the Public Works Department for the submeter system.
 - i. Any submeters shall accurately and completely measure all water consumed from the municipal water system.
 - ii. The owner shall agree to charge the tenant of each unit a water utility charge strictly based on the consumption by the occupants of the unit.
 - iii. Installation, maintenance and monitoring of the submeter system shall be the responsibility of the owner, and in no circumstances shall the City be responsible.
 - iv. If any water conservation plan is implemented or imposed by the City, the owner shall be responsible for complying with any reductions required by such plan as measured by consumption on the meter(s) directly connected to the municipal water system.
 - 2. Failure to abide by the above conditions, and/or any other conditions the City may impose, may result in revocation of any permit issued and/or other action

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- as authorized by law, such as at the owner's expense to install individual public water meters for each unit.
3. Owner/developer shall execute an agreement with the City to cover/outline the requirements of Section 13.04.130.C of the Municipal Code to be reviewed and approved by the City Engineer or designee.
 4. Records of bookkeeping and private sub-metering usage shall be accurately maintained digitally by the HOA or its management company. Upon request from the City, records shall be produced to the City within a 24-hour period.

VI. FEMA CONDITIONS

- A. Project is located in a FEMA Special Flood Hazard Area (SFHA) floodplain zone AE, which will require a flood study to determine if the Base Flood Elevation (BFE) will not increase more than 1 foot (cumulative with past projects). The flood study shall be submitted directly to Santa Clara Valley Water District (SCVWD) for review and approval, prior to the approval of the tentative map (SD) or site review (SR) applications; fees to SCVWD for the review of the flood study shall be paid in full prior to City acceptance of the flood study and Planning approvals. Project shall file the appropriate conditional/final FEMA Letter of Map Revision (CLOMR/LOMR or CLOMR-F/LOMR-F) as required by the results of the flood study. **(MHMC 18.42.160 C; CMH Design Standards and Standard Details for Construction). NOTE: This condition has been satisfied per e-mail from Valley Water on May 24, 2022 12:13 PM from Ben Hwang of SCVWD.**
- B. Residential or commercial lowest finished floors shall be elevated 1 foot above the FEMA base flood elevation (BFE). If the BFE shall be republished to due to cumulative increase of the BFE by greater than 0.10 feet, the lowest finished floor shall be elevated 1 foot plus the cumulative increase in BFE.

VII. 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.

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- 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)**
- E. **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
- F. **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.

VIII. 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_hydromod_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.

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- C. **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. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- D. **Outdoor Material Storage Areas:** The following Structural or Treatment BMPs are required for outdoor material storage areas:
- i. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
 - ii. The storage area must be paved and sufficiently impervious to contain leaks and spills.
 - iii. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.
- E. **Trash Enclosure Areas:** In addition to compliance with 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:
- i. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure’s contents
 - ii. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - iii. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
 - iv. **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.
 - v. **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.
- F. **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:

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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.
- G. **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.
- H. **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 third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.

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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.
- I. **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.
- J. **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 QSP. 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 Land Development Engineering and Environmental Services Department.
- K. **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

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Operation and Maintenance Agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.

- L. **Annual Certification of SWRMP:** On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the project's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

BUILDING DIVISION

- A. **California Code of Regulations:** Project shall be designed to comply with the current edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
- B. Construction Waste management form would be required during Building permit application.
<https://www.morganhill.ca.gov/DocumentCenter/View/21377/Construction-Waste-Management-Plan?bidId=>
- C. Project is in a Flood Hazard Area and shall comply with MHMC 15.80
- D. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
- MHMC 15.65 Sustainable Building Regulations.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeld=TIT15BUCO_CH15.65SUBURE
 - MHMC 18.72.040 C. Electric Vehicle Charging Stations.
[Chapter 18.72 - PARKING AND LOADING | Code of Ordinances | Morgan Hill, CA | Municode Library](#)
 - MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeld=TIT15BUCO_CH15.40BUSE
 - MHMC 15.38 Wage Theft Preventions
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeld=TIT15BUCO_CH15.38WATHPR
 - MHMC 18.148 Water Conservation
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeld=TIT18ZO_DIVIIDECO_CH18.148WACO
 - MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeld=TIT15BUCO_CH15.38WATHPR

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- E. An acoustical analysis report shall be submitted with the building permit documents showing interior and exterior noise mitigations for compliance to the MHMC, California Building Code and CALGreen Code
- F. 1-hour occupancy separation is required between commercial spaces A2 and residential units for buildings equipped with automatic sprinkler system per CBC Table 508.4.
- G. Trash Enclosure shall have a solid noncombustible roof structure to prevent storm water from entering the sanitary sewer system. Trash enclosures are required to have a drain and interceptor by Public Works and Pretreatment. Trash enclosure must comply with the city ordinance 2328.
- H. A separate Building Permit will be required for grading and on-site development.
- I. An updated geotechnical report based on the 2022 California Building Code is required at the time of Building permit submittal.
- J. Parcel lines cannot cross the proposed buildings. As applicable, a final recorded map is needed prior to Building permit.

FIRE DIVISION

A. Project must comply with the City of Morgan Hills Fire standards: <https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=>

POLICE DEPARTMENT

- A. **Safety and Security Plan.** The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.
- B. Project must comply with CPTED Guidelines

HOUSING DIVISION

- A. The applicant shall execute an inclusionary affordable housing agreement prepared by the City Attorney, approved by the City Manager, and recorded against the property upon which the residential project will be developed, prior to the recordation of the parcel map or final map in the case of subdivisions and prior to the issuance of building permits for any residential project that does not require a parcel map or final map. (MHMC 14.04.050).

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- B. Project will build seven moderate income inclusionary units and pay a .35 fractional fee. The fractional fee shall be paid prior to the issuance of building permits.
- C. The below market rate (BMR) units shall be evenly distributed throughout the project.
- D. Lot size shall be at least the same size as the smallest lot of a market rate unit within the project.
- E. Average bedroom count shall be the same as the average bedroom count in the market rate units in the project.
- F. BMR units shall be constructed in proportion to the BMR ownership housing requirement applicable to the project.
- G. The size, design, and distribution of model types for the inclusionary units shall be comparable and proportionate in number to the size, design, and distribution of each of the model types for the market-rate units in the residential project.

ENVIRONMENTAL SERVICES

- A. Please completely fill out and submit the City of Morgan Hill Environmental Services Landscape Plan Review Checklist **and** submit the associated supporting documents (*listed below*) in your application. (MHMC 180.148 and 18.64)
 - a. Landscape Design Plans
 - b. Irrigation Plans
 - c. Soil Management Report/Survey
 - d. Grading Design/Survey
 - e. Hydrozone Map (*color coded*)
 - f. Water Budget Calculation

The following notes are excerpts of the Checklist and noted for emphasis to be completed at the Building Permit stage. **All components of the Checklist must be met/addressed.**

1. On page L-3, in the 'Applicant Compliance' text box, please correct the text for MHMC 18.64. Currently, it states 18.6. Please add the '4'.
2. Plant selection must comply with the following plant water requirements according to Municipal Code section 18.64.060 A.1. All plants and trees shall be categorized as **low or very low water use** in the Central Coast as defined by the water use classification of landscape species (WUCOLS) database.

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*Specify which exact species is proposed. Some varietals are moderate water use and some are low water use.

- Callistemon spp. (Bottle Brushes)
- Arctostaphylos spp. (Manzanita)
- Quercus spp. (Oak) - **please note, Quercus Virginiana & Quercus Coccinea are moderate and cannot be selected.**

3. A Water Budget Calculation ([MHMC 18.148.080](#)) equation needs to be provided to provide the project's Estimated Total Water Use (ETWU), **which cannot exceed** the calculated Maximum Allowed Water Allowance (MAWA) for the project.
4. Please ensure that the Landscaping Cover Sheet (L-0) includes the following information:
 - a. Project Information including – date, projects applicant, project address, **total landscape area (SF)**, project type, water supply type, and local water purveyor.
 - b. Add note to state if any of the slopes on the property are greater than 25%. If none, state that there are no slopes greater than 25%.
 - c. Add a note with signature of the owner/developer that states - "The developer will submit receipts and/or invoices for all compost and mulch purchases to Environmental Services Division after final construction".
 - d. Include the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape with the following statement - "I have complied with the criteria of the ordinances and applied them for the efficient use of water in the landscape design plan".
 - e. This is currently stated on L-3, but please add it to the coversheet in next submittal. - "After installation of landscaping on property, I agree to have an irrigation audit, landscape audit, irrigation schedule, and maintenance schedule conducted by a Certified Irrigation Auditor and submit it to the City for final project sign off".
5. Irrigation Comments:
 - a) Irrigation systems shall meet a minimum irrigation efficiency of seventy-five percent.
 - b) Overhead sprinkler cannot be installed in areas 10 feet wide or less. Areas less than ten feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
 - c) Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface.

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- d) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- 6. Types of mulch **not** allowed include: bark mulch, gorilla hair, shredded cedar, or virgin materials. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- 7. Add the following statements to the planting notes:
 - a) A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - b) For landscape installations, compost at a rate of a minimum of four cubic yards per one thousand square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.
- 8. Any proposed turf must solely be for active recreational purposes, must be flat, and must not exceed 25% of the landscape area.
- B. Project Shall address Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation and MHMC 18.64 Landscaping and complete/submit the provided checklist.