



17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 23-019

APPLICATION NUMBER: Design Permit SR2023-0003: Jacqueline – March Capital Management

LOCATION: 16175 Jacqueline Court (APN: 817-32-058)

SITE AREA: 2.18 acres

GENERAL PLAN: Industrial

ZONING: General Industrial (IG)

DESCRIPTION:

The project includes a Design Permit for the construction of a new one-story, 35,384 square foot manufacturing/research building. The property, identified by Assessor Parcel Number 817-32-058, is located at 16175 Jacqueline Court.

RECITALS

On February 3, 2023, the Development Services Department received an application for a Design Permit:

1. The project includes a Design Permit for the construction of a new one-story, 35,384 square foot manufacturing/research building.
2. The project and plan revisions were reviewed by the Design Review Committee for a 30-day review period. Comments were received from the various departments and agencies and the application was deemed complete for processing on October 20, 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 31, 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 is consistent with the General Plan Policies, development standards and design guidelines. The General Plan designates the site as Industrial and the project site is zoned General Industrial (IG). The development proposes research/manufacturing use, which is consistent with the permitted uses within the zoning district.

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

The proposed project 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 Industrial Zoning District and the guidelines contained in the design review handbook.

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

The project is Categorically Exempt pursuant to Title 14 § 15332: In-Fill Development Projects. A Categorical Exemption Memorandum has been prepared in compliance with the CEQA Guidelines.

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 an allowed use within the zoning designation and will be compatible with the surrounding properties and uses.

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

The scope of work is compatible with the neighboring properties and community.

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 31st DAY OF OCTOBER, 2023.



Jennifer Carman
Development Services Director

AFFIDAVIT

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

Pete Gorence

Pete Gorence (Applicant)

Nov 8, 2023

Date

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2023-0003: Jacqueline – March Capital Management
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 for the construction of a new one-story, 35,384 square foot manufacturing/research building. The property, identified by Assessor Parcel Number 817-32-058, is located at 16175 Jacqueline Court.

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

- A. Project Specific Conditions
- B. Stormwater Management
- C. Tree Preservation Guidelines:

a. Various migratory birds may be nested in the existing on-site trees and other vegetation. A preconstruction survey for migratory birds will be required prior to removal of on-site trees.

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-__:**
- B. **MM-__:**
- C. **MM-__:**

III. DEVELOPMENT AGREEMENT REQUIREMENTS

(For projects with DA's include commitments that would need verification at grading/building permit or final occupancy. Other commitments should have been verified at Design Review stage. Sample categories have been provided.)

- A. Affordable Housing.**
- B. Schools:** Prior to submitting improvement plans, developer's Civil Engineer shall coordinate with the City Engineer or designee to determine public improvements to be constructed at \$1,000 per unit.
- C. Parks and open space:**
- D. On-Site Recreational Amenities:**
- E. Amenities for Age Group:**
- F. Indoor Water Use:**
- G. Outdoor Water Use:**
- H. Utilities:**
- I. Transportation:**
- J. Municipal Infrastructure:**
 - 1. Water Infrastructure:**
 - 2. Wastewater Infrastructure:**
 - 3. Offsite Stormwater:**
 - 4. Broadband:**

III. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped 10/31/2023 on file (File Number SR2023-0003) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit plans as determined by the Development Services Director. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project or any Unit are in compliance with the original City Conditions of Approval of the Project, which are 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 Resolution shall remain in effect for two years to October 31, 2025. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**

SITE DEVELOPMENT

A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with (SR2023-0003) and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:

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

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

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

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

Table 18.72-7: Required Bicycle Parking Spaces

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

1. **Short-Term/Class II Bicycle Parking Standards.** Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.
2. **Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
 - a. **Location.** Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
 - b. **Security.** Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - i. In a locked room or area enclosed by a fence with a locked gate;
 - ii. Within view or within one hundred feet of an attendant or security guard;
 - iii. In an area that is monitored by a security camera; or
 - iv. Visible from employee work areas.
3. **Parking Space Dimensions.**
 - a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
 - b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.

- c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
- d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

4. **Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.

5. **Cover.** Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

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

D. **Electric Vehicle Charging Stations:** The Project shall provide electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code. The project is required to provide two charging stations, plus one for each additional fifty parking spaces. The developer shall provide location of each charging station prior to issuance of building permit.

E. **Tandem parking and garages:** Residents shall use tandem parking spaces and dedicated garages for parking. This requirement shall be incorporated into the Covenants, Conditions and Restrictions (CC&R's) for the project.

F. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted at building permit stage to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601).

G. **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. 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.
5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
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.
 - a. Various migratory birds may be nested in the existing on-site trees and other vegetation. A preconstruction survey for migratory birds will be required prior to removal of on-site trees.
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. (**MHARH p.48, 65, 87, 106**)
- B. **Building mounted lighting:** Lighting fixtures shall not project above the facia or roofline of the building. Any ground mounted lighting projecting onto the

building or site shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. (MHARH p. 67, 109)

C. Architectural elements

1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.
2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

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

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

Table 18.72-6: Minimum Required Parking Lot Landscaping

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

2. **Shade Trees.**
 - a. One shade tree shall be provided for every five parking spaces in a parking lot.
 - b. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
 - c. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.

- d. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21. The arrangement should approximate nearly fifty percent shade coverage.
- 3. **Concrete Curbs.**
 - a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of six inches high by four inches deep.
 - b. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.
- 4. **Parking Space Landscaping.** A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.
- 5. **Timing.** Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

B. **Landscape maintenance agreement:** The applicant may be required to enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.64.070 (Landscaping maintenance and enforcement) of the Municipal Code. If bond is required, amount shall be equal to 100 percent of the value of the landscaping and irrigation improvements for the development project.

C. **Planting and irrigation working drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

D. **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 for review and approval to the Development Services Director prior to issuance of a building permit.

- E. **Undeveloped site area:** The balance of a building site not developed as part of this project approval shall have landscaping installed acceptable to the Planning Division. (**MHARH p., 57, 98**)
- F. **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.
- G. **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**)
- H. **Reciprocal Ingress/Egress Easements:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the Development Services Director for a reciprocal ingress/egress easement along the common driveway.

SIGNS

- A. **Separate application required for sign approval:** Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.
- B. **Directory signs required:** Directory sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits. (**MHARH p.61**)

HABITAT PLAN

- A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. (**MHMC 18.132**)

C. **Conditions:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). **(MHMC 18.132)**

AIR QUALITY

A. **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)**

B. **Basic Construction Mitigation Measure (BCMMs) Related to Dust Suppression.** The following measures shall be implemented with the project:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of [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.

For projects that exceed BAAQMD thresholds:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimizing the idling time of diesel-powered construction equipment to two minutes.
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable

options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

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

discussion of the methods used to determine significance for the find;

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

3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that

are outside the exclusion zone as defined below.

5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
7. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
 - The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)
8. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
11. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for

treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.

12. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

NOISE

- A. **Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- B. **Covenants, Conditions and Restrictions:** The applicant shall provide a set of Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation, for review and approval by the Development Services Director prior to final occupancy or recordation of a final map. All such CC&Rs shall include the following:
 1. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended

third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.

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

2. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.
3. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.
4. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
5. This section may not be amended without the prior written consent of the Development Services Director for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.
6. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment

thereto, but only to the extent that such maintenance obligation or duty of maintenance is increased by such amendment.

C. **Signed copies of Approval Certificate:** Submit two (2) signed copies of the Approval Certificate to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

- A. **Public Storm Drain Easement:**
- B. **Public Service and Landscape Easement:**
- C. **Right-of-way Fee:**
- D. **SWRMP:** At building permit stage, submit a revised Stormwater Runoff Management Plan (SWRMP) that matches the updated SWRMP template.

GENERAL

- A. **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**)
- B. **Improvement Drawings:** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. (**MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A**)
 - 1. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- C. **Encroachment Permits:** Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. (**MHMC 12.08.040 A; 12.08.090**)
- D. **Improvement Agreement:** Enter into an Improvement Agreement (IA) with the City of Morgan Hill to cover required improvements. (**MHMC 12.02.150; 17.32.010 B; 17.32.160**)
- E. **Impact Fee Increase:**
- F. **Construction Logistics Plan:** A construction logistics plan shall be submitted with the off-site improvement plans that address all impacts to the public road

right-of-way, including but not limited to: pedestrian control, traffic control, detours, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, work hours, noise control, dust control, and storm water pollution prevention. It shall include an approved Truck Route Map for construction traffic to and from the site.

STREET IMPROVEMENTS

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

SANITARY SEWER SYSTEM

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

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

STORM DRAIN SYSTEM

A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (**MHMC 17.32.020 B;17.32.090; CMH Design Standards and Standard Details for Construction**)

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

C. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. 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**)

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

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

(CMH Design Standards and Standard Details for Construction)

E. **Best Management Practices:** BMP Tree protection shall be part of the SWPPP inspections.

F. 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 CA000002**).

G. NPDES General Permit/Site SWPPP Inspections and Compliance:

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Public Works Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Public Works). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Public Works (public right-of-way issues) inspectors respectively.

6. Prior to rain events, BMPs* not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be addressed immediately.
8. Other non-compliance issues need to be addressed within a 24-hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

*BMPs maintenance/inspections shall include tree protection if applicable.

WATER SYSTEM

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

OTHER CONDITIONS

- A. **Easement Dedications:** The owner shall dedicate all necessary utility easements. (**MHMC 12.02.080 D; 17.28.010 A**)
- B. **Maps:** The final map on all major subdivisions (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivisions (4 lots or less), the final map shall be signed by the City Engineer and the

Planning Commission Secretary prior to issuance of a grading permit. (**MHMC 17.20.390; 17.24.210**)

- 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 tract area shall be continuously maintained by the Homeowner's Association.
- D. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. (**MHMC 17.08.090**)
- 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

NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **State Water Resources Control Board Post Construction Requirements (PCRs):** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydmmod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
 - 1. Performance Requirement 1: Site Design and Runoff Reduction
 - 2. Performance Requirement 2: Water Quality Treatment
 - 3. Performance Requirement 3: Runoff Retention
 - 4. Performance Requirement 4: Peak Management

B. **Peak Storm Water Runoff Discharge Rates** - Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.

C. **Provide Storm Drain System Stenciling and Signage** - Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. 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. **Properly Design Trash Enclosure Areas** - All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:

1. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
2. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
3. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
4. **Grades:** The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
5. **Drain Inlet:** Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

E. **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) stormwater runoff:

1. Volumetric Treatment Control BMP
 - a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
 - b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
 - c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.
2. Flow Based Treatment Control BMP
 - a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
 - b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

F. **Stormwater Runoff Management Plan (SWRMP) required** - The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.

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 City Engineer or designee may require a developer to 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.
3. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best

management practices not more than three years prior to the certification signature date.

4. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.

G. Stormwater BMP operation, maintenance, and replacement responsibility

1. 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.
2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
3. 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.

H. Stormwater BMP operation and Maintenance Agreement (SWBOMA)

required - Improper maintenance is one of the most common reasons why water quality controls will not function as designed or which may cause the system to fail entirely. It is important to consider who will be responsible for maintenance of a permanent BMP, and what equipment is required to perform the maintenance properly.

1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The city shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Public Works Engineering).
2. The stormwater BMP operation and maintenance agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless

approved by the city prior to the commencement of the proposed modification or maintenance activity.

3. The stormwater BMP operation and maintenance agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.

I. **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 **Register Civil Engineer (RCE)**.
2. Unless otherwise required by the chief engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering.

J. **Records of maintenance and inspection activities** - On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the chief engineer or designee with records of all inspections, maintenance and repairs.

K. **Annual Certification of SWRMP** – On or before September 30th of each year a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

BUILDING DIVISION

A. **California Code of Regulations:** Project shall be designed to comply with the edition of the California Codes of Regulations as amended by the Morgan Hill

Municipal Code Title 15 that is in effect at time of Building Permit Application submittal.

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

1. MHMC 15.65 Sustainable Building Regulations.
2. MHMC 18.72.040 C. Electric Vehicle Charging.

When Required. Electric vehicle charging stations shall be provided:

- For new structures or uses required to provide at least twenty-five parking spaces; and
- Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.

Number of Charging Stations. The number of required charging stations shall be as follows:

- Twenty-five to forty-nine parking spaces: One charging station.
- Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.

3. MHMC 15.40 Building Security
4. MHMC 15.38 Wage Theft Preventions

FIRE DIVISION

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

B. **Proposal limited to:** Review of this Development proposal is limited to acceptability of site access as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

C. **Fire Apparatus (Engine) Access Roads Required:** Prior to the commencement of combustible construction, an access roadway with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of

Morgan Hill Standard Details and Specifications 11-B. **(CFC Section 503 as amended by MHMC 15.44.140)**

- D. **Fire Hydrant Location Identifier:** Prior to project final inspection, the general contractor shall ensure that an approved (“Blue Dot”) fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
- E. **Timing of Required Roadway Installations:** Prior to the commencement of combustible construction, the required roadway installations, up through first lift of asphalt, shall be in place, inspected, and accepted by the City of Morgan Hill unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials shall not be delivered to the construction site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Issuance of building permits may be withheld until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- F. **Timing of Required Water Supply Installations:** Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- G. **Fire Lane Marking Required:** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F. **(CFC Section 503)**
- H. **Automatic Fire Sprinkler System Required:** Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. **(CFC Chapter 9 as amended by MHMC 15.44.170)**
- I. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.
- J. **Aerial Fire Apparatus Access Roads**

1. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
3. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official.

K. **Parking Along Roadways:** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8-foot-wide space. **(CFC Section 503)**

L. **Requirements for Secondary Access Roads (Shall be completed prior to exceeding 101 units)**

1. Separation of access roads. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses (from centerline to centerline).
2. Connection to other roads: Where a secondary access roadway connects to a public or private street there shall be either; no curb, a rolled curb or a driveway cut as approved by the fire code official.
3. Easements: Only lands owned or in control of the property owner, held in common with adjacent properties or publicly owned may be used for secondary access. Secondary access roadways shall not be located in easements through private property unless specifically approved by the fire code official. When easements are required for secondary access roadways, they shall be recorded as Emergency Vehicle Ingress Egress Easements (E.V.I.E.E) granted to the Fire Department.

4. **Marking and Identification:** When necessary, signs or other approved notices shall be posted at secondary access roadways to prevent obstruction by parked vehicles. Such signs or notices shall be in accordance with Fire Prevention Division Standards.
5. **Maintenance:** Secondary access roadways shall be maintained at all times by the property owner. The roadway surface gates/locks and vertical and horizontal clearances shall be maintained in serviceable condition. Maintenance of secondary access roadways on commonly held lands shall be clearly stated in the Covenant, Conditions, and Restrictions (CC&R) or Landscape Maintenance agreements of the development project. The CC&Rs shall mandate that the owners association shall retain professional management to oversee maintenance responsibilities.

POLICE DEPARTMENT

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

HOUSING DIVISION

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

BMR standards:

1. **Location.** BMR units shall be distributed evenly throughout the project.
2. **Lot Size.** Lot size shall be at least the same size as the smallest lot of a market rate unit within the project;
3. **Bedroom Count.** Average bedroom count shall be the same as the average bedroom count in the market rate units in the project;
4. **Exterior.** Exterior trim entry door hardware, and finish to the same standard as the Market Rate

5. Minimum standards for equipment, fixtures, appliances and finishes have been established for the BMR units. All items installed by the developer shall be of good quality and in new condition. Good quality shall be deemed as entry level but generally not the lowest level of product offered for that application. All products shall offer durability, reliability and maintain a quality appearance and function that is standard to most other median priced homes in the area. The below listed items must be installed as a basic feature of each BMR home.
6. Minimum Interior standard finishes will be as follows:
 - a. All closets shall have doors
 - b. Interior doors to be raised panel type or same as market rate
 - c. Door hardware to be brass finish or equivalent
 - d. Appliances shall be major brand name
 - e. Microwave with an exhaust vent shall be installed over the range
 - f. Kitchen counters shall be white ceramic tile
 - g. Kitchen cabinets shall be stained wood with white melamine interiors
 - h. Units will be roughed in for AC including electrical and line set
 - i. Basic alarm system to secure all accessible openings to the home
 - j. Carpet in bedrooms, hallways, family rooms
 - k. Linoleum or tile entry, bathroom kitchens
 - l. Laminate flooring may substitute for carpet or linoleum
 - m. Electric garage door opener
7. Timing of Construction. BMR units shall be constructed in proportion to the BMR ownership housing requirement applicable to the project. For example, for a project with 389 units and an 20% BMR rental housing commitment, at least one BMR unit shall be constructed before or concurrently with every 5th market rate unit constructed. The last market rate unit to be completed in the project may not receive a certificate of occupancy until the last BMR unit has received a certificate of occupancy. The Director may approve a modified schedule if the timing requirement will create unreasonable delays in the issuance of certificates of occupancy for market rate units.



Community Development Agency
Building & Fire Prevention
17575 Peak Ave
Morgan Hill, CA 95037-4128
Phone: (408) 778-6480
Fax: (408) 779-7236
www.morganhill.ca.gov

PLAN REVIEW COMMENTS

DATE: 2/23/23 4/10/23 6/19/23

PERMIT#: SR2023-0003

ADDRESS: 16175 Jacqueline Ct

The following items need to be incorporated into the design and will be verified at Building Permit application plan review:

1. Project shall be designed to comply with the edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15 that is in effect at time of Building Permit Application submittal.
2. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - MHMC 15.65 Sustainable Building Regulations. **LEED Silver points required**
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUC_O_CH15.65SUBURE
 - MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUC_O_CH15.40BUSE
 - MHMC 15.38 Wage Theft Preventions
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUC_O_CH15.38WATHPR
 - MHMC 18.148 Water Conservation
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDEO_CH18.148WACO
 - MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings **No Gas**
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUC_O_CH15.38WATHPR
 - MHMC 15.62 Electric Vehicle Charging Infrastructure
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUC_O_CH15.62ELVECHIN



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FIRE DEVELOPMENT PLAN REVIEW COMMENTS

Project Number: SR2023-0003 Project Address: 16175 Jacqueline Ct

Description: March Capital Mgmt

Project shall meet all of The city of Morgan Hill's Fire Prevention Standards and will be verified during Building Permit submittal:

<https://www.morganhill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidiId=1>

1. Provide location of existing hydrants on site plan.
2. Provide Fire exhibit showing hose pull lengths from existing and proposed hydrants.

Date: 2/23/23

By: Daniel Cardwell



Community Services Department
Environmental Services
17575 Peak Ave
Morgan Hill, CA 95037-4128
Phone: (408) 310-4179
www.morganhill.ca.gov

Water Efficient Landscaping

DATE: 04/20/2023

PERMIT#: SR2023-0003

ADDRESS: March Capital Management – Jacqueline Ct.

REVIEWER: Shannon Rossow

CONTACT: shannon.rossow@morganhill.ca.gov

The following items need to be incorporated into the design and will be verified at Building Permit application stage:

1. Please completely fill out and submit the attached Checklist **and** submit the associated supporting documents (*listed below*) in your application. (MH MuniCode 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. Additionally, see project specific comments below. **All components of the Checklist must be met/addressed.**

2. Please ensure that the Landscaping Cover Sheet (L0) 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 that states “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” and have this statement signed by the owner/developer.
 - d. Add a note that states “The developer will submit receipts and/or invoices for all compost and mulch purchases to Environmental Services Division after final construction” and have this statement signed by the owner/developer.
 - e. 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 ordinance and applied them for the efficient use of water in the landscape design plan”.
3. 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.
 - a) Remove or replace the following from the plant selection:
 - o Quercus Coccinea (Scarlet Oak) – Moderate

- Zelkova Serrata 'Village Green' (Village Green Zelkova) – Moderate
- Geijera Parviflora (Australian Willow) – Moderate
- Podocarpus Gracilior (Fern Pine) – Moderate
- Ginkgo Biloba 'Princeton Sentry' (Maidenhair Tree) – Moderate
- Hymenosporum Flavum (Sweetshade) – Moderate
- Quercus Robur 'Skyrocket' (Skyrocket Oak) – Moderate
- Acer Rubrum 'October Glory' (October Glody) *street tree* – Moderate
- Lophostemon Confertus (Brisbane Box) *street tree* – Moderate
- Nyssa Sylvatica (Sour Gum) *street tree* – Moderate
 - For the 3 street trees listed above, please reference the updated Master Street Tree Plan in the attachments.
- Acer Rubrum 'Armstrong' (Armstrong Red Maple) – Moderate
- Magnolia Grandiflora 'Samuel Sommer' (Southern Magnolia) – Moderate
- Nyssa Sylvatica (Black Gum) – Moderate
- Ligustrum Japonicum 'Texanum' (Waxleaf Privet) – Moderate
- Rosa 'Pink Flower Carpet' (Flower Carpet Rose) – Moderate
- Calamagrostis Acutiflora 'Karl Foerster' (Dwarf Feather Reed Grass) – Moderate
- Dianella Tasmanica 'Variegata' (Flax Lily) Moderate
- Agapanthus Africanus (Lily of the Nile) – Moderate
- Hemerocallis Hybridus (Day Lily) – Moderate
- Salvia Nemerosa (Sage) -Moderate
- Trachelospermum Asiaticum (Asian Jasmine) – Moderate
- Ficus Pumila (Creeping Fig) – Moderate
- Trachelospermum Jasminoides (Star Jasmine) – Moderate

4. In addition to "Gorilla-Hair" mulch being not acceptable, other 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. Update in all nonliving groundcover notes.

5. 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.

Project Shall address Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation and MHMC 18.64 Landscaping and complete/submit the provided checklist.

Landscaping Plan Review from Environmental Service Division of the City of Morgan Hill

ALL Landscape Plans with a Design Review are subject to comply with 2 ordinances: MHMC 18.64 and 18.148

Below is a Checklist to help guide plans to compliance.

Every line on this list must be met/addressed in order for a project to be approved.

18.64.040 - Landscape Plan Required					
Requirement		Check	Page Location	ESD Comments	LA Comments
A.	Does the landscape plan include ALL of the following:				
1	- Site boundaries				
2	- Existing conditions on the property				
3	- Structures immediately adjacent to the property				
4	- New proposed structures/improvements in the development project				
5	- Existing landscaping, trees, and vegetation including: Plant: location, species, and size Tree: diameter				
6	- New proposed landscaping in the development project including; Plant: location, species, size				
7	- Irrigation plan including; Location, type, and size of all components				
8	- Proposed grading				

18.64.060 – General Landscape Requirement					
Requirement		Check	Page Location	ESD Comments	LA Comments
A.	General Standards:				
1	Do all the plants and trees need low/very low water defined by WUCOLS?				
2	Are turf areas flat?				
	Are all turf area exclusively for active recreation?				
3	Does the turf not exceed 25% of the landscaped area? *If it does, must be approved by planning commission and can only be for functional recreation space.				
4	Are the plants grouped into separate color coded hydrozones with plants of the same watering requirements?				
5	Any there any decorative water features? *If so, they must be approved by planning commission and have recirculating water systems.				

	6	Is it notated and established that the watering times must be after 7:00pm and before 9:00am?				
	7	Do the plant species not interfere with pedestrian, bicycle, or vehicular circulation AND overhead lights/utility lines? <i>(Considering the planting location and plant maturity size)</i>				
B.		Irrigation and Water Efficiency:				
	1	Do all parts of the irrigation system meet a minimum efficiency of 75%?				
	2	Are there separate landscape water meters for landscape areas exceeding 5,000 sq ft?				
	3	Are irrigation controllers capable of ALL of the following: - percent adjustment, - multiple programming, and - rain sensors				
	4	Is drip or bubbler irrigation used in ALL non-turf areas?				
	5	If there is any overhead spray irrigation for turf areas, does it have a precipitation rate less than $\frac{1}{4}$ of an inch per hour?				
	6	Are there separated valves and circuits based on water use and sun exposure?				
	7	Are there separated valves for turf, non-turf, and berm areas?				
	8	Are all sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance?				
	9	Are there rain-sensing override devices for all irrigation systems?				
	10	Are all trees irrigated by drip or bubbler irrigation?				
	11	Are State approved backflow prevention devices installed on all irrigation systems?				

18.148.060 – Landscape Project Application and Package						
Requirement			Check	Page Location	ESD Comments	LA Comments
A.		Planting Restrictions. In addition to all of the requirements above, choose one of the two paths described below and relay which path you have chosen in the LA Comment section to the right.				
	1	Planting restrictions: a) the landscape area may include no turf or high-water using plants; <u>and</u> b) at least 80% of the plants in landscape areas shall be native plants, low-water using plants, or no water using plants				
		<i>OR</i>				

2	Water budget calculation option (<i>section 18.148.080</i>)				
B.	Does the landscape project application include ALL of the following?				
1	<u>Project information:</u> please provide on the L.O Cover Sheet.				
a.	- date				
b.	- project applicant				
c.	- project address/parcel or lot numbers				
d.	- type (new, rehabilitated, public, private, cemetery, homeowner-installed)				
e.	- total landscape area				
f.	- water supply type (potable, recycled, well) and local retail water seller				
g.	- checklist of all documents in landscape documentation package				
h.	- contact information for the project applicant and property owner				
i.	- applicant signature/date with the statement "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape documentation package."				
j.	- applicant signature/date with the statement "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"				
2	<u>Soil management report/survey</u> (<i>see requirements below</i>)				
3	<u>Landscape design plans</u> (<i>see requirements below</i>)				
4	<u>Irrigation system design plans</u> (<i>see requirements below</i>)				
5	<u>Landscape audit report</u> (<i>see requirements below</i>)				
6	<u>Grading design plan or survey</u> (<i>see requirements below</i>)				

18.148.070 – Soil Management Report					
Requirement		Check	Page Location	ESD Comments	LA Comments
A.	Indicate if the project has chosen to submit: a) a soil management report, <i>OR</i> b) a soil management survey (Appendix E)				
1	Have soil samples been sent to a lab?				
2	Does the soil analysis include the following?				
a.	- soil texture				
b.	- infiltration rate				
c.	- pH				
d.	- total soluble salts				

	e.	- sodium				
	f.	- % organic matter				
	g.	- lab recommendations				
3		Indicate if this project is planning to conduct mass grading. Choose one option from below, and indicate your choice in the LA Comments.				
	a.	Mass grading is NOT planned, therefore a soil analysis report shall be submitted as part of the landscape documentation package.				
	b.	Mass grading is planned, therefore a soil analysis report can be submitted as part of certificate of completion.				

18.148.090 – Landscape Design Plans						
Requirement			Check	Page Location	ESD Comments	LA Comments
A.		Plant Material - Water Efficiency:				
	1	<u>One or more</u> of the following must be applied for water efficiency. Select all that apply below and relay which path you have chosen in the LA Comment section to the right.				
	a.	- protection and preservation of native species and natural vegetation				
	b.	- selection of water-conserving plant, tree and turf species, especially local native plants				
	c.	- selection of plants based on local climate suitability, disease and pest resistance				
	d.	- selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area				
	e.	- selection of plants from local and regional landscape program plant lists				
	f.	- selection of plants from local fuel modification plan guidelines.				
	2	<u>One or more</u> of the following must be applied for water efficiency. Select all that apply below and relay which path you have chosen in the LA Comment section to the right.				
	a.	- The Sunset Western Climate Zone System				
	b.	- Consideration of plant-specific attributes (ie. Mature plant size)				
	c.	- Consideration of the solar orientation of plant placement				
	3	Is there a defensible space around the structure where there are no fire-prone plant materials and highly flammable mulches?				
	4	Are there any plants used that are on the CA Invasive Plant List?				
B.		Water Features:				

	1	Are all water features solely using recirculating water? *must be approved by the Planning Commission.				
	2	Is the surface area of all water features included in the high water use Hydrozone Area of the Water Budget Calculation?				
	3	Do all pools and spas have a cover?				
C.		Soil Preparation, mulch and amendments. State the following in the exact language below:				
	1	- Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.				
	2	- Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 18.148.070).				
	3	- 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.				
	4	- 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.				
	5	- Stabilizing mulching products shall be used on slopes that meet current engineering standards.				
	6	- The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.				
	7	- 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. <i>(The use of bark mulch, gorilla mulch, shredded cedar are strongly discouraged and should not be used in any project.)</i>				
D.		Does the landscape design plan do <u>ALL</u> of the following? <i>(All of these items must be true in order to be approved)</i>				
	1	- Delineate and label hydrozones by number/letter.				

2	- Identify recreational areas				
3	- Identify areas permanently and solely dedicated to edible plants				
4	- Identify areas irrigated with recycled water				
5	- Identify type of mulch and application depth				
6	- Identify soil amendments, type, and quantity				
7	- Identify type and surface area of water features				
8	- Identify hardscapes (pervious and non-pervious)				
9	- Identify location, installation details, and 24hr retention capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater.				
10	- Identify any applicable rain harvesting technologies and their 24hr retention or infiltration capacity				
11	- Identify any applicable graywater discharge piping, system components and area(s) of distribution				
12	- 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 ordinance and applied them for the efficient use of water in the landscape design plan"				

18.148.100 – Irrigation System Design Plans					
Requirement		Check	Page Location	ESD Comments	LA Comments
A.	Landscape Irrigation System:				
	1	Landscape water meters for all non-residential irrigated landscapes of 1,000sf but not more than 5,000sf (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000sf of greater.			
	2	Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems			
	3	If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.			
	a.	If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.			

	b.	Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.				
	4	Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.				
	5	Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.				
	6	Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.				
	7	Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of five thousand square feet or larger.				
	8	Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.				
	9	The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.				
	10	Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.				
	11	The design of the irrigation system shall conform to the hydrozones of the landscape design plan.				
	12	All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.				

	13	In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.				
	14	Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.				
	15	Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turf grass.				
	16	Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.				
	17	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.				
	18	Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:				
	a.	The landscape area is adjacent to permeable surfacing and no runoff occurs; or				
	b.	The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or				
	c.	The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria in Section 18.148.100A.1. Prevention of overspray and runoff must be confirmed during the irrigation audit.				
	19	Slopes greater than twenty-five percent shall not be irrigated with an irrigation system with an application rate exceeding three-fourths of one inch per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.				
B.		Landscape Hydrozone:				
	1	Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.				
	2	Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.				

	3	Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.				
	4	On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table (see Appendix B, Section A). This table can also assist with the irrigation audit and programming the controller.				
C.		The irrigation design plan, at a minimum, shall contain:				
	1	Location and size of separate water meters for landscape				
	2	Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices				
	3	Static water pressure at the point of connection to the public water supply				
	4	Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station				
	5	Recycled water irrigation systems as specified in Section 18.148.170				
	6	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 ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"				

18.148.110 – Grading Design Plan/Survey						
Requirement			Check	Page Location	ESD Comments	LA Comments
A.		Grading of project shall be designed to minimize soil erosion, runoff, and water waste for efficient use of water. Indicate in the LA comments if this project is planning to submit a grading plan or a grading survey (Appendix E).				
	1	Did the project applicant submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:				
	a.	- height of graded slopes				

	b.	- drainage patterns			
	c.	- pad elevations			
	d.	- finish grade			
	e.	- stormwater retention improvements (if applicable)			
2		For prevention of excess erosion and runoff, project applicants are <u>highly recommended to:</u>			
	a.	Grade so that all irrigation and normal rainfall remains within property line and does not drain on to non-permeable hardscapes			
	b.	Avoid disruption of natural drainage patterns and undisturbed soil			
	c.	Avoid soil compaction in landscape areas			



CITY OF MORGAN HILL

DEVELOPMENT SERVICES DEPARTMENT – ENGINEERING DIVISION

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236

Website Address: www.morgan-hill.ca.gov

Date: November 3, 2023

To: Roshni Saxena, Planning Division

From: Lynette Kong, Land Development Engineering

Subject: SR2023-0003 Jacqueline – March Capital Management
Engineering Conditions of Approval

I. LAND DEVELOPMENT ENGINEERING - PROJECT SPECIFIC CONDITIONS

A. Stormwater Management: The 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. A copy of the guidance manual can be obtained through the following link:
<https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=>.

- 1. Valley Water Infiltration Guidelines:** Per Valley Water's email dated October 17, 2023, Valley Water considered the project's proposed runoff from the building's roof, site concrete/asphalt, and pervious asphalt concrete parking pavement to pose a low risk to groundwater quality.
 - a. Valley Water's concurrence with the proposed project is contingent on the Central Coast Regional Water Quality Control Board's review and approval of the project's proposed stormwater infiltration device/system.
 - b. Any changes to the building and site's use on subsequent project revisions, tentative improvements, and/or external commercial/industrial facilities that alters the stormwater runoff characteristics with a higher risk use will require Valley Water's review and approval of the project prior to Building permit issuance.
- 2. Regional Water Board Approval:** The project site is within 1,500 feet and upgradient of the Olin Corporation groundwater remediation site at 425 Tennant Avenue, which is an active cleanup program site monitored by the Central Coast Regional Water Quality Control Board (CCRWQCB Case #S297). The project will be required to obtain CCRWQCB approval of the project's proposed pervious asphalt concrete pavement system and any other

proposed on-site infiltration system/device. The CCRWQCB approval shall be required prior to Building permit issuance and incorporated into the project's Stormwater Runoff Management Plan.

- a. If CCRWQCB does not approve of the project's proposed stormwater infiltration system/device, the project will be required to demonstrate alternative compliance with the stormwater post-construction requirements in accordance with the provisions of Attachment 1 of Resolution No. R3-2013-0032, "Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region." The project will be required to revise the Stormwater Control Plan and Stormwater Runoff Management Plan for review and approval prior to Building permit issuance.
3. **Flood Control:** The project will be required to provide final drainage calculations and plan demonstrating that the project complies with the City's Flood Control requirements per Section 4.1600 "Ponding Basins" of the City Design Standard Specifications.
 - a. The project shall design the ponding basin/detention system based in the design rainfall depths specified in the City's 2018 Storm Drain System Master Plan for the 25-year, 24-hour storm event of 5.24" or the 100-year, 24-hour storm event of 6.50", if there is no available City storm drain system connection. 25% of the basin's volume shall be considered freeboard.
 - b. The volume detained by the project's proposed stormwater post-construction control measures may coincide with the project's ponding basin/detention system volume. The project will be required to provide drainage calculations to demonstrate compliance with both requirements.
4. **Trash Capture:** The project is proposing a land use that is considered a priority by the City to implement trash full capture. At improvement plan/building permit stage, the project shall include the installation of a trash full capture system(s) from a list of certified trash full capture systems by the State Water Resources Control Board. The list of certified trash full capture systems can be viewed from the Water Board's webpage at:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/2022/fullcptre-availabletopublic10-11.pdf

B. Easements:

1. The project is proposing stormwater control measures over existing reciprocal ingress, egress, and driveway easements with 16100 and 16170 Jacqueline Court (APNs #817-32-046 and #817-32-047), which is subject to the provisions of the Covenants, Conditions, and Restrictions (CC&Rs) for all three properties (Documents #9680891 and #16420055). The project will be required to complete the following at Building permit/improvement plan stage:

- a. Prior to Building permit issuance, provide signed letters from the legal ownership entities of 16100 and 16170 Jacqueline Court (APNs #817-32-046 and #817-32-047) approving the stormwater control measure improvements over the reciprocal easements. The letter shall include confirmation if an amendment to the CC&Rs would be required for the stormwater control improvements.
- b. If an amendment to the CC&Rs is required for the stormwater control measures within the existing reciprocal easements, the project will be required to provide the recorded amendment to the CC&Rs prior to Building Final.

C. Streets:

1. **Street Rededications:** The following street dedications shall be recorded prior to Building Final:
 - a. At Building permit/improvement plan stage, the project will be required to re-dedicate street right-of-way in fee to the City along the Barrett Avenue street frontage. The width of the re-dedication is approximately 36' from property line to the centerline of Barrett Avenue.
 - b. At Building permit/improvement plan stage, the project will be required to re-dedicate street right-of-way in fee to the City along the Jacqueline Court street frontage. The width of the re-dedication is approximately 25' from property line to the centerline of Jacqueline Court.
2. **Curb Ramp:** Upgrade the existing curb ramp located at the southwest corner of the Barrett Avenue and Jacqueline Court intersection to current ADA/City standards.
3. At building permit/improvement plan stage, revise the plans to address the following:
 - a. **Pavement Condition:** The project may be required to evaluate the pavement condition of Barrett Avenue and Jacqueline Court and improve the street, as necessary to meet current City standards for collector and residential 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 Barrett Avenue and Jacqueline Court. The minimum required street improvement shall be a two-inch removal and replacement of the existing asphalt concrete pavement along the entire Barrett Avenue and Jacqueline Court property frontage and up to the street centerline.

- b. The project will be required to replace the existing gravel area and existing stamped concrete within the street right-of-way with City standard curb, gutter, and landscaping along the Jacqueline Court street frontage.
- c. The project will be required to provide additional details for the proposed off-site curb, gutter, sidewalk, and driveway approach improvements and/or repairs for compliance with City standard requirements.
- d. The proposed paved areas within the existing 10' Public Service Easements will be required to be constructed with standard hot mix asphalt concrete, no pervious pavement will be allowed within these areas.

4. Existing Trees:

- a. The existing Magnolia trees on site will be allowed to remain due to the trees' maturity and their good health condition, the project will not be required to install new sidewalk along Jacqueline Court and the project will replace the existing non-functional turf with groundcover plant masses that comply with current WELO requirements that were already noted on the project's Landscaping Plans. The condition of the existing Magnolia trees shall be verified with an Arborist Report.
- a. If any of the existing trees are recommended to be replaced due to poor health and viability, the new tree species and spacing shall comply with the City's Master Street Tree Plan and will be reviewed at Building permit/improvement plan stage. A copy of the Master Street Tree Plan can be obtained through the following link:
<http://www.morgan-hill.ca.gov/DocumentCenter/View/36931/Final-Master-Street-Tree-Plan-PDF?bidId=>

D. Utilities

1. **Pretreatment Manhole:** A sanitary sewer test manhole shall be provided for the proposed building and shall be accessible to the Pretreatment Inspector. At building permit/improvement plan stage, the location of the sewer test manhole shall be approved by the City Engineer in conjunction with Pretreatment Inspector review.
2. **Existing Storm Drain Facilities:** The project will be required to verify existing storm drain pipe stubs along Barrett and Jacqueline Court frontages; any stubs not used for the project shall be abandoned in accordance with City Standards.
3. **Storm Drain Lateral:** The project will be required to provide a curb drain inlet facility and minimum 15" storm drain lateral along Barrett Avenue in accordance with City Standards.

4. **Domestic Water Service:** The project's proposed use of the existing domestic water service lateral and meter shall be subject to City inspection and approval of the lateral and meter, in accordance with current City Standards. At Building permit/improvement plan stage, if the existing lateral and meter do not meet current City Standards, the project shall be required to replace the lateral and/or meter. The domestic service sizing shall be the same for the lateral pipe, meter, and backflow assembly.
5. **Fire Water Service:** The project's proposed use of the existing fire water service lateral assembly shall be subject to City inspection and approval of the lateral assembly, in accordance with current City Standards. At Building permit/improvement plan stage, if the existing lateral assembly do not meet current City Standards, the project shall be required to replace the lateral assembly. The fire service sizing shall be the same for the lateral pipe, meter, and backflow assembly.
6. **Irrigation Water Service:** The project will be required to provide a dedicated irrigation water service lateral, meter, and backflow assembly for the site. The irrigation service sizing shall be the same for the lateral pipe, meter, and backflow assembly.

E. **Cost Estimate:** At building permit/improvement plan stage, provide an engineer's estimate of the proposed public improvements for City's use in calculating the engineering & inspection fees due for this project.

II. LAND DEVELOPMENT ENGINEERING – STANDARD CONDITIONS

A. General

1. **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**)
2. **Encroachment Permit:** Obtain necessary encroachment permit from the City of Morgan Hill and provide guarantee covering off-site improvements. (**MHMC 12.08.040 A; 12.08.090**)
3. **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**)
 - a. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance. The fees shall be based on

the Public Works Fee Schedule prepared by Land Development Engineering.

b. The project will be subject to the updated Water Capacity fees, which become effective May 15, 2023. Information related to the City's impact and development fees are available on the City's Finance Department webpage at: <https://www.morganhill.ca.gov/1572/Fee-Schedules>.

B. Street Improvements

1. **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)**
2. The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**
3. Re-dedication of a total of 36 feet from center line of public right-of-way on Barrett Avenue. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
4. Re-dedication of a total of 25 feet from center line of public right-of-way on Jacqueline Court. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
5. **Underground Existing Utilities:** All existing overhead utilities adjacent to any site boundary or along any street frontage of the site shall be placed underground in accordance with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**

C. Sanitary Sewer

1. The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the

developer. (**MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction**)

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

D. Storm Drain System

1. **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**)
2. **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**)
3. **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**)
4. **Storm Drainage General Requirements:** Prior to issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.
 - a. Storm drain calculations to determine detention/retention pond sizing and operations.
 - b. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - c. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control. (**CMH Design Standards and Standard Details for Construction**)

5. **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/tabcid/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 CA000002**).

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

- a. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
- b. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
- c. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
- d. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
- e. Per each of the inspection conditions 2, 3, or 4, 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.
- f. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
- g. 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.
- h. Other non-compliance issues need to be addressed within a 24-hour period.
- i. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow-up inspection.

- j. BMP maintenance/inspections shall include tree protection, if applicable.

E. Water System

1. **Water Meters:** Provide water services and meters for the project. These are to be installed by the developer. (**MHMC 17.32.020 D**)

F. Other Conditions

1. **Easement Dedications:** The owner shall dedicate all necessary utility easements. (**MHMC 12.02.080 D; 17.28.010 A**)
2. **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**)
3. **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**)
4. **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:
 - a. Civil Engineer of record
 - b. Geotechnical Engineer of record
 - c. Third Party QSD/QSP SWPPP Inspector
 - d. General Contractor
 - e. Sub-Contractors
5. **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.

G. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

1. **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:

- a. Performance Requirement 1: Site Design and Runoff Reduction
- b. Performance Requirement 2: Water Quality Treatment
- c. Performance Requirement 3: Runoff Retention
- d. Performance Requirement 4: Peak Management

2. **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.

3. **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.

4. **Trash Enclosure Area:** 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:

- a. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
- b. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
- c. Doors: Trash enclosure shall have door(s) which can be secured when closed.
- d. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
- e. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

5. **Design Standards for Structural or Treatment Control BMPs:** The post-construction treatment control BMPs shall incorporate, at a minimum, either a

volumetric or flow- based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

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

6. **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.

- a. 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.
- b. 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.

7. **Stormwater BMP Operation, Maintenance, and Replacement Responsibility**

- a. 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.

- b. 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.
 - c. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
 - d. 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.
8. **Stormwater BMP Operation and Maintenance Agreement (SWBOMA):**
 - a. 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.
9. **Stormwater BMP Inspection Responsibility**
 - a. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **certified Qualified Stormwater Practitioner (QSP)**.
 - b. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the QSP. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - i Site address;
 - ii Date and time of inspection;
 - iii Name of the person conducting the inspection;
 - iv List of stormwater facilities inspected;
 - v Condition of each stormwater facility inspected;
 - vi Description of any needed maintenance or repairs; and
 - vii As applicable, the need for site re-inspection.
 - c. Upon completion of each inspection, an inspection report shall be submitted to City's Environmental Services Division.
10. **Records of Maintenance and Inspection Activities:** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP Operation and Maintenance Agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.

11. 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.

End of Conditions