

## **RESOLUTION NO. 24-10**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A 7-LOT TENTATIVE SUBDIVISION MAP ON A 8.37-ACRE SITE, FOR PROPERTY LOCATED ON NORTH OF EAST DUNNE AND SADDLEBACK DRIVE (728-02-002 & 728-02-003)**

**WHEREAS**, on, August 9, 2023, Serene Hills, LLC., submitted an application for a 7-lot Tentative Subdivision Map to develop 7-custom single-family residential units on an approximately 8.37-acres site (SD2023-0003/EA2023-0008: E. Dunne – Serene Hills; and

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of September 10, 2024; and

**WHEREAS**, the project has been reviewed in compliance with the California Environmental Quality Act (CEQA); and

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

### **NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

#### **SECTION 1. Recitals**

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

#### **SECTION 2. California Environmental Quality Act Finding**

Finding: A Modified Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA Guidelines Section 15183 and is consistent with state and local guidelines implementing CEQA.

#### **SECTION 3. Tentative Subdivision Map Finding**

Finding: The Planning Commission finds that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

The Tentative Subdivision Map entitled "Serene Hills Site Development Plan" submitted by MH Engineering dated March 20, 2023, attached as Exhibit A has been designed consistent with the City's General Plan, considering neighborhood circulation patterns and providing future connections.

**SECTION 4.** The Planning Commission approves the Tentative Subdivision Map and the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program described as SD2023-0003/EA2023-0008: Dunne – Serene Hills. The subdivision shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "B".

**PASSED AND ADOPTED THIS 10<sup>th</sup> DAY OF SEPTEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES:** **COMMISSIONERS:** **DOWNNEY, HABIB, WILSON,  
MUELLER, TANDA**

**NOES:** **COMMISSIONERS:** **NONE**

**ABSTAIN:** **COMMISSIONERS:** **NONE**

**ABSENT:** **COMMISSIONERS:** **LAKE, KUMAR**

**ATTEST:**

Jenna Luna

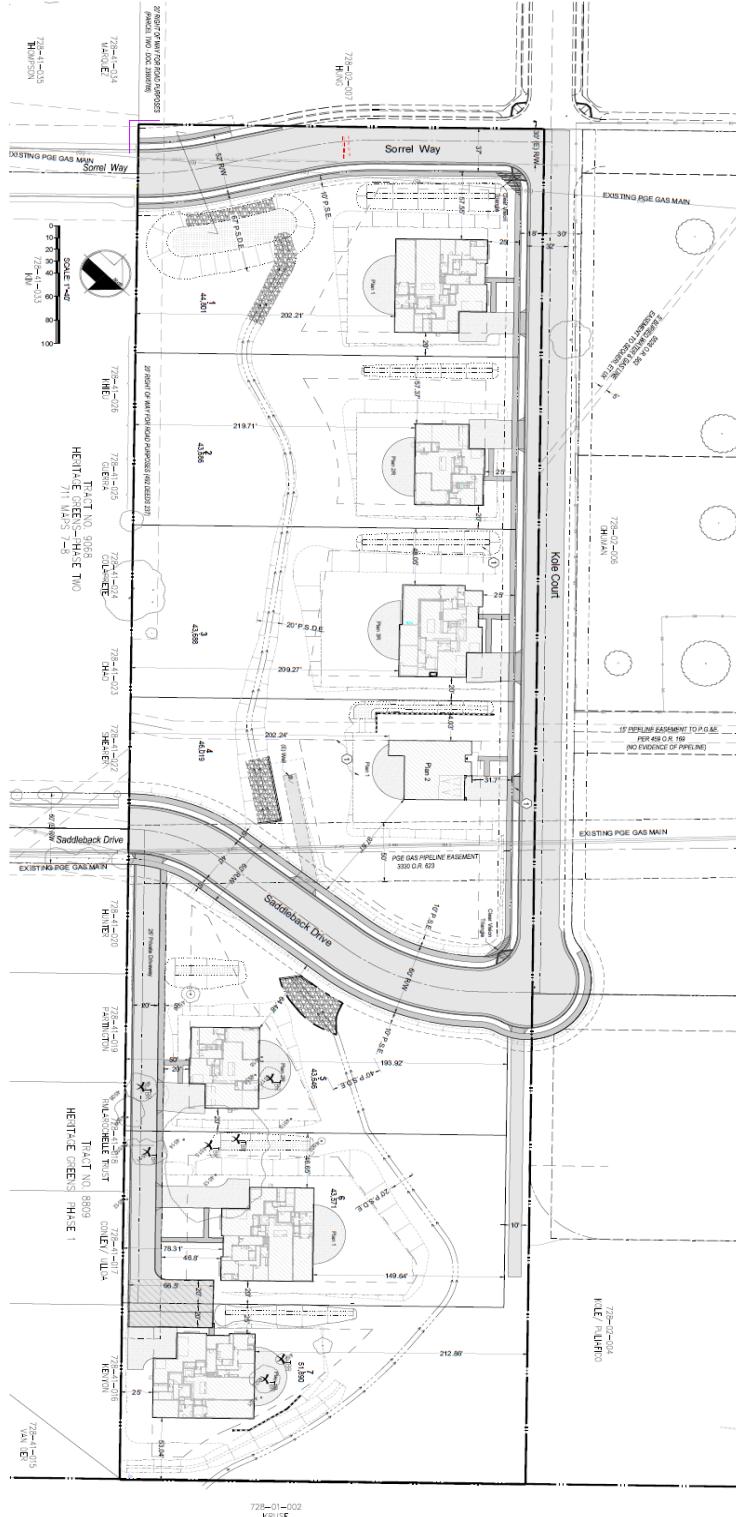
**JENNA LUNA, Deputy City Clerk**

**APPROVED:**

Liam Downey  
Liam Downey (Sep 20, 2024 10:47 PDT)

**LIAM DOWNEY, Chair**

**EXHIBIT "A"**  
**VESTING TENTATIVE MAP**



**EXHIBIT "B"  
STANDARD CONDITIONS**

**APPLICATION NO: SD2023-0003/EA2023-0008 (Dunne – Serene Hills)**

**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 the development of the Serene Hills residential project that consists of 7-custom lots to include detached single-family dwellings on an approximately 8.37 site.

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

- A. Tentative Subdivision Map SD2023-0003
- B. Environmental Assessment EA2023-0008

**II. PROJECT CONDITIONS OF APPROVAL**

This Subdivision approval is limited to the plan set date stamped September 10, 2024 on file (File Number: SD2023-0003) with the Development Services Department. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress) and other easement areas.

**PLANNING DIVISION**

**DEFENSE AND INDEMNITY**

- A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding

and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

## TIME LIMITS

A. **Term:** The Tentative Parcel Map approval granted pursuant to this Approval Certificate shall remain in effect for two years to September 10, 2026. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Development Services Department prior to the expiration date. (**MHMC 17.20.170; 17.24.110**)

## SITE DEVELOPMENT

A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with SD2023-0003. 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, berming, and landscaping.

**(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.

5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.
- C. **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).
- D. **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.
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.

#### **HABITAT PLAN**

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

#### **AIR QUALITY**

- A. **Dust, Noise, Vibration and Materials Management Plan:** A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be submitted for review prior issuance of a grading permit and requirements shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**
  1. **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.

BAAQMD strongly encourages projects to implement enhanced best management practices to control fugitive dust emissions.:

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. The Mitigation Fee Act Fees applying to this project are described below in the General Engineering Conditions, section G. 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**

### **Project Specific Conditions**

- A. The following items previously listed on the September 8, 2023 letter will be required to demonstrate conformance or conditioned on the project:
  1. Tentative Map:
    - a. Revise the plan to state that the existing 30' ingress and egress easement and PSE (7210 OR 177) within the new Sorrel Way street dedication alignment shall be quitclaimed by the project.
    - b. Revise the plan to state that the existing 20' right of way for road purposes (492 Deeds 237) within the new Sorrel Way street dedication alignment and along the rear boundaries of Lots 1 through 3 shall be quitclaimed by the project.
    - c. Revise the plan to show the extension of the existing 54' wide PG&E Pipeline Easement (1814 OR 433 as referenced on the Heritage Greens Tract Map No. 9068) over the project's parcel and along the new Sorrel Way and Kole Court street dedication alignments.
    - d. Revise the proposed Public Service Easement (PSE) dedication to provide a 14' wide PSE along the east side of Sorrel Way and south side of Kole Court street frontages. The project was allowed to have reduced street right-of-way dedications to the City in order to meet the minimum lot requirements for the project; the widened PSE dedications shall include the remaining width of detached sidewalks and 10' space behind the detached sidewalks.
    - e. Revise the location of the proposed 67' wide Private Storm Drain Easement (PSDE) to not overlap with the proposed 14' PSE along the Sorrel Way frontage.
    - f. Revise the location of the proposed 36' wide PSDE to not overlap with the proposed with the proposed 14' PSE along the Sorrel Way and Kole Court frontages.

- g. Revise the plan callout on Kole Court for the “30’ (E) R/W to be rededicated” to call out the existing 30’ Ingress, Egress, and PUE (E851 OR 456) within the new Kole Court street dedication alignment shall be quitclaimed by the project.
- h. Revise the plan to state the portion of the existing 10’ PG&E Pole Line Easement (8111 OR 264) within the new Kole Court street dedication alignment shall be vacated/quitclaimed by the project.
- i. Revise the plan state the portion of the existing 5’ Buried Water and Gas Line Easement (5528 OR 562) within the new Kole Court street and PSE dedication alignment shall be quitclaimed by the project.
- j. Revise the plan to show the new location of the proposed 10’ Private Waterline Easement perpendicular crossing along Kole Court from the existing well site on Lot 4.
- k. Revise the plan to state the portion of the existing 15’ PG&E Pipeline Easement (459 OR 169) within the new Kole Court street and PSE dedication alignment shall be vacated/quitclaimed by the project.
- l. Clarify if the existing 10’ waterline easement (7210 OR 168) extends through the new Kole Court street dedication alignment (APN #728-02-006). If there is an existing easement, revise the plan to state that the portion of the existing 10’ waterline easement within the new Kole Court street and PSE dedication alignment shall be quitclaimed by the project.
- m. Revise the plan to state the portion of the existing 30’ Ingress, Egress, and PUE (Doc No. 10716780 as referenced on M521 P5-6) within the new Kole Court street and PSE dedication alignment shall be quitclaimed by the project.
- n. Revise the plan to state the portion of the existing 30’ Ingress, Egress, and PUE (Doc No. 24992115) within the new Kole Court street and PSE dedication alignment shall be quitclaimed by the project.
- o. Revise the plan to show the existing 15’ PG&E Pipeline easement (457 OR 208) on APN #728-05-004. Provide the easement deed for and clarify the project’s intent or any conflicts with the proposed Kole Court street alignment or if the project intends to vacate/quitclaim the easement.

2. Site Development Plan:
  - a. Revise the plan to provide the curve and/or radius information for the proposed street knuckle at the Saddleback Drive/Kole Court intersection.
  - b. Revise the plan to provide Kole Court street driveway access to 2275 E Dunne Avenue (APN #728-02-006), 2275 E Dunne Avenue C (APN #728-02-005), and APN #728-02-004.
3. Grading Plan:
  - a. Revise the location of the proposed stormwater control and detention facilities within Lot 1 by relocating the facilities completely out of the proposed 14’ wide PSE along the Sorrel Way and Kole Court frontages.

- b. The existing sidewalk on Sorrel Way is an attached sidewalk; revise the plans to show the project's detached sidewalk transition to the existing attached sidewalk.
- c. The existing sidewalk on Saddleback is an attached sidewalk; revise the plans to show the project's detached sidewalk transition to the existing attached sidewalk.
- d. The Landscaping plans callout decorative pervious pavers. Revise the driveways for Lots #1-4 to provide standard hot mix asphalt concrete pavement within the 14' PSE
- e. Identify the decorative paver hatch on the plan legend.

1. Utility Plan:

- a. Revise the plan to call out the locations/areas of the overhead utility lines/facilities that will be undergrounded by the project.:
  - i Along rear southeastern property boundary that includes Sorrel Way, Lots 1 through 4, Saddleback Drive, and the private driveway for Lots 5 through 7.
  - ii Along the centerline of Kole Court.
  - iii Along the eastern property boundary
  - iv On the Kole Court knuckle (on APN #728-02-004).
- b. Revise the plan to show the existing overhead utilities/facilities adjacent to the project.
- c. Revise the plan to relocate the existing private well site and distribution well piping out of the proposed public right-of-way and proposed residential lots.
- d. The project will not be allowed to install the project's 517' public or private storm drain extension through the existing "20' Right of Way for Road Purposes" on 2045 E Dunne (APN #728-02-007). Revise the proposed storm drain connection/extension along Sorrel Way to connect to the existing City storm drain system along E. Dunne Ave.
- e. Provide the size of the existing PG&E gas transmission main.

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

1. Roadway Dedication:

- a. The project shall dedicate approximately 52' street right-of-way along the proposed public street that extends from Sorrel Way to the City in fee. The length of this street dedication is approximately 79' from the connection to the existing Sorrel Way public street.
  - i For the remaining 230' length of Sorrel Way, the project shall dedicate approximately 38' street right-of-way to the City in fee. The 38' wide street dedication is the 'half-street'

- b. The project shall dedicate approximately 60' street right-of-way along the proposed public street that extends from Saddleback Drive to the City in fee.
- 2. Public Service Easement (PSE) Dedications:
  - a. The project shall dedicate a 14' wide PSE along the east side of the Sorrel Way frontage.
  - b. The project shall dedicate a 14' wide PSE along the south side of the Kole Court frontage.
  - c. The project shall dedicate a 10' wide PSE along the north side of the Kole Court frontage.
  - d. The project shall dedicate a 10' wide PSE along the south side of the Kole Court frontage.
  - e. The project shall dedicate a 10' wide PSE along the both sides of the Saddleback Drive frontage.
- 3. The project shall provide the following easements on site: Public Service Easement (PSE), Emergency Vehicle Access Easement (EVAE), Private Access Easement (PRAE), and Landscape Easement (LSE).
- 4. Existing 30' Ingress and Egress and PSE (7210 OR 177): The project shall record an easement quitclaim deed for the portion of the easement that is within the new Sorrel Way street right-of-way and PSE dedication areas. The quitclaim deed shall be recorded PRIOR to Final Map approval by the City.
- 5. Existing 20' Right of Way for Road Purposes (492 Deeds 237): The project shall record an easement quitclaim deed for the portion of the easement that is within the new Sorrel Way street right-of-way and PSE dedication areas and along the rear boundaries of Lots 1 through 3. The quitclaim deed shall be recorded PRIOR to Final Map approval by the City.
- 6. Existing 30' Ingress, Egress, and PUE (E851 OR 456): The project shall record an easement quitclaim deed(s) for the portion of the easement that is within the new Kole Court street right-of-way and PSE dedication areas. The quitclaim deed shall be recorded PRIOR to Final Map approval by the City.
- 7. Existing 10' PG&E Pole Line Easement (8111 OR 264): The project shall record a summary vacation for the portion of the easement that is within the new Kole Court street right-of-way and PSE dedication areas. The summary vacation shall be recorded PRIOR to Final Map approval by the City.
- 8. Existing 5' Buried Water and Gas Line Easement (5528 OR 562): The project shall record an easement quitclaim deed for the portion of the easement that is within the new Kole Court street right-of-way and PSE dedication areas and Lots 3 through 4. The quitclaim deed shall be recorded PRIOR to Final Map approval by the City.
- 9. Existing 15' PG&E Pipeline Easement (459 OR 169): The project shall record a summary vacation for the portion of the easement that is within the new Kole Court street right-of-way and PSE dedication areas. The summary vacation shall be recorded PRIOR to Final Map approval by the City.
- 10. Existing 30' Ingress, Egress, and PUE (Doc No. 10716780 as referenced on M521 P5-6): The project shall record an easement quitclaim deed for the portion of the easement that is within the new Kole Court street and PSE

dedication areas. The quitclaim deed shall be recorded PRIOR to Final Map approval by the City.

11. Existing 30' Ingress, Egress, and PUE (Doc No. 24992115): The project shall record an easement quitclaim deed for the portion of the easement that is within the new Kole Court street and PSE dedication areas. The quitclaim deed shall be recorded PRIOR to Final Map approval by the City.

**C. Encroachment Agreements Required:**

1. 5' Private Buried Water and Gas Line (Kole Court).
2. Private Storm Drain (Saddleback Drive).

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

1. The developer shall pay fees, in-lieu of parkland dedication, at the time of filing of the project's final map to meet the parkland obligation. The project's parkland obligation will be calculated using the formula shown in MHMC Section 17.28.060 and is estimated to be **\$147,337** for the proposed lots.

**E. Sewer System Improvements:**

1. **Private Sanitary Sewer Maintenance Agreement:** Prior to Final Map approval/building permit issuance, the Owner(s) shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains, sewer laterals, force main and lift station (if necessary), and any other appurtenances. The Agreement shall be recorded at the County Recorder's Office prior to building Final.

**F. Stormwater Infrastructure/Stormwater Management:** The project is located within the jurisdiction of the Central Coast RWQCB (Region 3) through an NPDES permit (State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ; National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004) and the City's Residential Development Design and Development Standards require that the project comply with the Central Coast (Region 3) requirements as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements ("Stormwater Guidance Manual").

1. At improvement plan/building permit stage, the project shall address the following:
  - a. Submit the final Stormwater Runoff Management Plan and final Stormwater Control Plan (SWCP)/Report that comply with the Central Coast RWQCB Post-Construction Requirements' Resolution No. R2-2013-0032 and Stormwater Guidance Manual.
2. The proposed subsurface infiltration systems shall comply with Chapter 6.5, "Subsurface Infiltration System" and Appendix A of the SCVURPPP C.3

Stormwater Handbook and the Santa Clara Valley Water District's (SCVWD) Guidelines for Stormwater Infiltration Devices.

3. **Maintenance Access to Stormwater Facilities:** All stormwater management control measures shall be accessible at any given time for the purpose of operation, maintenance, and inspections. At improvement plan/building permit stage, the developer/owner(s) shall provide the inspection and equipment access details in the Stormwater Facility Maintenance section of the SWCP and in the Stormwater BMP Operation and Maintenance Agreement.

### **Engineering Standard Conditions**

#### **I. GENERAL**

- A. **Final Map:** The applicant shall have a Final Map prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the City Engineer. **(MHMC 17.20.200 A; 17.20.290; 17.24.010)**
- B. **Public and Private Improvements:** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- C. **Improvement Plans:** The applicant shall submit as part of the improvement plans for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**
  1. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- D. **Guidelines and Standards for Land Use Near Streams:** The project shall comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams. A copy of the guidelines and standards can be found at <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams.>"
- E. **Encroachment Permits:** Obtain an encroachment permit from the City of Morgan Hill and provide guarantees covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**

**F. Subdivision Improvements Agreement:** Enter into a Subdivision Improvements Agreement with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**

**G. Impact Fees & Fee Increases:** The City of Morgan Hill, pursuant to MHMC Chapter 3.56, has established impact fees to finance the cost of improvements required by new development. MHMC Section 3.56.050 provides for automatic annual (January 15<sup>th</sup>) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

1. The developer shall pay all applicable impact fees and other engineering review fees (fees other than impact fees are automatically adjusted annually on July 1st). Engineering review fees and Stormdrain impact fees are due prior to Final Map approval, and the balance of the impact fees are on a pro-rata basis per unit prior to final occupancy of each unit. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering. The estimated total amount of impact fees and engineering review fees for this project based on the Fee Schedule currently in effect is **\$510,500**.
2. The project will be subject to the updated Water Capacity fees, which became 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>.

## **II. STREET IMPROVEMENTS**

**A. Public and Private Streets:** The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**

**B. Installation and Dedication of Streets:** The project shall install and dedicate street improvements including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire

protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. (**MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060**)

- C. **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**)
- D. **Street Trees:** The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan.

### **III. SANITARY SEWER SYSTEM**

- A. **Design of Sewer Improvements:** The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (**MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction**)
- B. **Sewer Connection:** All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (**MHMC 13.24.060; 17.32.20 C**)

### **IV. STORM DRAIN SYSTEM**

- A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (**MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction**)
- B. **Storm Drainage Design:** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. (**MHMC 17.32.020 A & B**)
- C. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. 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**)

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

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

**E. NPDES Construction Activity General Permit/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**).

**F. 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 15<sup>th</sup> thru May 1<sup>st</sup>).
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, SWPPP inspection reports, and when applicable, Rain Event Action Plans (REAPS) shall be e-mailed to: sw.construction@morganhill.ca.gov no later than 12:00 PM each Monday for the previous week's inspections with a brief statement whether the site is in compliance or non-compliant.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right-of-way shall be 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.
10. BMP maintenance/inspections shall include tree protection, if applicable.

## V. WATER SYSTEM

- A. **Domestic Water System:** The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. (**MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan**)
- B. **Water Meters:** Provide separate water services and meters for each lot. These are to be installed by developer. (**MHMC 17.32.020 D**)

## VI. OTHER CONDITIONS

- A. **Easement Dedications:** The owner shall dedicate all necessary utility easements. (**MHMC 12.02.080 D; 17.28.010 A**)
- B. **Undergrounding New Utilities:** The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. (**MHMC 17.32.020 E.1**)
- C. **Landscaping and Irrigation Systems:** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the property owner or designated maintenance entity.

- D. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the project. (**MHMC 17.08.090**)
- E. **Pre-construction Meeting:** Prior to the approval of any Building Permit for grading activity, the developer shall schedule a pre-construction meeting with the Public Works Inspection Division with the following project team members:
  1. Civil Engineer of record
  2. Geotechnical Engineer of record
  3. Third Party QSD/QSP SWPPP Inspector
  4. General Contractor
  5. Sub-Contractors
- F. **As-Built Submittal Standards:** The developer shall submit digital as-builts of the project's Final Map, Grading Plan, and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

## **VII. NPDES STORMWATER MANAGEMENT DEVELOPMENT STANDARDS**

- A. **Stormwater Post Construction Requirements (PCRs):** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at:  
[http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/stormwater/docs/lid/lid\\_hydromod\\_charette\\_index.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml)). A copy of the Guidance Manual can be obtained from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable Post-Construction Requirements:
  1. Performance Requirement 1: Site Design and Runoff Reduction
  2. Performance Requirement 2: Water Quality Treatment
  3. Performance Requirement 3: Runoff Retention
  4. Performance Requirement 4: Peak Management
- B. **Peak Storm Water Runoff Discharge Rates:** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- C. **Storm Drain System Stenciling and Signage:** All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which

prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.

**D. Design Standards for Structural or Treatment Control BMPs:** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow- based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

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

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

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

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

1. Prior to building final, the property owner shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the City.
3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
4. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

**G. Stormwater BMP Operation and Maintenance Agreement (SWBOMA):**

1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management BMPs. The City standard Stormwater BMP Operation and Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.
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.

**H. Stormwater BMP Inspection Responsibility**

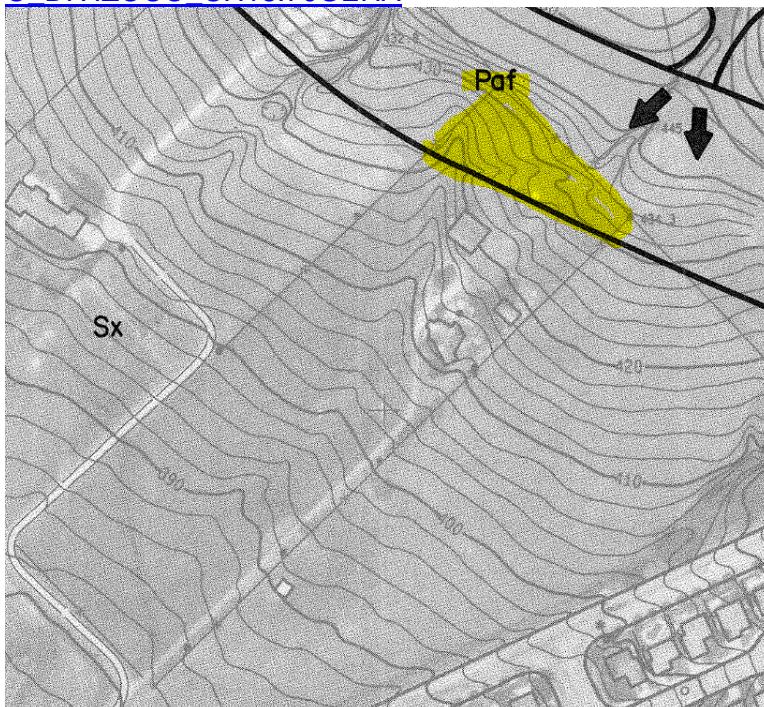
1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **certified Qualified Stormwater Practitioner (QSP)**.
2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15<sup>th</sup> and September 15<sup>th</sup>) by the QSP. Written records shall be kept of all inspections and shall include, at minimum, the following information:
  - a. Site address;
  - b. Date and time of inspection;
  - c. Name of the person conducting the inspection;
  - d. List of stormwater facilities inspected;
  - e. Condition of each stormwater facility inspected;
  - f. Description of any needed maintenance or repairs; and
  - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering and Environmental Services Department.

- I. **Records of Maintenance and Inspection Activities:** On or before April 15<sup>th</sup> and September 15<sup>th</sup> 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.
- J. **Annual Certification of SWRMP:** On or before September 30<sup>th</sup> of each year, a Registered Civil Engineer (RCE) shall provide written certification that the project's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

## **BUILDING DIVISION**

1. Portion of Lot 7 is in a Geological Hazard Area. If a structure is located within the designated area, then it shall comply with MHMC 18.70. A Geologic Report from a Engineering Geologist or Register Geotechnical Engineer shall be provided. A review will be required by the City contract Geologist, this review will require additional fees and time.

[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodeId=TIT18ZO\\_DIVIZOCO\\_CH18.70GEHA](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIZOCO_CH18.70GEHA)



2. 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.
3. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
  - a. MHMC 15.65 Sustainable Building Regulations. (**Build It Green Points required**)  
[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodeId=TIT15BUKO\\_CH15.65SUBURE](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUKO_CH15.65SUBURE)
  - b. MHMC 15.62 Electric Vehicle Charging Infrastructure  
[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodeId=TIT15BUKO\\_CH15.62ELVECHIN](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUKO_CH15.62ELVECHIN)
  - c. MHMC 15.40 Building Security  
[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodeId=TIT15BUKO\\_CH15.40BUSE](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUKO_CH15.40BUSE)

- d. MHMC 18.148 Water Conservation  
[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodeId=TIT18ZO\\_DIVIIDEO\\_CH18.148WACO](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDEO_CH18.148WACO)
- e. 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=TIT15BUCO\\_CH15.38WATHPR](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR)

4. When submitting to Building the Building Permit Plan submittal shall comply with the Building Divisions electronic plan review format requirements: [Electronic Format Requirements](#)

## **FIRE DIVISION**

1. Project shall comply with the City of Morgan Hill's Fire Prevention Division Standard Details and Specifications:  
<https://www.morganhill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=>
2. Plan dimensions for private driveway show 18', Provide compliance per standard 11-B.
3. Provide dimensions for fire truck turnaround on private drive in compliance with standard 11-E.

## **HOUSING DIVISION**

A. Pursuant to the City's Inclusionary Housing Ordinance (Morgan Hill Municipal Code Title 14, Chapter 14.04), developers of residential projects in the City are required to either construct a specified percentage of affordable housing units on-site within the project or comply with the Inclusionary Housing Ordinance by satisfying an alternative means of compliance as set forth in Section 14.04.070 of the Ordinance. City Manager or his or her designee have determined that for this residential rental project, a housing in lieu housing fee may be paid in-lieu of building inclusionary units. The 2024 in-lieu housing fee for residential projects outside of downtown for which there is a fifteen-percent inclusionary housing requirement is twenty-three dollars and four cents per habitable square foot of the residential building area of market-rate housing. In-lieu fees shall be paid prior to issuance of building permits for the market-rate units in this residential project. If building permits are issued for only part of a residential project, the fee amount shall be based only on the number of units then permitted. Developer must execute an Inclusionary Housing Fee Agreement before Final Map recordation. The Inclusionary Housing Fee Agreement shall provide that the applicant shall be required to reimburse the city for its attorneys' fees incurred in connection with the preparation of the Inclusionary Housing Fee Agreement. Please contact the Housing Department for calculation of final housing in-lieu fee based on project habitable square footage listed on SB330 Submittal Title Sheet, to begin draft copy of Inclusionary Housing Fee Agreement.

## **ENVIRONMENTAL SERVICES**

1. Add these notes with signatures to the Landscaping Cover Sheet (L0):
  - a. Add a note that states with the signature of the owner/developer → "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".
  - b. Add a note that states with the signature of the owner/developer → "The developer will submit receipts and/or invoices for all compost and mulch purchases to Environmental Services Division after final construction".
  - c. 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%.
2. All plants and trees shall be categorized as low or very low water use.
  - Next to the plant selection of "Achillea Millefolium", please **add a note that these are to be "CA Native Cultivars only".** (*CA native cultivars are Low, while non-native hybrids are Moderate.*)
3. See comment on the ESD Checklist attached for item 18.64.060 – B – 7. The 'Notes' on page L4 note #3 state the item directly above (#6 on the checklist), but #7 is missing from the 'Notes'. Please update this to include the note of "separate valves for turf, non-turf, and berm areas".
4. Project Shall address Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation and MHMC 18.64 Landscaping and complete/submit the provided ESD Checklist.