



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 20-014

APPLICATION NO.: Design Permit SR2020-0005/EA2020-0003
Monterey- Morgan Hill Senior Housing

LOCATION: Intersection of Monterey Road and San Pedro Avenue (APN(s)
817-02-001 and -025).

SITE AREA: 1.89-acres

GENERAL PLAN: Mixed Use Flex

ZONING: Mixed Use Flex (MU-F)

DESCRIPTION: Design Permit for the development of an 82-unit affordable senior apartment project. The project would be comprised of 81 one-bedroom apartments for low-income seniors as defined according to the Santa Clara County AMI and one 2-bedroom unit provided for an on-site property manager. This will be a three-story fully-finished modular residential housing development. The new development would include landscaping, a private south-facing courtyard, a shaded entry canopy to a garden waiting area for on-site resident pick-up/drop-off, and thirty-seven off-street parking spaces.

RECITALS

1. On May 1, 2020, the Development Services Department received an application for Design Permit approval for an 82-unit affordable senior apartment project. Pursuant to Municipal Code Section 18.108.040.C.1 (Design Permit), projects with three or more residential units must receive Design Permit approval prior to development.
2. The City Council approved a Density Bonus at 80 percent and four affordable housing concessions (increase in floor area ratio, reduction in on-site parking, reduction in private open space, and increase in building height) on June 17, 2020.
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 September 22, 2020, the Development Services Department considered said application after a duly noticed 10-day public comment period;
5. Pursuant to the authority set forth pursuant to Section 18.108.040 (Design Permit) of the

Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

SECTION 1. Design Permit Findings

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

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

The development of the site for affordable senior apartments is consistent with the General Plan Policies, development standards and design guidelines.

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

The project site is located in the MU-F Zoning District within Block 9 of the Monterey Road Corridor for which a block level master plan (BLMP) is generally required for all projects wanting to develop within the block. Furthermore, a Conditional Use Permit is required for a residential-only project within the MU-F zone. California Senate Bill 330 (SB 330) established the "Housing Crisis Act of 2019", effective January 1, 2020, making changes to the local approval process until January 1, 2025. The project, as proposed, is consistent with the General Plan and meets the base zoning standards; therefore, although a BLMP and a Conditional Use Permit for the site are required by the Morgan Hill Zoning Code, SB 330 supersedes these requirements.

The proposal is consistent with all provisions in the Zoning Code and Municipal Code, except those in which the City Council granted concessions in accordance with Government Code Section 65915(d)(2)(D).

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 Residential Development Design and Development Standards adopted by the City.

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

An Initial Study has been prepared for the project by Raney Planning and Management dated August 2020. The environmental checklist provides substantial evidence to support the City's determination that the proposed project can be considered exempt from the California Environmental Quality Act on the basis that it meets the criteria for the Infill Development Project Exemption (Guidelines Section 15332) and does not meet any of the exceptions for exemptions (Guidelines Section 15300.2). Nothing further is required. The custodian of the documents or other material which constitute the record shall be the Development Services Department.

- 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 Initial Study prepared for the project determined that with the adoption of standard Conditions of Approval, the proposed development would not have a detrimental impact on public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity. The project on-site and off-site improvements have been designed to comply with City requirements.

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

The project has been designed to be compatible with the neighborhood and supports a walkable/pedestrian environment. The massing and scale of the buildings complement the neighboring structures. Attractive, accessible and functional open space has been provided.

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 22rd DAY OF SEPTEMBER, 2020.


 Jennifer Carman
 Development Services Director

A F F I D A V I T

I, Mary Grace Crisostomo hereby agree to accept and abide by the terms and conditions specified in this approval certificate.


 Mary Grace Crisostomo, Assistant Secretary
 Morgan Hill Senior Housing, LP

11/23/2020

Date

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2020-0005/EA2020-0003
Monterey- Morgan Hill Senior Housing

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 Morgan Hill Senior Housing project is an 82-unit affordable senior apartment project. The project would be comprised of 81 one-bedroom apartments for low-income seniors as defined according to the Santa Clara County AMI and one 2-bedroom unit provided for an on-site property manager. This will be a three-story fully-finished modular residential housing development. The new development would include landscaping, a private south-facing courtyard, a shaded entry canopy to a garden waiting area for on-site resident pick-up/drop-off, and thirty-seven off-street parking spaces.

Morgan Hill Senior Housing, L.P. (MSH LP) is a joint venture of two non-profit sponsors with a long history in providing affordable housing for seniors, Human Good Affordable Housing and Sunnyvale Life, Inc. All affordable units will meet the requirements for low-income housing tax credits under TCAC and CDLAC regulations, either with 100% of the units serving tenants at 60% of AMI and below; or utilizing the income averaging option allowing a mix of tenants up to 80% of AMI, but with an average tenant income of no more of 59% of AMI. The term of rent restrictions under the TCAC and CDLAC regulatory agreements will be 55 years. The exact income mix will be determined at funding application expected late 2020 or early 2021.

The goal of the sponsors is to serve as many very low income (50% AMI and below) tenants as possible. MSH LP will seek rental and operating subsidies, as well as other possible funding sources (Apple Housing Fund, Federal Home Loan Bank Affordable Housing Program, etc.) whose funding would reduce project permanent debt and allow the project to serve a lower income mix. The project target income mix is 41 units at or below 50% of MI and 40 units at or below 60% of MI.

II. PROJECT CONDITIONS OF APPROVAL

This Design Review approval is limited to the plan set date stamped July 13, 2020 (Planning resubmittal No.2) on file (File Numbers SR2020-0005/EA2020-0003 Monterey-Morgan Hill Senior Housing) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Review 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 Review approval granted pursuant to this Resolution shall remain in effect for two years to September 22, 2022. 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 Design Review Permit SR2020-0005 Monterey-Morgan Hill Senior Housing 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.
- B. **On-Site Recreation Amenities:** The Project shall provide two (2) Tier 1, two (2) Tier 2 and one (1) Tier 3 amenities within the project as required by the Morgan Hill Residential Development Design and Development Standards.
- C. **Trees:** The project requires removal of six trees and the retention of one tree in the northeast corner of the site.
1. For the six Ordinance-Sized Trees to be removed, replacement plantings shall be required in accordance with Morgan Hill Municipal Code Section 12.32.080.
 2. All tree pruning activities shall be performed prior to beginning development activities by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard (ANSI) for Tree Care Operations: Tree, Shrub and Other woody Plant Management: Standard Practices parts 1 through 10, and adhere to ANSI 2133.1 safety standards and local regulations. Work shall be performed according to the most recent edition of the International Society of Arboriculture© Best Management Practices for each subject matter (Tree Pruning etc.) The use of spikes and/or gaffs when climbing is strictly prohibited.
 3. The Project Arborist shall be on-site for the following:
 - a. Pre-demolition meeting;
 - b. Root pruning activities, if required;

- c. Installation of tree fencing and wrap; and,
 - c. For the removal of any tree protection fencing or wrap.
4. The Ordinance Sized Tree (single-stemmed Shamel Ash measuring 40 inches in diameter at breast height (DBH)) in the northeast corner of the site shall be preserved and subject to the following protection measures:
- a. **Raise canopy (a.k.a. crown lifting)**- Prior to beginning demolition activities the tree shall be pruned to raise the canopy to gain 15 feet vertical clearance (selective removal of lower growing or low banging limbs to gain vertical clearance). Living stems greater than 4 inches in diameter shall not be removed without the approval of the project arborist.
 - b. **Type II Tree Protection Zone (TPZ):** Following the raising of the canopy, a Type II TPZ wrap shall be installed. The Type II TPZ wrap shall consist of straw wattle used as a tree wrap by coiling the wattle around the trunk to a minimum height of 6 feet above grade. A single layer or more of orange plastic construction fencing is then wrapped and secured around the straw wattle. No portion of the tree wrap is to be affixed directly to the tree with nails, lag bolts, spikes, etc. The purpose of this type of tree protection is to protect the trunk from damage by direct impacts of equipment, vehicles, tools, etc. and nailing the wrap directly to the tree will cause the exact type of damage we are trying to avoid. Alternatively, wooden slats at least one inch thick at least 6 feet long can be bound securely, edge to edge, around the trunk with a single layer or more of orange plastic construction fence then wrapped and secured around the outside of the wooden slats. The removal of any tree protection fencing or wrap shall only be authorized after an on-site inspection by the arborist.
 - c. **Type I TPZ:** Once demolition activities are completed, 4 inches to 6 inches of wood mulch shall be applied atop the tree's critical root zone (CRZ) and a Type I TPZ with a radius equal the tree's dripline or no less than 30 feet shall be erected. The Type I TPZ shall consists of a six-foot-high fence minimum (preferably chained link) that is securely installed in the ground and around the tree with a radius equal to or as close as possible to the tree's drip line. A sign stating, "Tree Protection Zone-No Entry" is placed in clear view on the fence visible from all points of ingress and egress and left in place for the duration of the construction phase. Mulch to a depth of six inches is placed within the TPZ to further protect the tree's critical root zone and soil-do not cover the base of the trunk with the mulch. Storage

of construction materials within the TPZ is strictly prohibited, and physical entry is limited to designated personnel (one or two people preferably).

- d. **Grading, Excavation, and Trenching:** The grade elevation of the dripline of the protected tree shall remain undisturbed. All trenching for underground utilities shall be routed outside the tree's dripline.

D. **Common Open Space:** Common open space shall be fully improved, landscaped, and accessible to all residents.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

A. **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.

B. **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.

- C. **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 one charging station. The developer shall provide location of the charging station prior to issuance of building permit.

D. **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
31 to 60	15 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.
 6. **Green Parking Exemptions.** Parking lots that incorporate solar panels, bioswales, and other similar green features not otherwise required by post construction stormwater requirements are eligible for reduced parking lot landscaping requirements with the approval of a conditional use permit.
- E. **Landscape maintenance agreement:** The applicant shall 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. Bond amount shall be equal to 100 percent of the value of the landscaping and irrigation improvements for the development project.
- F. **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.
- G. **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.
- H. **Water Conserving Landscaping:** The project shall provide landscape and irrigation plans. Plans shall be in conformance with the City's Water Conserving Landscape Ordinance. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and requires the development of comprehensive water use calculations as an aspect of the submitted landscape plans. **(MHMC 18.64)**

ARCHITECTURAL DESIGN FEATURES

- A. **Architectural features:** The project shall comply with the Architectural Design Features required by the Residential Development and Design Standards, and as provided on project plans dated July 13, 2020 (Planning resubmittal No.2).

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)**

- D. **Raptors/Migratory Birds.** Site preconstruction surveys shall be conducted during the breeding season (February 1st through August 31st) for tree-nesting raptors and other migratory birds no more than two weeks prior to the onset of ground disturbance between February and May and within 30 days of the onset of construction from June through August. Pre-construction surveys during the nonbreeding season are not necessary for tree-nesting raptors and migratory birds, as they are expected to abandon their roosts during construction.

If nesting raptors or other migratory birds are detected on or adjacent to the site during the pre-construction survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (up to 250 feet) shall be determined at that time (by a qualified biologist) and may vary depending on location and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the

breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

The site pre-construction survey shall be submitted to the City for verification and approval prior to issuance of a Grading Permit, or tree removals. Recommendations from the site pre-construction surveys shall be included in all contract specifications and implemented by contractors.

AIR QUALITY AND NOISE

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

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reduction the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. All construction equipment shall be maintained and properly tuned in accordance with a 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.
- B. **Noise:** Construction activities shall be prohibited other than between the hours of seven a.m. and eight p.m., Monday through Friday and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays, or as further described in Section 8.28.040.D of the Morgan Hill Municipal Code.
- C. **Asbestos Containing Materials and Lead-based Paint:** The project shall comply with requirements of the Asbestos Inspection and Lead-based paint survey prepared by Patriot Environmental Laboratory Services.

CULTURAL RESOURCES

- A. **On-site Archeologist:** Prepare an archaeologist survey for the site to identify necessary mitigation measures; or comply with the following standard condition of approval requiring that an archaeologist shall be present on-site to monitor all ground-disturbing activities. If historical or archaeological artifacts are found during construction, the following protocol shall be followed:
 1. Work within thirty feet of the artifacts shall halt immediately. And the archaeologist shall determine if the artifacts qualify as a unique archaeological resource as defined by Chapter 18.60 (Historical Resources) of the Morgan Hill Municipal Code.
 2. If the archaeologist determines that the artifacts are not a unique archaeological resource, the archaeologist shall submit to the community development director a brief memorandum or letter that describes the artifacts, assesses their significance, and describes of the methods used to determine their significance. Construction may continue upon the Director's approval of the archaeologist's determination.
 3. If the archaeologist determines that the artifacts qualify as a unique archaeological resource, the archaeologist shall submit to the community development director an action plan within forty-eight hours that recommends measures to avoid or minimize impacts to the resource. The action plan shall be prepared in conformance with California Public Resources Code 21083.2. Construction may continue only after the director's approval of the action plan.

4. The field crew shall not proceed until the action plan has been approved.

B. Discovery of Human Remains. This project has been determined not to be in a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map, but nonetheless could adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply and should be provided as standard conditions on the building permit, grading permit, or improvement plans. If human remains are discovered, it is probable they are the remains of Native Americans.

1. 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. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
2. 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, groundstone 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 discovery locale.
3. 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 (typically 25-50ft for single burial or archaeological find).

4. The “exclusion zone” shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
5. 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)
6. 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.
7. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
8. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
9. 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 Amah Mutsun Tribal Band may be considered and carried out.
10. 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.

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.

ENGINEERING DIVISION

- A. **Lot Merger:** A Certificate of Compliance lot merger under separate approval shall be recorded prior to issuance of any Building Permit.
- B. **Raised Landscape Median:** Project shall install the raised landscape median along the project's Monterey Road frontage and the existing Post Office frontage. The construction cost of the landscape median shall be covered by the traffic impact fees and reimbursement fees of San Pedro improvement installed by City RDCS funds. Should the median cost exceed the value of said fees due, the City shall reimburse the project the excess construction cost of the median.
- C. **Existing Storm drain lines:** Civil Engineering design needs to resolve the existing piping of the storm drain lines laying on the west of the property. Public storm drain pipes run from the Post Office site through the project site and connects to storm curb inlet at San Pedro. This portion of the public system needs to be reconfigured through the coordination of the project Civil Engineer and the City Engineer or designee. Note additional public storm drain easement may need to be granted to the City.
- D. **Joint Trench:** Along the project frontages, joint trench work shall be installed under the proposed sidewalks.
- E. **Utilities, vaults, and manholes:** All existing utilities boxes, vaults, and manholes shall be reset or relocated as needed to maintain the standards of the City and the respective utility agency.

- F. **Streetlights:** Verify that existing streetlights meet current standards and spacing; if necessary, add lights.
- G. **Existing Driveway:** Existing driveway approach south of San Pedro Avenue shall be removed.
- H. **Existing laterals:** All existing laterals not used on Church Street shall be abandoned to its respective main.
- I. **Backflow devices:** All proposed water laterals shall have the required City standard backflow devices located immediately behind the property line.
- J. **AC Grind and Overlay:** Due to utility abandonment and proposed laterals, provide a 2" AC grind and overlay to the centerline of the street along the Church frontage.
- K. **Dedications:** All existing street right of way frontages (San Pedro Avenue, Church Street, and Monterey Road) shall be re-dedicated in fee title to the City of Morgan Hill. Dedication shall include:
 - 1. The necessary corner cut-offs.
 - 2. Include park (landscape) strip and sidewalk.
- L. **Public Service Easement:** Dedicate 10 feet public service easement behind the fee right of way dedication along the project frontage.
- M. **Street Trees:** All landscape park strips along the project frontages (Monterey Road, San Pedro Avenue, and Church Street) shall install street trees per the City Street Tree Master Plan. Landscape within the park strip shall be privately maintained by the property owner(s).
- N. **Impact Fees:** Impact fees are due prior to occupancy of the units.

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 and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer. **(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:** If necessary, 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:** 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)**

STEET 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)**

STORM DRAIN SYSTEM

- A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. **Storm Drainage Design:** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**
- C. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
- 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. **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 address immediately.
 8. Other non-compliance issues need to be addressed within a 24-hour period.
 9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

WATER SYSTEM

- A. **Domestic Water System:** The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)**
- B. **Water well abandonment:** Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with SCVWD standards.
- C. **Water line extension:** Install water line extension on the proposed public streets and/or private streets. **(MHMC 17.32.020 A & D; CMH Water System Master Plan)**
- D. **Water metering:** All residential units are being served by one master public meter and shall be privately sub-metered as allowed pursuant to Section 13.04.130.C of the Morgan Hill Municipal Code. The owner of a multi-unit residential development that includes habitable dwellings, may, upon compliance with the following, install separate private submeters to each residential unit in lieu of installing separate public meters directly to the municipal water system:
 1. The owner shall obtain approval/permit from the Public Works Department for the submeter system.
 - a. Any submeters shall accurately and completely measure all water consumed from the municipal water system.

- b. The owner shall agree to charge the tenant of each unit a water utility charge strictly based on the consumption by the occupants of the unit.
 - c. Installation, maintenance, and monitoring of the submeter system shall be the responsibility of the owner, and in no circumstances shall the city be responsible.
 - d. If any water conservation plan is implemented or imposed by the city, the owner shall be responsible for complying with any reductions required by such plan as measured by consumption on the meter(s) directly connected to the municipal water system.
2. Failure to abide by the above conditions, and/or any other conditions the city may impose, may result in revocation of any permit issued and/or other action as authorized by law, such as at the owners expense install individual public water meters for each unit.
 3. Owner/developer shall provide an agreement with the City to cover/outline the requirements of section 13.04.130.C of the Municipal Code to be reviewed and approved by the City Engineer or designee.
 4. Records of bookkeeping and private sub-metering usage shall be accurately maintained digitally. Upon request from the City, records shall be produced to the city within a 24-hour period.

FEMA CONDITIONS

- A. Project is in a FEMA Special Flood Hazard Area (SFHA) flood zone AE. Project shall file the appropriate conditional/final FEMA Letter of Map Revision (CLOMR/LOMR or CLOMR-F/LOMR-F) as required by the results of the flood study completed by the project. **(MHMC 18.42.160 C; CMH Design Standards and Standard Details for Construction)**
- B. Residential or commercial lowest finished floors shall be elevated a minimum of one foot above the base flood elevation (BFE) shown on the effective FEMA flood map. If the flood map is republished due to cumulative BFE increase greater than 0.10 foot, the lowest finished floor shall be elevated a minimum of one foot above the BFE shown on the republished flood map. All exterior building support utility systems such as HVAC, electrical, air conditioning equipment, including ductwork, and other service facilities shall be elevated a minimum of one foot above the BFE shown on the effective flood map (or republished flood map).

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

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_hydromod_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
 - d. 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
 - e. 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 the 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

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 Land Development 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 City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development 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 City 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 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
- B. **Flood Hazard Area:** Project is in a Flood Hazard Area and shall comply with MHMC 15.80
- C. **Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
- MHMC 15.65 Sustainable Building Regulations.
 - MHMC 18.72.040 C. Electric Vehicle Charging.
 - MHMC 15.40 Building Security
 - MHMC 15.40.420 - Lighting in multifamily dwellings. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least twenty-five one-hundredths (.25) footcandles at the ground level during the hours of darkness. Lighting devices shall be protected by vandalism-resistant covers.
 - MHMC 15.38 Wage Theft Preventions
 - MHMC 18.148 Water Conservation
 - MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
15.63.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings
1. Natural Gas Infrastructure shall be prohibited in Newly Constructed Buildings.
 - a. Exception: Natural Gas Infrastructure may be permitted in a Newly Constructed Building if the Applicant establishes that it is not physically feasible to construct the building without Natural Gas Infrastructure. For purposes of this exception, “physically feasible” to construct the building means either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance compliance standards under the Energy Code using commercially available technology and an approved calculation method.

2. To the extent that Natural Gas Infrastructure is permitted, it shall be permitted to extend to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available.
 3. Newly Constructed Buildings shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.
 4. The requirements of this section shall be deemed objective planning standards under Government Code section 65913.4 and objective development standards under Government Code section 65589.5.
- D. **Acoustical Analysis:** An acoustical analysis report shall be submitted with the building permit documents showing interior and exterior noise mitigations for compliance to the MHMC and California Building Code.
- E. **DAA Responsibility:** The HCD approved design shall in a detailed delineation of the work, identifying the work for which the Design Approval Agency (DAA) is responsible. The delineation of work will include Plan Review and Inspection responsibilities for all building components for both the DAA and Building Department to facilitate coordination between the two agencies
- F. **Permit and Fees for Generator:** A separate submittal and permit fees shall be required to Santa Clara County Environmental Health for permitting of the proposed Diesel Generator.
- G. **Vehicular gate:** Vehicular gate shall be located to prevent vehicle stacking onto the public way.
- H. **Accessible Parking:** The proposed accessible parking to the south shall be modified to comply with the required access aisle requirements.
- I. **Pedestrian Gate:** The pedestrian gate shall open from the interior with panic hardware or a safe dispersal area is required CBC 1028.5.
- J. **Sign Permit:** A separate permit is required for signage. The monument sign shall be located outside any easements.

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)**