

RESOLUTION NO. 15-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A TENTATIVE MAP FOR A 135-LOT RESIDENTIAL SUBDIVISION ON A 40-ACRE SITE LOCATED ON THE NORTH SIDE OF COCHRANE AVENUE, EAST OF MISSION VIEW BOULIVARD IN AN R1-9,000 (PD) & R1-7000 (PD) ZONING DISTRICT (APN 726-36-013 & 726-26-014)

WHEREAS, such request was considered by the Planning Commission at its regular meeting of July 28, 2015, at which time the Planning Commission approved subdivision application, SD-14-07: Cochrane – Standard Pacific - Standard Pacific Corp; 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.** The approved project is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The approval of this subdivision is contingent upon the City Council approval of a zoning amendment from R1-9,000 to R1-9,000(PD) & R1-7,000 to R1-7,000(PD) and establishing a precise development plan as contained in Zoning Amendment application, ZA-14-07: Cochrane: Standard Pacific - Standard Pacific Corp.
- SECTION 3.** The Planning Commission of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Resolution. The custodian of the documents or other material which constitute the record shall be the Community Development Department. The mitigation measures are identified in the set of standard conditions as contained in Exhibit A.
- SECTION 4.** The proposed subdivision will not result in a violation of the requirements established by the Regional Water Quality Control Board.
- SECTION 5.** The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as Exhibit A, and by this reference

incorporated herein.

**PASSED AND ADOPTED THIS 28th DAY OF JULY, 2015, AT A REGULAR MEETING
OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS: McKAY, MUELLER, TANDA, SPRING,
KOMARCZYK, OROSCO**

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ATTEST:

APPROVED:

TERESA CRUE, Deputy City Clerk

Joe Mueller, Chair

A F F I D A V I T

We, _____, applicant/s, hereby agree to
accept and abide by the terms and conditions specified in this resolution.

By: _____

Date: _____

Print name and title of authorized signer: _____

EXHIBIT A

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. The Tentative Subdivision Map approval granted under this Resolution shall remain in effect for two years to July 28, 2017. 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 Planning Commission prior to the expiration date. (MHMC 17.20.170; 17.24.110)
2. The Tentative Map approval granted under this Resolution is for the tentative map documents date stamped June 30, 2015, on file at the Community Development Department, entitled "Tentative Map Lantana-Wisteria".
3. The applicant shall provide a set of Covenants, Conditions and Restrictions, Bylaws and Articles of Incorporation, for review and approval by the Community Development Department prior to final occupancy or recordation of the final map. All such CC&Rs shall include the following text:

A. Common Areas/Right of Ways:

- a. 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.
 - (i) *Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill
- b. 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.
- c. 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.
- d. 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.

- e. This section may not be amended without the prior written consent of the Director of Community Development 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.
 - f. 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.
 - g. Tree and Landscape Preservation: The Owners of the Units and Association shall preserve and maintain all trees and landscape on the property originally required by the approved landscape plan and shall not remove or alter any such trees or landscape from the Property without the approval of the Director of Community Development of the City of Morgan Hill.
 - h. Compliance with the City of Morgan Hill Conditions of Approval: It shall be the responsibility of each Owner and the Association to insure 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 if set forth in full.
 - i. Fencing: The Owners of the Units and Association shall maintain the decorative open view fencing to be located along the open space and shall not remove or alter the fencing without the approval of the Director of Community Development of the City of Morgan Hill.
4. Final site development plans shall be reviewed and approved by the Community Development Agency prior to issuance of a building permit. All such plans shall include:
- a. Detail depicting all concrete curbs as full formed. (MHMC 18.50.270)
 - b. 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. (MHMC 18.74.370)
 - c. Ramps, special parking spaces, signing and other physical features for the disabled shall be provided throughout the site for all publicly used facilities. (MHMC 18.50.110; 18.74.470)
 - d. 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. (MHMC 18.74.320) For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.

- e. Any and 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.
5. Recordation of a final map shall be in accordance with the number of building allotments granted through the Residential Development Control System (RDCS) for this project. Should a portion of the project's building allotment expire prior to final map approval, the number of lots on the final map shall be reduced to correspond to the remaining allotment. (MHMC 18.78.020)
6. A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be 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 18.48.005)
7. Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council. (Res No. 4601)
8. Prior to final map approval or issuance of a building permit, the owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval for reciprocal ingress/egress easements along the common driveways.
9. Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of this subdivision application. In addition, applicant shall pay 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, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted. The undersigned hereby represents that they 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.
10. 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 your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements, or as a part of your application for development allocations under the City's

Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

11. Submit two (2) signed copies of Approval Resolution No. 15-_____ to the Planning Division prior to issuance of building permits.
12. Approval of the tentative map shall be in compliance with approval of building allotments awarded to application MC-13-10: Cochrane – Lantana, MC-13-11: Cochrane – UCP, MC-14-03: Cochrane – Standard Pacific, & MC-14-04: Standard Pacific; and subject to conditions agreed to in the adopted development agreement.
13. Prior to approval of the final map, the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the project.
14. Prior to approval of the final map, the project shall obtain Design Review approval of the project.
15. The Planning Division shall verify that the units proposed for Parcel No.'s 5, 7, 16 and 61 have been redesigned to comply with setbacks for the zone district prior to approval of the final map.
16. The Phasing Plan indicated as Table 1 included in the staff report dated July 28, 2015 shall be recorded on the final map to provide precise requirements of Measure C.
17. The developer shall provide fencing along the private open space areas and material shall be limited to decorative open view fencing to be reviewed and approved by Planning Department staff prior to issuance of the Final Map.
18. The applicant shall be subject to compliance with the mitigation measures of the project environmental assessment, as follows:

Air Quality

Standard Condition (SC AIR-1): Site Development, 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 on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the adjacent properties (per the City's Municipal Code 18.48.005). The plan must include the following "Basic Construction Mitigation Measures" per BAAQMD and the City of Morgan Hill's Standard Conditions:

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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The City of Morgan Hill Community Development Department shall ensure that these guidelines are noted on the construction drawings prior to issuance of a building permit or approval of project's improvement plans.

Biological Resources

MM BIO-1.1: If tree removal or ground disturbance activities are scheduled to commence during the breeding season (February 1st through August 31st), a pre-construction survey would be completed by a qualified biologist for tree nesting raptors and other migratory birds within the onsite trees as well as trees within 250 feet of the project site. The pre-construction surveys shall occur within 30 days of the on-set of construction.

Pre-construction surveys during the non-breeding season are not necessary for tree-nesting raptors and migratory birds, as they are expected to abandon their roosts during this period. The survey results shall be provided to the City's Community Development Director prior to issuance of demolition and grading permits.

MM BIO-1.2: If nesting raptors or other migratory birds are detected on or adjacent to the project site during the pre-construction surveys, a suitable construction-free buffer (based on the City's approval) 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.

MM BIO-2.1: In accordance with the City's Burrowing Owl Mitigation Plan, a burrowing owl pre-construction survey would be completed by a qualified owl biologist within 30 days of ground disturbance/construction at the project site. The pre-construction survey would include the following four-phase protocol:

- **Habitat Assessment (Phase I):** A qualified burrowing owl biologist would complete a habitat assessment which would include a field survey for burrowing owl habitat at the project site, and the project area within 330 feet of the site, to determine if burrowing owl habitat is present. If it is determined that the project site has suitable burrowing owl habitat, then a qualified burrowing owl biologist would complete a burrow survey (Phase II below). If the project site does not have suitable burrowing owl habitat, then no further field surveys would be required and a written report of survey of findings (Phase IV below) would be completed and submitted to the City's Community Development Director.
- **Burrow Survey (Phase II):** If suitable burrowing owl habitat is present on the project site, a qualified burrowing owl biologist would complete a burrow survey to determine if owl burrows are present on the project site. If burrows are present on the project site, then a qualified burrowing owl biologist would complete burrowing owl surveys (Phase III below). If there are no burrows present on the project site then no further field surveys would be required and a written report of survey findings (see Phase IV below, which would include a map of burrow areas) would be completed and submitted to the City's Community Development Director.
- **Burrowing Owl Surveys (Phase III):** If burrows are present on the project site, a qualified biologist would complete a burrowing owl survey. This survey can be completed concurrently with the habitat assessment (Phase I) and burrow survey (Phase II). If burrowing owls are present then a written report with survey findings (see Phase IV below, which would include a map of burrow areas) would be prepared and submitted to the City's Community Development Director.

If burrowing owls are not present, then a qualified burrowing owl biologist would complete four additional surveys separate dates and a written report of survey findings (see Phase IV below), which would be submitted to the City's Community Development Director.

The surveys would be completed two hours before to one hour after sunset or one hour before to two hours after sunrise. If owls are sighted, the surveys would include a map of owl sightings, occupied burrows, territorial boundaries, and a record of all breeding behavior.

- **Preconstruction Survey Written Report (Phase IV):** A written report of survey findings would be required for all phases of burrowing pre-construction construction survey (Phase I, II and III above) and would be submitted to the City's Community Development Director. The written report would be required to include the following if applicable: the number of owls, nesting pairs, seasonal pattern of use, map of site with occupied with occupied burrows.

MM BIO-2.2: If burrowing owls are identified on the project site, development would comply with the measures detailed under Chapter 6, Condition 15 of the Habitat Plan (see **MM BIO 2.3** and **MM BIO 2.4** below) to reduce potential impacts to burrowing owls to a less than significant level.

MM BIO-2.3: In accordance with the Habitat Plan, Chapter 6, Condition 15, should a burrowing owl be located on the site in the non-breeding season (September through January), construction activities shall not be allowed within a 250-foot buffer unless the following avoidance measures are adhered to:

- A qualified biologist monitors the owls for at least three (3) days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the Santa Clara Valley Habitat Agency that a qualified biologist excavates usable burrows to prevent owls from re-occupying the project site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.
- The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone (HCP/NCCP, Chapter 6, Condition No. 15).

MM BIO-2.4: In accordance with the Habitat Plan, Chapter 6, Condition 15, should a burrowing owl be located onsite in the breeding season (February through August), construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if:

- The nest is not disturbed, and the project proponent develops an avoidance, minimization, and monitoring plan that will be reviewed by the Santa Clara Valley Habitat Agency and the Wildlife Agencies prior to project construction based on the following criteria:

- The Santa Clara Valley Habitat Agency and the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife (USFW) approve of the avoidance and minimization plan provided by the project applicant;
- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction);
- The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities; and;
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250- foot buffer.
- If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The biologist shall excavate the burrow to prevent reoccupation after receiving approval from the CDFW and USFW.

MM BIO-2.5: In accordance with the Burrowing Owl Mitigation Plan, the applicant shall submit a payment of burrowing owl mitigation fees to the City of Morgan Hill prior to receiving a site development and/or grading permit. These fees are applicable to the project (whether or not burrowing owls or evidence of burrowing owls are discovered in the project area during the pre-construction surveys).

Cultural Resources

Standard Condition (SC CUL-1) –Archaeologically Sensitive Site (2): In the unlikely event cultural materials are found during site grading or excavation, the following Standard Conditions would be implemented, in accordance with Section 18.75.110 of the Morgan Hill Municipal Code:

- 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.

- 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.
- 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).
- 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.
- 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 Community Development 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 or (916) 743-5833
- 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.
- 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.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.

- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Community Development 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.
- 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.

Geology and Soils

Standard Condition Storm Drain System: Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

1. Storm drain calculations to determine detention 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.

Standard Condition Storm Drain System: As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-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) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification (WDID) number to the construction site will be issued after the SWRCB receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002)

Noise

MM NOI-1.1: Prior to occupancy of the residential units, six-foot high noise barriers shall be constructed along the southern property line (adjacent to Cochrane Road) of the

project site to reduce projected 2033 Cochrane Road traffic noise levels to less than 60 dBA Ldn. Noise barriers shall shield the private outdoor use areas of the residences adjacent to Cochrane Road and the barrier heights shall be measured relative to the residential pad elevation. The barriers shall be free of cracks or gaps over the face and at the base of the barrier and shall be constructed from materials with a minimum surface weight of three pounds per square foot. The noise barriers at the project site shall be air-tight connected during construction. The City's Building Division shall review all plans and specifications for the walls prior to the issuance of the building permit.

MM NOI – 2.1: A final detailed acoustical analysis, in conformance with California Noise Insulation Standards in Title 24, Part 2 of the California Code of regulations (California Building Code), shall be required for approval for final design of the proposed residences prior to issuance of a building permit.

The project shall incorporate sound control treatments, such as full-time/forced-air mechanical ventilation systems, standard dual-pane thermal insulated windows, and building facade treatments to meet an interior Ldn of 45 dBA (or 50 dBA as applicable) and an Lmax of 50 dBA or lower in bedrooms and 55 dBA or lower in all other habitable rooms with the windows closed (at the occupant's discretion) to the satisfaction of the City Building Official.

MM NOI – 3.1: Under the Morgan Hill Municipal Code, allowed hours of construction are limited to avoid substantial impacts to sensitive receptors, such as nearby residents. Construction activities shall be limited to the hours between 7:00 AM to 8:00 PM on weekdays and 9:00 AM to 6:00 PM on Saturdays. There shall be no construction activities on Sundays or Federal holidays (Municipal Code Chapter 8.28.040).

MM NOI – 3.2: Implement construction noise control measures to limit noise disturbance to the extent feasible. Measures may include, but would not be limited to the following:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receptors.
- Acoustically shield stationary equipment located near residential receptors with temporary noise barriers or recycled demolition materials.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a

procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem.

PUBLIC WORKS

19. PRIOR TO SUBMITTING ANY FINAL MAP AND IMPROVEMENTS PLANS, developer and project Engineer shall meet with Public Works Engineering Division to go over RDCS (Measure C) commitments to be addressed. Contact Scott Creer or Charlie Ha (408-778-6480) to schedule a pre-design meeting.
20. Project shall obtain the necessary right of way and improve (curb, gutter, sidewalk, street pavement, and underground overhead utilities) the east half Mission View Boulevard using Measure C commitment funds.
21. Project improvement plans shall address or satisfy all Measure C commitments prior to recordation of the Final Map.
22. All retention/detention ponds shall be privately maintained by the HOA.
23. Project shall incorporate Post Construction Requirements (PCRs) into the grading plans as required by resolution R3-2013-0032 and the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements (SEE CONDITION NO. 1 of the NPDES WATER QUALITY DIVISION STORMWATER MANAGEMENT DEVELOPMENT STANDARDS FOR POST CONSTRUCTION). Evaluate projects PCRs and RESUBMIT PLANS and appurtenant back up documents.**
24. Obtain an encroachment permit from the Public Works Department prior to commencement of any work in the City’s right-of-way or in connection with the City’s utility system.
25. Public Works impact fees are required for this project and must be paid prior to occupancy of each unit.
26. **GENERAL**
 - a. 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. 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 Public Works Department. **(MHMC 17.20.200 A; 17.20.290; 17.24.010)**
- c. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the Director of Public Works prior to submittal of Final Map. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**
- d. Obtain necessary encroachment permits from:
- e. ☒ City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- f. Improvement plans are to show water lines, sanitary Sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- g. Enter into a:
 - ☒ Subdivision Improvement Agreement (SIA) with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- h. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. **(MHMC 17.20.350 H)**
- i. **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 Public Works Department 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)**

27. **STREET IMPROVEMENTS**

- a. 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 Director of Public Works. All street improvements shall be constructed to the satisfaction of the Director of Public Works. 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. 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. Dedication of a total of 33 feet from center line of public right-of-way on Cochrane Road and Mission View Drive. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
- d. Underground existing utilities: all existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**

28. SANITARY SEWER SYSTEM

- a. 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. 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)**

29. STORM DRAIN SYSTEM

- a. 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 Director of Public Works. 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. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Site Review plans. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works. **(MHMC 17.32.020 A & B)**
- c. 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 a 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. Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.
 - i. Storm drain calculations to determine detention/retention pond sizing and operations.
 - ii. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - iii. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
- e. **(CMH Design Standards and Standard Details for Construction)**
- f. Where the project adjoins existing Santa Clara Valley Water District storm drain facilities, applicant shall obtain dedication(s) of all necessary easement or right-of-way to accommodate established ultimate facilities master plan.
- g. 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 will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WIDI 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**).

- h. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:
 - i. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP)**.
 - ii. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
 - iii. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
 - iv. 48 hours prior to and following a forecasted rain event, SWPPP inspections shall occur in addition to those of items 2 or 3 above.
 - v. Per 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.
 - vi. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
 - vii. 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.
 - viii. Other non-compliance issues need to be addressed within a 24 hour period.
 - ix. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

30. WATER SYSTEM

- a. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the Director of Public Works. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the Director of Public Works 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. 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. Installation of water line extension on the proposed public streets and/or private streets. (**MHMC 17.32.020 A & D; CMH Water System Master Plan**)
- d. Provide separate water services and meters for each lot. These are to be installed by developer. (**MHMC 17.32.020 D**)

31. OTHER CONDITIONS

- a. The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- b. 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 Director of Public Works. **(MHMC 17.32.020 E.1)**
- c. The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. **(MHMC 17.20.390; 17.24.210)**
- d. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association.
- e. Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. **(MHMC 17.08.090)**
- f. Prior to the approval of any Building Permit for grading activity, the developer shall schedule a preconstruction meeting with the Public Works Inspection Division with the following project team members:
 - i. Civil Engineer of record.
 - ii. Geotechnical Engineer of record.
 - iii. Third Party QSD/QSP SWPPP Inspector.
 - iv. General Contractor.
 - v. Sub Contractors.

NPDES WATER QUALITY DIVISION

STORMWATER MANAGEMENT DEVELOPMENT STANDARDS FOR POST CONSTRUCTION

32. State Water Resources Control Board Post Construction Requirements (PCRs) **(RESUBMIT PLANS TO INCLUDE THE FOLLOWING PCR REQUIREMENTS; UPDATE PLANS AND PROVIDE CALCULATIONS AND WORKS SHEETS AS REQUIRED):**

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 Department of Public Works internet site.

- a. Project shall provide Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements.
- b. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
 - i. Performance Requirement 1: Site Design and Runoff Reduction
 - ii. Performance Requirement 2: Water Quality Treatment
 - iii. Performance Requirement 3: Runoff Retention
 - iv. Performance Requirement 4: Peak Management

33. Design Standards Applicable to All Categories

- a. **Peak Storm Water Runoff Discharge Rates** - Post-development peak storm water runoff discharge rates shall not exceed the estimated pre development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre development flows.
- b. **Conserve Natural Areas** - If applicable, the following items are required and must be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Area Plan policies:
 - i. Concentrate or cluster Development on portions of a site while leaving the remaining land in a natural undisturbed condition.
 - ii. Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection.
 - iii. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
 - iv. Promote natural vegetation by using parking lot islands and other landscaped areas.
 - v. Preserve riparian areas and wetlands.
- c. **Minimize Storm Water Pollutants of Concern** - Storm water runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the storm water conveyance system. The development must be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the storm water conveyance system as approved by the building official. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving

water and/or have the potential to bio-accumulate in organisms therein, or the detectable inputs of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.

- d. In meeting this specific requirement, “minimization of the pollutants of concern” will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the Maximum Extent Practicable. Those BMPs best suited for that purpose are those listed in:
 1. California Stormwater Quality Association (CASQA) Handbook: BMPs for New Development and Redevelopment
 2. Bay Area Stormwater Management Agencies Association (BASMAA) Design Guidance Manual for Stormwater Quality Protection: Start at the Source 1999
- e. *Other available sources of BMP’s*
 1. California Storm Water Best Management Practices Handbooks
 2. Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide
- f. **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.
- g. **Properly Design Outdoor Material Storage Areas** - Outdoor material storage areas refer to storage areas or storage facilities solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:
 - i. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
 - ii. The storage area must be paved and sufficiently impervious to contain leaks and spills.
 - iii. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

- h. **Properly Design Trash Storage Areas** - A trash storage area refers to an area where a trash receptacle or receptacles (dumpsters) are located for use as a repository for solid wastes. Loose trash and debris can be easily transported by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. All trash container areas must meet the following Structural or Treatment Control BMP requirements (individual single family residences are exempt from these requirements):
 - i. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
 - ii. Trash container areas must be screened or walled to prevent off-site transport of trash.
- i. **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:
 - i. **Volumetric Treatment Control BMP**
 - 1. 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
 - 2. 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
 - 3. 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.
 - ii. **Flow Based Treatment Control BMP**
 - 1. 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
 - 2. 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.
- j. **Stormwater Runoff Management Plan (SRMP) 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.
 - i. 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.
 - ii. The chief engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater

runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.

- iii. 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.
- iv. 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.

k. Stormwater BMP operation, maintenance, and replacement responsibility

- i. 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.
- ii. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
- iii. 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.

l. Stormwater BMP operation and Maintenance Agreement (SWBOMA) required

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

- i. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The city shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Public Works Engineering).
- ii. 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.
- iii. 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.

m. **Stormwater BMP inspection responsibility**

- i. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **knowledgeable party**.
 - ii. Unless otherwise required by the chief engineer or designee, stormwater facility inspections shall be done at least twice per year, once in fall, in preparation for the wet season, and once in winter. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 1. Site address;
 2. Date and time of inspection;
 3. Name of the person conducting the inspection;
 4. List of stormwater facilities inspected;
 5. Condition of each stormwater facility inspected;
 6. Description of any needed maintenance or repairs; and
 7. As applicable, the need for site reinspection.
 - iii. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering.
- n. **Records of maintenance and inspection activities** - On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the chief engineer or designee with records of all inspections, maintenance and repairs.
- o. **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.

FIRE DEPARTMENT

34. **Automatic Fire Sprinkler System Required (SFD).** New homes located within the hazardous fire area, and in the non hazardous fire area homes shall be protected throughout by an approved, automatic fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standard #13D (**CFC Chapter 9 as amended by MHMC 15.44.170**)
35. **Emergency Gate/Access Gate Requirements.** Open gates shall not obstruct any portion of the required access roadway or drive width. If provided, all locks shall be City of Morgan Hill approved. Installation shall conform to the City of Morgan Hill Standard Details and Specifications 11-G. (**CFC section 503 as amended by MHMC 15.44.140**)
36. **Public Fire Hydrant(s) required.** Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the City of Morgan Hill Public Works Department. Maximum hydrant spacing shall be 500 feet and the minimum single flow hydrant shall be 1500 GPM at 20 psi residual pressure. If fire hydrants are already in place, include civil drawings showing location of all hydrants with the building permit submittal. (**CFC 507**)

37. **Timing of Required Roadway/Driveway Installations.** Prior to the commencement of combustible construction, the required roadways/driveway installations, up through first lift of asphalt, shall be in place, inspected, and accepted by the City of Morgan Hill unless otherwise approved in writing by the Fire Marshal, bulk combustible construction materials shall not be delivered to the construction site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Issuance of building permits may be withheld until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
38. **Timing of Required Water Supply Installations.** Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**

POLICE DEPARTMENT

39. **Addressing.** Prior to Final Inspection, address/unit number signage must be installed and clearly visible (day or night) to patrol and emergency response vehicles for each house located on a shared driveway.