

RESOLUTION NO. 16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A VESTING TENTATIVE MAP FOR A 16-LOT RESIDENTIAL SUBDIVISION ON A 1.41-ACRE SITE LOCATED ON THE NORTH SIDE OF WEST DUNNE AVENUE APPROXIMATELY 115 FEET WEST OF MONTEREY ROAD. THE PROPERTIES ARE IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 767-08-035, 036, 037, 038

WHEREAS, such request was considered by the Planning Commission at its regular meeting of March 8 and September 27, 2016, at which time the Planning Commission approved subdivision application, SD-13-08: West Dunne-Gera; 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 establishing a precise development plan as contained in Zoning Amendment application, ZA-13-07: West Dunne-Gera
- 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 27th DAY OF SEPTEMBER, 2016, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

WAYNE TANDA, Chair

A F F I D A V I T

I, _____, applicants, hereby agree to accept and abide by the terms and conditions specified in this resolution.

Signature: _____

Date: _____

R:\PLANNING\WP51\Land Divisions\Subdivisions\2013\SD 13-08 W Dunne-Gera\SD1308.r1p.docx

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 September 27, 2018. 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. Prior to recordation of the final map, the following changes shall be included on the map and/or improvement plan:
 - a. The portion of the private drive located under any tree canopy shall be completed of pervious paver. Selection of such pavers shall be to the review and approval of the Fire Marshal and project arborist.
 - b. The size of lot one shall be decreased to exclude the landscape area on the west side of the project driveway (labeled as “existing hedge” on site plan). This area shall be aggregated into the common area parcel lot 16.
 - c. A note shall be placed on lot nine precluding any further subdivision and prohibiting habitable dwellings in the lot nine area east of the drive-aisle.
 - d. A 20-foot wide landscape easement precluding fencing in excess of three feet in height shall be included along the Dunne Avenue frontage of lot nine.
 - e. A note shall be placed on lot 15 specifying it is open space and precluding any development or subdivision.
 - f. A minimum four foot wide walk way shall be provided along the northerly side of the private drive consistent with ADA access requirements.
3. TREE ASSESSMENT: Prior to recordation of the final map, Site Review approval shall be completed which shall include a detailed lot by lot assessment of trees to be retained as part of site development. Any significant tree (as defined by MHMC 18.32.020) removed as a result of the project will have to be mitigated with a replacement planting at a one to one ratio.
4. TREE PROTECTION: All trees in listed as fair or good condition shall be preserved to the greatest extent possible. Trees to be retained shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
 - i. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 - ii. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 - iii. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
 - iv. Avoid root damage through grading, trenching, compaction, etc at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1” in diameter should be exposed approximately 12” beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic

equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.

- v. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
 - vi. Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.
5. CC & RS: 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:
- i. Common Areas/Right of Ways:
 - 1. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.
 - a. *Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill
 - 2. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.
 - 3. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.
 - 4. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.

5. This section may not be amended without the prior written consent of the 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.
6. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance obligation or duty of maintenance is increased by such amendment.
 - ii. 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.
 - iii. 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.
6. MAP APPROVAL: The Tentative Map approval granted under this Resolution is for the tentative map documents date stamped September 9, 2016, on file at the Community Development Department, entitled "35-59 West Dunne Avenue". These documents, as amended by Design Review approval, show the location and sizes of all lots in this development, the location and dimensions of all vehicle and pedestrian circulation ways, landscape areas and other easement areas. The final map shall be in substantial compliance with the approved tentative map.
7. FINAL PLANS: 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. 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. For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
 - C. 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.
8. 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 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)

The plan must include the following "Basic Construction Mitigation Measures" per Bay Area Air Quality Management District's guidelines:

- i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- iii. 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.
- iv. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- x. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- xi. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- xii. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- xiii. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- xiv. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

- xv. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - xvi. Minimizing the idling time of diesel powered construction equipment to two minutes.
 - xvii. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
 - xviii. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
 - xix. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
 - xx. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.
9. STREET NAMES: 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)
10. ON-SITE DRAINAGE AND RECREATION PARCELS: A note shall be placed on the final map which shall indicate that lot 19 labeled as "Common Area Lot" shall be used for no purpose other than for on-site storm drainage facilities, project utilities and project access. All proposed trails, private open space and associated facilities shall be permanently secured with appropriate documentation [i.e., Deeds; Easements; Covenants, Conditions and Restrictions (CC&Rs), Dedication, Homeowners Association; etc.).
11. 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.

12. 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 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.
13. SIGNED RESOLUTION REQUIRED: Submit two (2) signed copies of Approval Resolution No. 16- to the Planning Division prior to issuance of building permits.
14. SIGNED DEVELOPMENT AGREEMENT REQUIRED: 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.
15. RECORDATION OF MAP: The recordation of the final map shall not be completed until approval of the Design Review Permit is completed.
16. DESIGN PERMIT REQUIRED: Prior to approval of the final map, the project shall obtain Design Review approval of the project.
17. HABITAT PLAN
 - a. The approved project is covered under the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
 - b. Prior to issuance of building permits or grading permits the project shall complete and submit a Habitat Plan Application Package. All fees must be paid prior to issuance building permits or grading permits. **(MHMC 18.69.050)**
 - c. 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 18.69.040)**
20. MITIGATION: The applicant shall be subject to compliance with the mitigation measures of the project's adopted Mitigated Negative Declaration. The following mitigation measures shall be included with all building permit, grading, or improvement plans.

A. Air Quality

Although the project's construction-related air pollutant emissions would not exceed the BAAQMD's applicable significance thresholds, the following measures are recommended by the BAAQMD to reduce the project's construction emissions:

MM AQ-1: Basic Construction Measures. To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended

Basic Construction Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. 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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

B. Biological Resources

The project's construction-related activities, including demolition of structures, site preparation, and grading could have potentially significant effects on special-status animal species that could be expected on the project site or using suitable habitat on-site. Implementation of the following measures would reduce these potentially significant effects to less-than-significant levels:

MM BIO-1: Special-Status Bats. Prior to the removal of mature trees or the demolition or renovation of structures, the measures outlined below should be performed.

- a. A pre-construction survey should be conducted by a qualified biologist to identify suitable bat roosting sites.
- b. Any trees or structures determined to support or potentially support maternal roosting sites may only be removed or demolished after coordination with the CDFW and/or the USFWS. Passive exclusion of roosting bats will be required and this may only be performed during the non-breeding season (i.e., between October 1 and March 30).
- c. Any trees or structures determined to provide suitable bat day or night roosting sites should be identified and marked on site plans. Such roosting sites include snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, openings leading to interior

portions of any structures. If no suitable roost sites or evidence of bat roosting are identified, impact minimization measures are not warranted. If suitable roosting sites or evidence of bat roosting are identified, the following measures should be conducted:

- i. A qualified biologist should survey suitable roost sites immediately prior to the removal or significant pruning of any of the larger trees, or demolition or significant renovation of any structures.
- ii. If the project biologist identifies suitable day or night roost sites or evidence of bat occupation, the following steps should be followed to discourage use of the sites by bats and to ensure that any bats present are able to safely relocate.

For trees:

- Tree limbs smaller than 7.6 cm (3 in) in diameter should be removed and any loose bark should be peeled away.
- Any competing limbs that provide shelter around the potential roost site should be removed to create as open of an area as possible.
- The tree should then be alone to allow any bats using the tree/snag to find another roost during their nocturnal activity period.
- The project biologist should re-survey the trees a second time 48 hours after trimming.
- If no bats are present, work may proceed.
- If bats remain on-site, additional measures would be prescribed by the biologist.

For structures:

- Depending on the location of potential roost sites and the nature of bat occupation, partial dismantling of a suspect structure may be performed to discourage use by bats. Partial dismantling may consist of the removal of siding, roof sections, and roof gables to permit air flow and exposure to sunlight. This work should be performed under the supervision and direction of a qualified biologist.
- The project biologist should re-survey the structures a second time 48 hours after performance of the partial dismantling work.
- If no bats are present, work may proceed.
- If bats remain on-site, additional measures would be prescribed by the biologist.

MM BIO-2: Special-Status Animal Species with Suitable Site Habitat. Prior to site preparation for project construction, including the removal of mature trees, demolition of structures, and grading, the measures outlined below should be performed.

For Pacific Pond Turtle:

- a. A pre-construction survey shall be conducted in the work area for the presence of pond turtles.
- b. The project plans shall include the installation of wildlife exclusion fencing to prevent pond turtles from entering the work area and thereby protected from harm.
- c. If a pond turtle is detected on-site, it may only be relocated by a qualified biologist. The biologist should make a record of the animal(s) and report his/her observations to the CDFW and the CNDDB.

For San Francisco Dusky-footed Woodrat:

- d. A pre-construction wildlife survey should be performed at the project site to search for woodrat nests. If no nests are detected, no further avoidance measures are warranted.
- e. If a woodrat nest is detected, it should be mapped in relation to the proposed limits of work. If the nest can be avoided, it should be isolated from the work zone by installation of wildlife exclusion fencing (WEF).
- f. If a woodrat nest is in the work zone and it cannot be avoided, site clearing should be performed during the non-breeding season (e.g., September 1 through November 30). During the non-breeding season, the nest should be disassembled by hand and the nest materials (e.g., sticks) removed and disposed of off-site. Any adult animals will be passively relocated into the adjacent woodland habitat. This work should be performed by a qualified biologist in coordination with the CDFW.
- g. If site clearing must proceed during the breeding season, it will be necessary to determine whether or not the nest is currently occupied. This may be done by direct observation over the course of at least two evenings no more than 48 hours prior to nest disassembly. Direct observation may consist of installation of wildlife cameras at the nest or by a biologist on the ground. If no animals are observed, the nest may be disassembled by hand. If, during the process of disassembling the nest, live animals are encountered, nest materials should be replaced on top of the nest and the effort abandoned. Nest may not be disassembled if young woodrats are present. Construction must then be postponed until the end of the breeding season. **Special-Status Bats.** Prior to the removal of mature trees or the demolition or renovation of structures, the measures outlined below should be performed.

C. Cultural Resources

The following standard measures will reduce potential impacts from site preparation and construction grading on unknown cultural resources that could occur on the project site.

SM CUL-1: The City will require monitoring of ground-disturbing activities for archaeological resources and the reporting of appropriate treatment and disposition of such resources that may be uncovered. In the event that undocumented human remains or unknown significant historic or

archaeological resources are discovered, subsection B.2. of Section 18.75.110 provides a specific protocol for the treatment of the uncovered human remains and/or resources. The protocol entails the process of identifying the human remains and the contact of appropriate parties such as the Native American Heritage Commission and the Amah Mutsun Tribal Band to determine Most Likely Descendant for further consultation on the disposition of the remains. As noted in the City's ordinance, the completion of the standard conditions of approval would reduce potentially significant impacts on archaeological resources to a less than significant level.

D. Geology and Soils

The project site, like other surrounding developed areas in Morgan Hill, will be subject to very strong ground shaking from future strong earthquakes in the site vicinity.

SM GEO-1: Conformance with the current California Building Code along with site-specific seismic design parameters specified in the geotechnical report required by the City will be adequate to reduce potentially significant groundshaking hazards to less than significant.

SM GEO-2: As a Standard Condition of Approval, the project applicant would be required to implement an erosion control plan. The proposed erosion control measures would include use of fiber rolls or silt fences along the perimeter of all proposed private drives, installation of a sediment barrier at the site's principal storm drain inlet, provision of gravel bag check dams on the proposed public street, and hydroseeding of designated areas.

E. Hazards and Hazardous Materials

The following mitigation measures will reduce potential hazardous materials impacts from structure demolition, site preparation, and construction grading that could occur on the project site.

MM HAZ-1: Implement Buyer Education Program for Household Hazardous Waste: The project sponsor, working with the City of Morgan Hill and County of Santa Clara Household Hazardous Waste program, shall implement a Buyer Education Program for Household Hazardous Waste, developing materials to educate buyers about the identification of household hazardous wastes, environmental hazards associated with mishandling of the wastes, appropriate disposal methods, and how to make an appointment for disposal. At a minimum, the educational materials shall include a list of example household hazardous wastes, discuss the environmental impacts of improper disposal, explain how to make an appointment for disposal, and list safer and less toxic alternatives to hazardous products commonly used. The educational materials shall be provided to the buyer at the time of purchase.

MM HAZ-2: Removal and Disposal of Existing Hazardous Materials. Removal and Disposal of Existing Hazardous Materials. Prior to demolition of the existing

buildings at the project site, the project applicant shall retain a qualified and licensed contractor to complete the inspection of the project site for potentially hazardous materials, and remove all hazardous materials (pesticides, fungicides, other agricultural chemicals, sealants, lubricants, antifreeze, paints, and others) as well as all fuel tanks and 55- gallon drums from the property, and legally dispose of these materials. Documentation of appropriate disposal shall be submitted to the City of Morgan Hill Community Development Agency Building Division prior to issuance of a demolition permit.

MM HAZ-3: Hazardous Building Materials Removal. Prior to demolition of the existing buildings at the project site, the project applicant shall require that the contractor(s) have a hazardous building materials survey completed by a Registered Environmental Assessor or a registered engineer. This survey shall be completed prior to any demolition activities associated with the project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or removal, shall be implemented in accordance with applicable laws prior to demolition. Specifically, asbestos abatement shall be conducted in accordance with Section 19827.5 of the California Health and Safety Code, as implemented by the BAAQMD, and 8 CCR Section 1529 and Sections 341.6 through 341.14, as implemented by Cal/OSHA. Lead-based paint abatement shall be conducted in accordance with Cal/OSHA's Lead in Construction Standard.

Any PCB-containing equipment, fluorescent light tubes containing mercury vapors, and fluorescent light ballasts containing DEHP shall also be removed and legally disposed of in accordance with applicable laws including 22 CCR Section 66261.24 for PCBs, 22 CCR Section 66273.8 for fluorescent lamp tubes, and 22 CCR Division 4.5, Chapter 11 for DEHP.

MM HAZ-4: Soil Sampling and Management. The following measures shall be required to reduce public health risks related to exposure to hazardous materials to a less-than-significant level. Oversight agency review may amend these measures as applicable.

- a. The project applicant shall retain a qualified professional to update the environmental database review performed as part of the Phase 1 Environmental Site Assessment no more than 90 days prior to the start of construction. The qualified professional shall prepare a report summarizing the results of the environmental database review and assessing the potential for any identified chemical release sites to affect soil quality at the proposed project site. Appropriate soil analysis to evaluate the potential for soil contamination at the proposed project site, if needed, shall also be identified.
- b. The project applicant shall retain a qualified professional to conduct a soil quality investigation to assess the potential presence of pesticides and associated metals in the soil as well as the potential presence of any hazardous materials that may have been spilled. If the updated environmental database review performed in accordance with HAZ-4a,

above, identifies the need for additional sampling, it shall be included in this investigation. The qualified professional shall prepare a report summarizing the results of the soil investigation, including recommendations for site cleanup and disposal of excavated soil.

- c. The project applicant shall participate in the Voluntary Cleanup Program (VCP) administered by the Santa Clara County Department of Environmental Health (County) to develop the appropriate plan of action based on the results of the soil quality investigation conducted under HAZ-4b, above. If additional investigation or remediation is needed, the project applicant shall implement such action with oversight from the County, unless referred to an alternate agency.
- d. The applicant shall submit a “no further action” letter from the oversight agency or comparable closure document that demonstrates the site has been released as clean or a mitigation plan has been approved and implemented. Each phase of building permit issuance shall be contingent upon approval of the soil investigation and remediation documentation.
- e. If the soil investigation identifies soil requiring off-site disposal that is not suitable for unrestricted disposal, the project applicant shall require the construction contractor(s) to prepare a Soil Management Plan (SMP). The SMP shall provide a plan for disposal of identified hazardous soils and excess soil produced during construction activities, including the disposal methods for soil, potential disposal sites, and requirements for written documentation that the disposal site will accept the excess soil. If appropriate, excess soil may be disposed of on-site, under foundations or in other locations in accordance with applicable hazardous waste classifications and disposal regulations.

The contractor shall be required to submit the SMP to the project applicant for acceptance prior to implementation. If necessary, excess soil from construction activities shall be sampled to determine the appropriate disposal requirements in accordance with applicable hazardous waste classification and disposal regulations prior to or during construction,. The project applicant shall also submit the SMP to the County of Santa Clara Department of Environmental Health a minimum of 30 days prior to the planned start of construction,

- f. If recommended by the qualified professional, the project applicant shall require the construction contractor to prepare and implement a site safety plan identifying the chemicals present, potential health and safety hazards, monitoring to be performed during site activities, soils-handling methods required to minimize the potential for exposure to harmful levels of the chemicals identified in the soil, appropriate personnel protective equipment, and emergency response procedures.
- g. The project applicant shall require the construction contractor(s) to have a contingency plan for sampling and analysis of potential hazardous materials and for coordination with the appropriate regulatory agencies, in the event that previously unidentified hazardous materials are encountered during construction. If any hazardous materials are identified, the

contractor(s) shall be required to modify their health and safety plan to include the new data, conduct sampling to assess the chemicals present, and identify appropriate disposal methods. Evidence of potential contamination includes soil discoloration, suspicious odors, the presence of USTs, or the presence of buried building materials.

F. *Hydrology and Water Quality*

In accordance with the City of Morgan Hill Standard Conditions of Approval and the General National Pollutant Discharge Elimination System Storm Water Permit for Construction Activities, the following measures have been included in the project to reduce potential construction-related water quality impacts to a less than significant level:

SM HYD-1: In order to be consistent with the City's requirements for storm runoff control, the proposed project design would need to include the development of a storm water detention basin or other drainage control structures on the subject property. The storm drainage facilities proposed for the project would need to be consistent with provisions the City's Storm Drainage System Master Plan and the stormwater-related conditions of project approval. The incorporation of the Stormwater Conditions for construction activities, post-construction operation of the project, and LID would reduce the potentially significant impacts of the project on stormwater quality to less than significant levels.

MM HYD-1: Properly Abandon Existing Wells. The project sponsor shall retain a licensed well driller to destruct or abandon the former irrigation well at the project site in accordance with the standards specified in Santa Clara Valley Water District Ordinance 90-1 and the California Water Well Standards developed by the California Department of Water Resources (http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html). Documentation of appropriate disposal shall be submitted to the City of Morgan Hill Building Division prior to issuance of a demolition permit.

G. *Noise*

The following mitigation measures will reduce potential hazardous materials impacts from structure demolition, site preparation, and construction grading that could occur on the project site.

MM NOI-1: Exterior Noise Control. To achieve compliance with the 60 dB DNL limit of the City of Morgan Hill Noise Element standards for the noise-impacted rear yard closest to West Dunne Avenue, the following noise control barrier shall be required:

- Construct six-foot high acoustically-effective barriers at the rear yard of the lot at the southeasterly corner of the site to shield the area of the rear yard that is within 72 feet of the centerline of West Dunne Avenue (see Figure 1 of Attachment 5. The barrier height is in reference to the nearest

building pad elevation. Since the precise location of the rear yard for this lot is not shown on project plans, the recommended barrier location is estimated.

To achieve an acoustically-effective barrier, the barrier must be constructed air-tight, i.e., without cracks, gaps or other openings, and must provide for long term durability. Barriers can be constructed of masonry, wood, concrete, stucco, earth berm or a combination thereof and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight, tongue-and-groove, board and batten or shiplap construction can be used. All connections with posts, pilasters or building shells must be sealed air-tight. No openings are permitted between the upper barrier components and the ground. Gates may be incorporated into the barriers, but they must be meet the minimum surface weight requirement and must seal tight when closed. The gap at the bottom of the gate shall be less than one inch.

MM NOI-2: Limit Vibratory Equipment Use. Prohibit operation of large vibratory compactors within 15 feet of adjacent structures or use smaller (jumping jack) vibratory compactors within 15 feet of project boundaries in order to maintain construction-related vibration levels below the 0.5 in/sec PPV threshold at adjacent structures.

MM NOI-3: Implement Construction Noise Controls. Quiet or "new technology" equipment should be used wherever feasible. The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers. Therefore, it is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer. In addition, all equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components. Construction noise should also be mitigated by the following measures:

- Noisy operations shall be scheduled for the daytime hours (7:00 a.m. to 8:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 pm. on Saturdays) in accordance with time limits specified in the City of Morgan Hill Zoning Ordinance.
- All diesel-powered equipment should be located more than 200 feet from any residence to the extent feasible if the equipment is to operate for more than several hours per day.
- Stockpiled materials should be located so that they can help block construction noise at nearby sensitive receptors.
- Noise reduction benefits could also be achieved by appropriate selection of equipment utilized for various operations (subject to equipment availability and cost considerations). The following measures are recommended to reduce noise impacts on nearby residents:

- Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.
- Ground Preparation: Use a motor grader rather than a bulldozer for final grading.
- Building Construction: Powers saws should be shielded or enclosed where practical to decrease noise emissions. Nail guns should be used where possible as they are less noisy than manual hammering.
- Construction Phasing: Construct buildings or other significant structures at the site perimeter to help shield existing sensitive receptors from noise generated on the site.

PUBLIC WORKS PUBLIC WORKS DEPARTMENT

The following conditions shall apply to the project/application.

1. The project is located in a FEMA special flood hazard area (SFHA) and will be required to obtain a flood study showing that the development of the site will not adversely impact the existing 100-year floodplain by increasing 1 percent water surface elevations or increase the lateral extent of the floodplain. Technical review of the flood study shall be submitted directly to Santa Clara Valley Water District (SCVWD) (review fees to SCVWD will be required). Project shall file the necessary conditional and final letter of map revision to FEMA.
2. At existing creek, project shall maintain a 30 feet of riparian habitat (from top of bank); for exceptions see planning conditions for grading within the riparian habitat. Indicate on the plans an offset/setback line of 30 feet from top of bank.
3. Civil drawings shall be redesigned so that there is no retaining wall or storm drain lines within the riparian habitat, see item 2 above.
4. Project shall provide a storm water detention facility which shall be privately maintained by the HOA.
5. Project shall incorporate stormwater post development and low impact development standards into lots and detention/retention facility (see Stormwater Management and LID standard conditions).
6. If applicable, project shall address requirements of resolution R3-2012-0032 - http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/hydromod_lid_docs/2013_0032resolution_signed.pdf (Attachment 1 and 2) of the California Regional Water Quality Control Board Central Coast Region for post construction management requirements for items that may supersede or that are not addressed per item 3 above. Supporting documents can be download at:
Attachment 1
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/hydromod_lid_docs/2013_0032_attach1_post_construction_requirements.pdf
Attachment 2

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/hydromod_lid_docs/2013_0032_attach2_tech_support.pdf

7. Storm drain and sanitary system on private property shall be privately maintained by the HOA.
8. Water mains on private property shall be publicly maintained; water main on site shall loop from Dunne Avenue along the private drive and reconnect back to Dunne Avenue.
9. Due to utility cuts for water, sewer, and other utilities, the project shall be required to provide 2" AC grind and overly across the entire street width along the project's Dunne Avenue frontage.
10. 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.
11. Public Works impact fees are required for this project and must be paid prior to occupancy of each unit.

I. 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 City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- E. Improvement plans are to show water lines, sanitary Sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- F. 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)**
- G. 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)**

- H. Pursuant to City Ordinance 982, the subject property will have reimbursement obligation to the City for lands acquired for street purposes and streets improved should those lands/street improvements abut or be included within subject property. **(MHMC 12.02.120 B)**
- 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)**

II. **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. 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)**

III. **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 (provide street) 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)**

IV. **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. 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. **(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.
 - 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.**(CMH Design Standards and Standard Details for Construction;)**
- E. 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).**
- F. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:
 - 1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP).**
 - 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). NPDES 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.
- G. Current Federal Emergency Management Agency Flood Insurance Maps show the site is located in: Zone AE the lowest floor shall be elevated at least one foot above the base flood elevation. **MHMC 18.42.160 C; CMH Design Standards and Standard Details for Construction)**
- H. Land use for the hydrology of the PL-566 channel improvement project for this site is single family. Land use of greater intensity, as proposed, will require mitigation of the increased runoff due to development. Mitigation measures, such as a detention facility, will need to remain in place indefinitely after the PL-566 channel improvements are completed, or until a regional detention facility or additional channel improvements are constructed. Calculations for the sizing of the proposed detention facility and an analysis of the impacts in the event of a one percent flood should be provided for review of the Santa Clara Valley Water District (SCVWD).

V. 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 project site. **(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)**

VI. 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:
 - 1. Civil Engineer of record.
 - 2. Geotechnical Engineer of record.
 - 3. Third Party SWPPP Inspector.
 - 4. General Contractor.
 - 5. Sub Contractors.

**NPDES WATER QUALITY DIVISION STORMWATER MANAGEMENT
DEVELOPMENT STANDARDS FOR POST CONSTRUCTION**

- 1. 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 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
 - c. **Submit/re-submit site review plans (SR) to include requirements of item “a” and “b” above.**
2. 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.

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:

- i. [California Stormwater Quality Association \(CASQA\) Handbook: BMPs for New Development and Redevelopment](#)
- ii. [Bay Area Stormwater Management Agencies Association \(BASMAA\) Design Guidance Manual for Stormwater Quality Protection: Start at the Source 1999](#)

Other available sources of BMPs

- iii. [California Storm Water Best Management Practices Handbooks](#)
 - iv. [Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide](#)
- d. **Protect Slopes and Channels** - Project plans must include BMPs per the [Santa Clara Valley Water Resource Protection Collaborative: Guidelines and Standards for Land Use Near Streams](#) to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff; at a minimum the following shall be addressed:
- i. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
 - ii. Utilize natural drainage systems to the maximum extent practicable.
 - iii. Stabilize permanent channel crossings.
 - iv. Vegetate slopes with native or drought tolerant vegetation, as appropriate.
 - v. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion, with the approval of all agencies with jurisdiction, e.g., Santa Clara Valley Water District, the U.S. Army Corps of Engineers, and the California Department of Fish and Game.
 - vi. Project shall not grade within 30 feet of a perennial or intermittent stream (top of bank) or within 30 feet of riparian habitat.
- e. **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.
- f. **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.

- g. **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.
- h. **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.
- i. **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.
 - 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.

j. **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.

k. **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.

l. **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 **Register Civil Engineer (RCE)**.

- ii. Unless otherwise required by the chief engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - 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.
- m. **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.
- n. **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

- 1. **PRELIMINARY REVIEW ONLY:** The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete plan submittal application that clearly shows all intended grading, demolition, construction or building modifications.
- 2. **Fire Apparatus (Ladder Truck) Access Roads Required.** Provide access roadways with a paved all weather surface and a minimum unobstructed width of 30 feet , vertical clearance of 13 feet, 6 inches minimum circulating turning radius of 23 feet inside and 36 feet outside, a maximum slope of 10% and vehicle loading f 72,000 pounds. (CFC Section 503 as amended by MHMC 15.44.140)
- 3. **AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED (SFD):** New and existing 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**)
- 4. **PUBLIC FIRE HYDRANT(S) REQUIRED:** Provide 5 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 600 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)**

5. **PARKING ALONG ROADWAYS:** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8 foot wide space. **(CFC section 503)**
6. **TIMING OF REQUIRED ROADWAY/DRIVEWAY INSTALLATIONS:** Prior to the commencement of combustible construction, the required roadway/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)**
7. **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)**