

EXHIBIT A

CONDITIONS OF APPROVAL

Project/Application: SR2019-0033: 16290 Railroad Ave-Level 10

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE ISSUANCE OF BUILDING AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS OTHERWISE SPECIFIED IN THE CONDITIONS. IN ADDITION TO THE CONDITIONS BELOW, COMPLIANCE WITH ALL APPLICABLE MUNICIPAL CODES IS REQUIRED.

PLANNING DIVISION

I. TIME LIMITS

- A. The Design Review approval granted under this Resolution shall remain in effect for two years to August 3rd, 2022. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.74.250)**

II. SITE DEVELOPMENT

- a. **TREE PROTECTION**: Unless tree removal has been previously approved, all trees located within the project shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
 4. Avoid root damage through grading, trenching, 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.

5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
6. Tree and Landscape Preservation: The Owner 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.
7. Compliance with the City of Morgan Hill Conditions of Approval: It shall be the responsibility of each Owner 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.

B. FINAL SITE DEVELOPMENT PLANS: Final site development plans shall be reviewed and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:

1. Detail depicting all concrete curbs as full formed. **(MHMC 18.50.270)**
2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing. **(MHMC 18.74.370)**
3. 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.
4. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building

C. 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)**

1. The plan must include the following “Basic Construction Mitigation Measures” per Bay Area Air Quality Management District’s guidelines.
 - 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. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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.
 - j. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - k. 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.
 - l. Minimizing the idling time of diesel-powered construction equipment to two minutes.
 - m. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
 - n. Requiring all contractors use equipment that meets CARB’s most recent certification standard for off-road heavy duty diesel engines.
2. Grading of the site shall be conducted over a minimum of 15 days to be under the Bay Area Air Quality Management District’s threshold of significance.

III. BUILDING DESIGN

- A. Roof mounted mechanical equipment: All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 feet or greater to match the height of any proposed equipment. (MHARH p.48, 65, 87, 106)
- B. Building mounted lighting: Lighting fixtures shall not project above the fascia or roofline of the building. Any ground mounted lighting projecting onto the building or site shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. (MHARH p. 67, 109)
- C. ARCHITECTURAL ELEMENTS:
 - 1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior. **(MHMC 18.74.360)**
 - 2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.
- D. PHOTOMETRIC PLANS: Prior to the issuance of the building permit, the Planning Division, shall review the plans to ensure the photometric plan reflects the latest revision to the site plan, especially regarding the new parking configuration.
- E. SIGNAGE: Signage will be approved through a separate approval process. Ensure that signs allowed without permits meet city requirements (18.88.404- Signs allowed without permits) and comply with other applicable regulations such as those under the Americans With Disabilities Act.

IV. PARKING & VEHICULAR ACCESS

- A. PARKING AREAS: All parking areas shall be graded, surfaced, drained, lighted, and parking stalls, lanes and directional guides should be marked in accordance with Municipal Code, section 18.50.

V. LANDSCAPING

- A. PLANTING AND IRRIGATION WORKING DRAWINGS: Detailed landscape and irrigation plans shall be submitted as part of the master building site and improvement plans. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

B. TREES AND SHRUBS MINIMUM SIZE: All trees within approved landscape plans shall be of a minimum fifteen-gallon size. All shrubs shall be minimum 5-gallon size unless otherwise approved by the Community Development Director.

C. MAINTENANCE OF LANDSCAPING:

1. The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Community Development Director.
2. Maintaining trees in such a way to limit their full growth potential is not allowed and will require that the trees be replaced.
3. Properly locate on landscape plans the irrigation hydro-zones to indicate the level of water requirements.

D. LIGHTING:

1. Walkways and pedestrian pathways in landscaped areas or common areas and not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions (MHARH p.30, 67, 108)
2. The final photometric plan shall limit the maximum foot-candles on the site and shall be approved prior to issuance of the building permit by the Community Development Director.
3. Height of lamp poles should be appropriate in scale for the building or complex and the surrounding area and be a maximum of 20' high.

E. WATER CONSERVING LANDSCAPE ORDINANCE: The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. It is strongly suggested that the project's landscape designer refer to the City's Ordinance prior to beginning development of the project's landscape plans.

VI. OTHER CONDITIONS

A. This Design Review approval is limited to the plan set with the revision date of July 2nd, 2020, on file with the Community Development Department. The approved

building plans and landscape plans must be in substantial conformance with these plans as determined by the Community Development Director

- B. **HABITAT CONSERVATION PLAN FEES:** Applicant shall pay all required Habitat Conservation Plan fees prior to the issuance of the building permit.
- C. **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 Design Review approval. 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.
- D. **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, 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.
- E. **SIGNED COPIES OF APPROVAL CERTIFICATE:** Submit two (2) signed copies of APPROVAL CERTIFICATE NO. 20-0011 to the Planning Division prior to issuance of building permits.

LAND DEVELOPMENT ENGINEERING

I. PROJECT ENGINEERING CONDITIONS

- A. Upon approval of Planning site review (SR), concurrent with the Building Permit submittal for onsite development and grading, developer shall submit a separate set of public improvement plans for the Encroachment Permit/Engineering Review for all work within the public right-of-way. Plans shall be in the format of 36"x24" (D size) with the City's Public Works title block; contact Public Works Engineering Tech John Henry John.Henry@morganhill.ca.gov) for standard title block and cover sheet. Prior to submitting plans for Encroachment Permit/Engineering Review contact Charlie Ha of Engineering (charlie.ha@morganhill.ca.gov) for submittal plan requirements and review fee.
- B. Along Barrett Avenue, a total of 32 feet street right of way shall be dedicated to the City of Morgan Hill in FEE title, with a 10 feet public service easement (PSE) along the new property line frontage. This street dedication shall supersede the existing easement in place.
- C. Along Railroad Avenue, a total of 60 feet street right of way shall be dedicated to the City of Morgan Hill in FEE title, with a 10 feet public service easement (PS) along the new property line frontage. This street dedication shall supersede the existing easement in place.
- D. Provide a plat(s) and legal description(s) for Grant of street right of way and PSE for the frontages with the public improvement plans submittal for review and approval. For grant of easement template language, request from City Engineering Division.
- E. Provide soils for private and public improvements with Building/Encroachment Permit submittal. Soils report shall include the required public street pavement design per the minimum City Standards for a collector street based on the actual soils condition of public streets Railroad and Barrett.
- F. Transition from curb, gutter, and sidewalk to unimproved frontage at south end of Railroad shall be determined/coordinated with public improvement plan submittal and approved by City Engineer. Note: any ponding issues at this transition shall be addressed to the satisfaction of City Engineer.
- G. Street trees along project frontages shall meet the requirements of the Street Trees Master Plan.
- H. On Barrett Avenue, onsite storm drain shall connect to the back of the proposed storm drain inlet, and the proposed storm drain inlet shall connect to the existing SD manhole.
- I. Public streetlight heads shall be 50 LEDs with the heads facing towards the street.
- J. Project shall pay the frontage fees for sanitary, storm, and water.
- K. Project shall pay the in-lieu underground fee for overhead utilities (on west side of Railroad) along the Union Pacific Railroad frontage.

- L. Storm Water Runoff Management Plan (SWRMP) shall follow the format of the SWRMP template (contact Engineering for Word Document template).
- M. Engineering impact fees are due prior to issuance of Building (grading) or Encroachment Permit.
- N. Project shall enter into an Improvement Agreement (IA) with the City of Morgan Hill to provided surety bonds and insurance to cover required public improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- O. Obtain necessary encroachment permit for work within the public right of way. **(MHMC 12.08.040 A; 12.08.090)**
- P. Prior to any grading activity, all construction BMPs shall be in placed and inspected by a Third Party SWPPP inspector; inspection report shall be approved by Building and Engineering prior to allowing construction activities to start.
- Q. Improvement Agreement (IA) for public improvements will require City Council approval before any Build or Encroachment permit shall be issued.
- R. Acceptance of the public improvements will require City Council approval.

II. 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 submit as part of the improvement drawings for the project, profiles of all improvements and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer.
- C. Improvement plans are to show water lines, sanitary Sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- D. **IMPACT FEE INCREASE:** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

III. 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 City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
- B. 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 the required corner cutoff at the intersection of Barrett and Railroad. **(MHMC 12.02.010; 12.02.50; 12.02.080; 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)**

IV. 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)**

V. 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 City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system

- will be permitted. **(MHMC 17.32.020 B;17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. 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 City Engineer. **(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 City Engineer:
1. Storm drain calculations to determine detention/retention pond sizing and operations.
 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.**(CMH Design Standards and Standard Details for Construction)**
- E. Tree protection shall be part of the SWPPP inspections.
- F. 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 Land Development 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 Land Development Engineering Division and the Building Division prior to any approval of grading activities (**SWRCB NPDES General Permit CA000002**).

G. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building Division and Land Development Engineering Division 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 Land Development Engineering). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Public Works (public right-of-way issues) inspectors respectively.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
8. Other non-compliance issues need to be addressed within a 24-hour period.

9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

*BMPs maintenance/inspections shall include tree protection if applicable

**** The above Third Party SWPPP Inspection notes shall be placed on the cover of the Civil plans.**

VI. WATER SYSTEM

- A. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)**
- B. 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)**

VII. 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 City Engineer. **(MHMC 17.32.020 E.1)**
- C. 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 owner.
- D. Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. **(MHMC 17.08.090)**
- E. 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 QSD/QSP SWPPP Inspector.
4. General Contractor
5. Sub Contractors.

VIII. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS FOR ALL PROJECTS

- A. State Water Resources Control Board Post Construction Requirements (PCRs): Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml).

A copy of the guidance manual can be obtained through the Land Development Engineering's internet site. Project shall provide Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:

1. Performance Requirement 1: Site Design and Runoff Reduction
 2. Performance Requirement 2: Water Quality Treatment
 3. Performance Requirement 3: Runoff Retention
 4. Performance Requirement 4: Peak Management
- B. **Peak Storm Water Runoff Discharge Rates** - Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.

C. **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:

1. Concentrate or cluster Development on portions of a site while leaving the remaining land in a natural undisturbed condition.
2. Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection.
3. 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.
4. Promote natural vegetation by using parking lot islands and other landscaped areas. Preserve riparian areas and wetlands.

D. **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:

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
3. California Storm Water Best Management Practices Handbooks
4. Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide

- 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:
1. 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.
 2. The storage area must be paved and sufficiently impervious to contain leaks and spills.
 3. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.
- G. PROPERLY DESIGN TRASH ENCLOSURE AREAS: All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements (individual single-family residences are exempt from these requirements):
1. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure’s contents.
 - a. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - b. Doors: Trash enclosure shall have door(s) which can be secured when closed.
 - c. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
 - d. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary

sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

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:

1. Volumetric Treatment Control BMP

- a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
- b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
- c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

2. Flow Based Treatment Control BMP

- a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
- b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

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.

1. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.
2. The 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.

3. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.
4. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.

J. STORMWATER BMP OPERATION, MAINTENANCE, AND REPLACEMENT RESPONSIBILITY:

1. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the city.
2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
3. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

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.

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

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

L. STORMWATER BMP INSPECTION RESPONSIBILITY:

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

IX. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS FOR PRIORITY PROJECTS

A. 100,000 SQUARE FOOT COMMERCIAL DEVELOPMENTS/INDUSTRIAL DEVELOPMENTS

1. Properly Design Loading/Unloading Dock Areas - Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:
 - a. Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
 - b. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

2. Properly Design Repair/Maintenance Bays - Oil and grease, solvents, car battery acid, coolant and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:
 - a. Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water run-on or contact with storm water runoff.
 - b. Design a repair/maintenance bay drainage system to capture all wash-water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an Industrial Waste Discharge Permit.

3. Properly Design Vehicle/Equipment Wash Areas - The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. The area in the site design must be:
 - a. Self-contained and/ or covered, equipped with a clarifier, or other pretreatment facility, and
 - b. Properly connected to a sanitary sewer or other appropriately permitted disposal facility.

B. PARKING LOTS

1. Properly Design Parking Area - Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor-vehicles. These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:
 - a. Reduce impervious land coverage of parking areas.
 - b. Infiltrate or treat runoff.

2. Properly Design to Limit Oil Contamination and Perform Maintenance - Parking lots may accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks

- a. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used (e.g. fast food outlets, lots with 25 or more parking spaces, sports event parking lots, shopping malls, grocery stores, discount warehouse stores).
- b. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

PRETREATMENT

I. GENERAL:

- A. All new non-residential buildings shall have a sewer test manhole installed on the property (see City Specifications) and in an area that can be readily accessed by an inspector, (minimum of one for each building). Show sewer test manhole(s) on future plans. For tenants with industrial waste treatment systems, a separate sewer test manhole shall be required.
- B. Ensure that the sanitary sewer manhole lids are properly labeled, “Sanitary Sewer,” and storm drain manhole lids are properly labeled “Storm Drain.”

II. CONSTRUCTION REQUIREMENTS:

- A. All new industrial buildings shall have a sewer test manhole installed on the property (see City Specifications) and in an area that can be readily accessed by an inspector, (minimum of one for each building). Confirm that a sewer test manhole is present for the building.

III. INSPECTIONS:

- A. Inspections by a Chemical Control Inspector are required prior to final building/TI. Call 408-846-0451 or email to Isaias.lona@cityofgilroy.org at least 48 hours in advance to schedule an inspection.

BUILDING

- A. Project shall be designed to comply with the 2016 California Code of Regulations as amended by Morgan Hill Municipal Code Title 15. Building Permit applications submitted after January 1, 2020 shall be designed to comply with the 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
- B. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - MHMC 15.65 Sustainable Building Regulations.
 - MHMC 18.72.040 C. Electric Vehicle Charging.
 1. When Required. Electric vehicle charging stations shall be provided:

- a. For new structures or uses required to provide at least twenty-five parking spaces; and
 - b. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.
2. Number of Charging Stations. The number of required charging stations shall be as follows:
- a. Twenty-five to forty-nine parking spaces: One charging station.
 - b. Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.
- MHMC 15.40 Building Security
 - MHMC 15.38 Wage Theft Preventions
 - MHMC 18.148 Water Conservation
 - MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings (Applies to all Building Permit Applications Received on or after March 1, 2020)
- 15.63.40 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings Natural Gas Infrastructure shall be prohibited in Newly Constructed Buildings.
- a. Exception: Natural Gas Infrastructure may be permitted in a Newly Constructed Building if the Applicant establishes that it is not physically feasible to construct the building without Natural Gas Infrastructure. For purposes of this exception, “physically feasible” to construct the building means either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance compliance standards under the Energy Code using commercially available technology and an approved calculation method.
 - b. To the extent that Natural Gas Infrastructure is permitted, it shall be permitted to extend to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available.
 - c. Newly Constructed Buildings shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.
 - d. The requirements of this section shall be deemed objective planning standards under Government Code section 65913.4 and objective development standards under Government Code section 65589.5.
- C. Trash Enclosure shall have a solid noncombustible roof structure. To prevent storm water from entering the sanitary sewer system.
- D. A separate Permit will be required for demolition of existing structures.
- E. A separate Permit will be required for grading and on-site development
- F. Civil Sheets show a line through the property with an acronym of CMN. What is CMN?

- G. Accessible route to each story level is required per California Building Code 11B-206.2.3
- H. Morgan Hill Municipal Code 18.108.040 (J) (3) requires all mechanical equipment to be screened from a public view. The public view is anywhere on the Public Way, not just in front of the building.
- I. A separate submittal to the Building Department will be required to obtain building permits. The project will be reviewed for compliance with the California Code of Regulations and City of Morgan Hill Municipal Code during the building permit review process.

FIRE DEPARTMENT

- A. Automatic Fire Sprinkler System Required. Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. (CFC Chapter 9 as amended by MHMC 15.44.170)
- B. Closure of Private Roadways, Driveways, Fire Apparatus Access Roadways. The installation of gates, or other barricades across required fire department access roads or driveways (EVA) shall comply with Standard 11-G. Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be City of Morgan Hill approved. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-G. (CFC section 503 as amended by MHMC 15.44.140)
All new commercial building shall comply with standard specification 11-D for construction site fire safety.

POLICE DEPARTMENT

- A. The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.