



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 22-022

APPLICATION NUMBER: Design Permit SR2022-0015: Cochrane – Techcon (Barn)

LOCATION: North of the intersection of Cochrane Road and Monterey Road at 440 Cochrane Circle (APN: 726-34-016).

SITE AREA: 1.08-acres

GENERAL PLAN: Industrial

ZONING: Light Industrial (IL)

DESCRIPTION: A Design Permit for “barn” building portion of the Techcon Headquarters project to develop an approximately 7,705 square foot building to be used as office space and shop area. This building is located on the smaller site of the two parcels that comprise the overall Techcon Headquarters project.

RECITALS

1. On August 2, 2022, the Development Services Department received an application for Design Permit approval to develop a 7,705 square foot “barn” building to be used as office space and shop area for the Techcon Headquarters project. Pursuant to Municipal Code Section 18.108.040.C.3 (Design Permit), projects with new non-residential buildings, structures, or physical site improvements determined to be significant must receive Design Permit approval prior to development;
2. The project was reviewed by the Development Review Committee (DRC) at its regular meeting of August 17, 2022 and comments were received from the various departments. Said application plans were deemed complete for processing on November, 2022, at which time the Committee recommended conditional approval of application Design Permit SR2022-0015: Cochrane – Techcon (Barn);
3. On July 9, 2020, the Development Services Director approved a Design Permit SR2019-0023 via Approval Certificate No. 20-010 for the development of a 45,000 square foot, two-story commercial office building and construction yard for the Techcon Headquarters project. The project also included the reconfiguration of the Cochrane Road and Monterey Road intersection to eliminate the high-speed right turn and create a conventional intersection by vacating the 14,619 square feet of excess right-of-way on Cochrane Road.

4. The proposed project was reviewed in compliance with the California Environmental Quality Act (CEQA). An Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program has been prepared and was certified by City Council on April 22, 2020;
5. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process;
6. On December 20, 2022 the Development Services Department considered said application at the close of a duly noticed 10-day public comment period; and,
7. Pursuant to the authority set forth under Section 18.108.040 (Design Permit) of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

SECTION 1. Design Permit Findings

The following findings are made for the purposes of approving a Design Permit in accordance with Section 18.108.040.J of the Morgan Hill Municipal Code.

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

The proposed project is consistent with the Industrial designation of the General Plan and also the Light Industrial (IL) zone district of the Zoning Ordinance.

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

The proposed project complies with all applicable provisions of the municipal code including but not limited to the Light Industrial (IL) zone district development standards, parking, landscaping and irrigation, and design standards.

3. The proposed project complies with all applicable design standards and guidelines contained in the City's Design Review Handbook.

The proposed project complies with all design standards and guidelines contained in the City's Design Review Handbook for commercial and industrial projects.

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

The proposed project has been reviewed in compliance with CEQA and a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) has been prepared and was certified by City Council on April 22, 2020.

5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The proposed development is not expected to be detrimental to the public health, safety, or welfare to the properties or improvements in the vicinity. Any identified potential impacts will be mitigated with the project's conditions of approval or through mitigation measured identified in the project's MMRP.

6. The proposed project complies with all applicable design review criteria in accordance with Section 18.104.040.H

The proposed project has been designed to comply with all applicable design review criteria such as neighborhood compatibility, safety, massing and scale, architectural style, landscaping, parking and access, and articulation and visual interest.

SECTION 2. The Development Services Director 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 Development Services Director's independent judgement and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Approval Certificate. The custodian of the documents or other materials which constitute the record shall be the Development Services Department.


SECTION 3. Pursuant to the authority set forth under Section 18.100.030 and 18.108.040 of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the attached conditions of approval outlined in Exhibit A.

APPROVED THIS 20th DAY OF DECEMBER, 2022.


Jennifer Carrman
Development Services Director

A F F I D A V I T

I, Diane Swing hereby agree to accept and abide by the terms and conditions specified in this approval certificate.


Diane Swing (Feb 8, 2023 15:17 PST)

Monument Land Company, LLC

Feb 8, 2023

Date

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2022-0015: Cochrane – Techcon (Barn)

THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

MHMC= Morgan Hill Municipal Code
MHARH= Morgan Hill Architectural Review Handbook
CMH= City of Morgan Hill
CFC= California Fire Code

I. PROJECT DESCRIPTION

The project includes the development of the “barn” building portion of the Techcon Headquarters project to develop an approximately 7,705 square foot building to be used as office space and shop area. This building is located on the smaller site of the two parcels that comprise the overall Techcon Headquarters project.

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

- A. Design Review SR2019-0023
- B. Environmental Analysis EA2019-0017

II. PROJECT MITIGATION MEASURES

The applicant shall be subject to compliance with the mitigation measures of the project’s adopted Mitigation Monitoring and Reporting Program. The following mitigation measures shall be included with all building permit, grading, or improvement plans.

- A. **MM-BIO-1:** If construction is proposed during breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

If nesting raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined by

the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

- B. **MM-BIO-2:** The project applicant shall mitigate for the removal of the trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall retain a certified arborist to prepare a tree protection plan, subject to review and approval by the Development Services Department. The plan shall demonstrate how any retained trees are to be protected during and after construction. The tree protection plan may include, but not be limited to, the following:

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards 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.
- Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.
- Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.
- The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.
- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.
- The 'rooting' area shall be mulched with an acidic, organic compost or mulch.
- The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.
- Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or

a more detailed specification than those contained within the above general guidelines.

- C. **MM-TRA-1:** Prior to initiation of construction activities, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:
- A project staging plan to maximize on-site storage of materials and equipment;
 - A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;
 - Provisions for maintaining adequate emergency access to the project site;
 - Permitted construction hours;
 - Designated locations for construction staging areas;
 - Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and
 - Provisions for street sweeping to remove construction-related debris on public streets.
- D. **MM-NOI-1:** Noise-generating construction activities associated with the proposed project and intersection improvements shall not occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to approval by the City of Morgan Hill Development Services Department.
- E. **MM-NOI-2:** To the maximum extent practical, the following measures should be implemented during project construction:
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;
 - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;
 - Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;
 - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;
 - Project area and site access road speed limits shall be established and enforced during the construction period; and
 - Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.

- F. **MM-NOI-3:** During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The

above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.

III. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped November 17, 2022 on file (File Number SR2022-0015) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit plans as determined by the Development Services Director. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project or any Unit are in compliance with the original City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

PLANNING DIVISION

DEFENSE AND INDEMNITY

A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

TIME LIMITS

- A. **Term:** The Design Permit approval granted pursuant to this Approval Certificate shall remain in effect for two years to December 20, 2024. 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 18.104.210)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with SR2022-0015 and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
 4. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
 5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.
- B. **Pedestrian Access:** The Project shall provide pedestrian walkways in compliance with ADA requirements and with Section 18.72.060.H of the Morgan Hill Municipal Code, which states the following:
1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
 2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Development Services Director.
- C. **Bicycle parking.** The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 and Table 18.72-7 of the Morgan Hill

Municipal Code:

Table 18.72-7: Required Bicycle Parking Spaces

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Non-residential Uses	10 percent of required automobile spaces	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater

1. **Short-Term/Class II Bicycle Parking Standards.** Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.
2. **Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
 - a. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
 - b. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - i. In a locked room or area enclosed by a fence with a locked gate;
 - ii. Within view or within one hundred feet of an attendant or security guard;
 - iii. In an area that is monitored by a security camera; or
 - iv. Visible from employee work areas.
3. **Parking Space Dimensions.**
 - a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
 - b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
 - c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
 - d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.
4. **Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.
5. **Cover.** Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

The location of all bicycle parking spaces shall be identified prior to issuance of a building permit.

- D. **Electric Vehicle Charging Stations:** The Project shall provide electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code. The project is required to provide two charging stations, plus one for each additional fifty parking spaces. The developer shall provide location of each charging station prior to issuance of building permit.
- E. **Tree Protection:** Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
 4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
 5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
 6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.
 7. Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

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.
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.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

A. PARKING LOT LANDSCAPING: All landscaping within parking lots shall comply with the requirements of Chapter 18.72 (Landscaping) in addition to the standards within this section.

1. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 18.72-6. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

Table 18.72-6: Minimum Required Parking Lot Landscaping

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
16-30	10 percent
31-60	15 percent
Over 60	20 Percent

2. **Shade Trees.**
 - a. One shade tree shall be provided for every five parking spaces in a parking lot.
 - b. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
 - c. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy

tree species.

- d. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21. The arrangement should approximate nearly fifty percent shade coverage.

3. Concrete Curbs.

- a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of six inches high by four inches deep.
- b. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

4. **Parking Space Landscaping.** A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

5. **Timing.** Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

C. PLANTING AND IRRIGATION WORKING DRAWINGS: Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

D. Lighting: Walkways and pedestrian pathways in landscaped areas or common areas 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)**

1. A final photometric plan shall be provided for review and approval to the Development Services Director prior to issuance of a building permit.

E. Undeveloped site area: The balance of a building site not developed as part of this project approval shall have landscaping installed acceptable to the Planning Division. **(MHARH p., 57, 98)**

F. MAINTENANCE OF LANDSCAPING: The landscaping installed and accepted with this project shall be maintained on the site as stated within the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director.

G. 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. **(MHMC 18.64)**

SIGNS

- A. SEPARATE APPLICATION REQUIRED FOR SIGN APPROVAL:** Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

HABITAT PLAN

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

AIR QUALITY

- A. Dust, Noise, Vibration and Materials Management Plan:** A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be submitted for review prior issuance of a grading permit and requirements shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**
1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
 4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
 5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
 6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimizing the idling time of diesel-powered construction equipment to two minutes.
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

CULTURAL RESOURCES

1. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
2. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing

- activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
3. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
 4. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
 5. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
 - The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)
 6. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
 7. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
 8. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
 9. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave

goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.

10. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

NOISE

- A. **Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- B. **SIGNED COPIES OF APPROVAL CERTIFICATE:** Submit two (2) signed copies of Approval Certificate 22-022 to the Planning Division prior to issuance of a building permit.

BUILDING DIVISION

1. Project shall be designed to comply with the edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15 that is effect at time of Building Permit Application submittal.
2. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - MHMC 15.65 Sustainable Building Regulations.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeld=TIT15BUCO_CH15.65SUBURE
 - MHMC 18.72.040 C. Electric Vehicle Charging.

- MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT15BUCO_CH15.40BUSE
- MHMC 15.38 Wage Theft Preventions
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT15BUCO_CH15.38WATHPR
- MHMC 18.148 Water Conservation
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT18ZO_DIVIIDECO_CH18.148WACO
- MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT15BUCO_CH15.38WATHPR

3. On-site parking and paths shall comply with the lighting requirements of **MHMC 15.40 Building Security**. Provide a Photometric plan to show compliance.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT15BUCO_CH15.40BUSE
4. Trash Enclosure shall have a solid noncombustible roof structure to prevent storm water from entering the sanitary sewer system. The sanitary sewer drain inlet shall be placed with the covered enclosure.

FIRE PREVENTION DIVISION

1. **Fire Hydrant Location Identifier**, Prior to project final inspection, the general contractor shall ensure that an approved (“Blue Dot”) fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
2. **Fire Lane Marking Required**. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F.
3. **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.
4. **Private on-site Fire Service Mains and Hydrants**. Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.
5. **Fire Department Key Box Required**. The building shall be equipped with a permanently installed emergency access key lock box (Knox), conforming to the City of Morgan Hill Standard Detail and Specification sheet 11-I. At time of final inspection, access keys shall be provided to the fire department.

6. **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.

ENGINEERING DIVISION

1. **General:** The property line boundaries and property easements shall match the recorded Parcel Map dated February 22, 2022 (County Recorder's file number 25244699).
2. **Street Improvements:** The project will be required to install street improvements along Monterey Road and Cochrane Circle that were not installed with the approved improvement plans for the Monterey Road/Cochrane Road intersection modifications. Improvements include, but are not limited to, street trees along the project's Monterey Road frontage, and utility connections, as needed.
 - a. The project shall obtain an encroachment permit prior to installation of the street improvements.
3. **Stormwater:**
 - a. The project site is located within the jurisdiction of the San Francisco Bay (Region 2) Regional Water Quality Control Board (RWQCB). Although the City is requiring projects to comply with the requirements of the Central Coast Region (Region 3), the project will be allowed to design the stormwater post-construction facilities to comply with the requirements of Region 2 to be consistent with the stormwater design approved with the previous Design Review application.
 - i. At building permit stage, provide a legal description of the parcel to be included as an exhibit to the project's Stormwater BMP Operation and Maintenance Agreement. Prior to building permit issuance, the Stormwater BMP Operation and Maintenance Agreement shall be executed by the owner(s) and submitted to Land Development Engineering for recordation at the County Recorder's Office.
 - ii. The proposed Barn building is located on a parcel labeled as "Parcel B" on a recorded Parcel Map dated February 22, 2022 (County Recorder's file number 25244699). The adjacent parcel, "Parcel A" (with current APN: 726-34-017) has a future building with building permits currently in process which include the construction of the on-site improvements around the barn building.
 - iii. If the proposed barn building is constructed ahead of the adjacent future building on Parcel "A", the project shall comply with the following at building permit stage:
 - a. Submit a revision to both the Drainage Analysis & Storm Water Management Calculations and Stormwater Management Plan that were previously submitted with the Parcel "A" building permit applications to show the project's compliance with the applicable stormwater post-construction performance requirements and to confirm which stormwater post-construction facilities are required to be installed with the project ("Parcel B").

- b. Provide site specific infiltration testing at the location of each proposed bio-swale to confirm the accuracy of the design infiltration rates used for the project and submit a copy of the test results to Land Development Engineering for review.

4. **Utilities:**

- a. At building permit stage, show the location and size of the existing and proposed onsite and offsite utilities on the building plans.
- b. Locate new backflow preventers on private property.
- c. Provide screening for all new backflow preventers so they are not visible from the public-right-of-way.
- d. The project shall provide one sewer test manhole for the parcel that is easily accessible to the City Pretreatment Inspector. The sanitary sewer test manhole shall be located within private property but adjacent to the street right-of-way or as approved by the City Engineer in conjunction with Pretreatment Inspector review.

5. **Landscaping:**

- a. The proposed street trees along the project's Monterey Road frontage shall match the species of the proposed trees across Monterey Road, along the frontage of the Bluewave Carwash Project under construction.
- b. The proposed bio-swale plantings will be approved at building permit stage.
- c. The proposed trees located along the project's Cochrane Circle frontage and in the existing Public Service Easement may be considered street trees and will be reviewed at building permit stage.

LAND DEVELOPMENT ENGINEERING - STANDARD CONDITIONS

6. **GENERAL**

- a. **Public and Private Improvements:** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- b. **Encroachment Permit:** Obtain an encroachment permit from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- c. **Impact Fees & 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)**

- i. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering.

7. STREET IMPROVEMENTS

- a. **Installation and Dedication of Streets:** The project shall install and dedicate street improvements, as applicable, 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)**
- b. **Street Trees:** The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan.

8. SANITARY SEWER SYSTEM

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

9. STORM DRAIN SYSTEM

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

designed to a 25-year storm capacity. Streets shall be designed to carry 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**

- d. **Storm Drainage General Requirements:** Prior to issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.
- i. Storm drain calculations to determine detention/retention pond sizing and operations.
 - ii. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - iii. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
(CMH Design Standards and Standard Details for Construction)
- e. **NPDES Construction Activity General Permit/SWPPP Requirements:** As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities **(SWRCB NPDES General Permit CA000002).**
- f. **NPDES General Permit Site SWPPP Inspections and Compliance:**
- i. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE).**
 - ii. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
 - iii. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
 - iv. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
 - v. Per each of the inspection conditions 2, 3, or 4, SWPPP inspection reports, and when applicable, Rain Event Action Plans (REAPS) shall be e-mailed to: sw.construction@morganhill.ca.gov no later than 12:00 PM each Monday for the

previous week's inspections with a brief statement whether the site is in compliance or non-compliant.

- vi. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
- vii. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right-of-way shall be addressed immediately.
- viii. Other non-compliance issues need to be addressed within a 24-hour period.
- ix. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow-up inspection.
- x. BMP maintenance/inspections shall include tree protection, if applicable.

10. WATER SYSTEM

- a. **Water Meter:** Provide a water service and meter for the parcel. These are to be installed by developer. **(MHMC 17.32.020 D)**

11. OTHER CONDITIONS

- a. **Easement Dedications:** The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- b. **Undergrounding New Utilities:** The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. **(MHMC 17.32.020 E.1)**
- c. **Landscaping and Irrigation Systems:** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the property owner or designated maintenance entity.
- d. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the project. **(MHMC 17.08.090)**
- e. **Pre-construction Meeting:** Prior to the approval of any Building Permit for grading activity, the developer shall schedule a pre-construction meeting with the Public Works Inspection Division with the following project team members:
 - i. Civil Engineer of record
 - ii. Geotechnical Engineer of record
 - iii. Third Party QSD/QSP SWPPP Inspector
 - iv. General Contractor
 - v. Sub-Contractors
- f. **As-Built Submittal Standards:** The developer shall submit digital as-builts of the project's Final Map, Grading Plan, and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

12. NPDES STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- a. **Stormwater Post Construction Requirements (PCRs):** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the Guidance Manual can be obtained from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable Post-Construction Requirements:
1. Performance Requirement 1: Site Design and Runoff Reduction
 2. Performance Requirement 2: Water Quality Treatment
 3. Performance Requirement 3: Runoff Retention
 4. Performance Requirement 4: Peak Management
- b. **Peak Storm Water Runoff Discharge Rates:** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- c. **Storm Drain System Stenciling and Signage:** All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- d. **Trash Enclosure Area:** In addition to compliance with the requirements under Municipal Code Section 18.92.155 (Refuse and Recycling Enclosures), the trash enclosure area must meet the following Structural or Treatment Control BMP requirements:
- i. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents
 - ii. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - iii. Doors: Trash enclosure shall have door(s) which can be secured when closed.
 - iv. 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.
 - v. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.
- e. **Design Standards for Structural or Treatment Control BMPs:** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow-

based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

- i. 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.
- ii. 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.
- f. **Stormwater Runoff Management Plan (SWRMP):** The Stormwater Runoff Management Plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.
 - 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 developer shall provide a signed certification from the civil engineer responsible for preparing the Stormwater Runoff Management Plan that all stormwater best management practices have been designed to meet the requirements.
- g. **Stormwater BMP Operation, Maintenance, and Replacement Responsibility**
 - i. Prior to building final, the property owner shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
 - ii. 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.
 - iii. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
 - iv. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance.

This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

- h. **Stormwater BMP Operation and Maintenance Agreement (SWBOMA):**
 - 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 BMPs. The City standard Stormwater BMP Operation and Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.
 - i. **Stormwater BMP Inspection Responsibility**
 - 1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **certified Qualified Stormwater Practitioner (QSP)**.
 - 2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the QSP. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
 - 3. Upon completion of each inspection, an inspection report shall be submitted to the City.
 - j. **Records of Maintenance and Inspection Activities:** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP Operation and Maintenance Agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.
 - k. **Annual Certification of SWRMP:** On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the project's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

ENVIRONMENTAL SERVICES

- 1. Project Shall comply with the Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation and MHMC 18.64 Landscaping

2. In order to be approved, a complete application package containing the following items must be submitted:
 - a. Project information:
 - i. Date;
 - ii. Project applicant;
 - iii. Project address (if available, parcel and/or lot numbers);
 - iv. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - v. Total landscape area (square feet);
 - vi. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
 - vii. Checklist of all documents in landscape documentation package;
 - viii. Project contacts to include contact information for the project applicant and property owner;
 - ix. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape documentation package."
 - b. Water budget calculations, if applicant selects to use a water budget approach rather than comply with the turf area limitations or specified plant type restrictions (Section 18.148.080);
 - c. Soil management report or soil management survey (Section 18.148.070);
 - d. Landscape design plans (Section 18.148.090);
 - e. Irrigation system design plans (Section 18.148.100);
 - f. Landscape audit report (Section 18.148.130) (to be provided after construction); and
 - g. Grading design plan or grading design survey (Section 18.148.110).
3. The landscape designer is encouraged to review the above noted code sections carefully in order to develop an application package that will facilitate an expedient review of the water conserving aspects of the planned landscape.
4. Note that the soils management report must be prepared and submitted prior to the issuance of the first building permit application for the project and the results of the report are to be used to finalize the irrigation design and soil amendment plans.
5. Below are some commonly missed items in landscape plans that must be included in the submittal:
 - a. Per MHMC 18.148.060 A.1: the landscape areas may include no turf
 - b. According to MHMC 18.148.100 A.1.u: Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface.
 - c. Plant selection must comply with the following plant water requirements according to Municipal Code section 18.64.060 A.1:
 - i. All plants and trees shall be categorized as low or very low water use in the Central Coast as defined by the water use classification of landscape species (WUCOLS) database. The following are medium water use plants according to the WUCOLS Plant list.
 - d. Include language from MHMC 18.148.090 A. and B. to landscape design plan notes where applicable

- e. Specify the following information according to MHMC 18.148.090 A.3:
 - i. For landscape installations, compost at a rate of a minimum of four cubic yards per one thousand square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.
 - ii. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - iii. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.”
- f. According to MHMC 18.148.090 B. specify the landscape design plan, at a minimum, shall:
 - i. Identify type of mulch and application depth;
 - ii. Identify soil amendments, type, and quantity;
 - iii. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
 - iv. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.).
- g. Include language from MHMC 18.148.100 A. and B. to irrigation design plan where applicable
- h. Per MHMC 18.148.100 A.1.u: Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface.
- i. Include language from MHMC 18.148.140 A. to irrigation notes where applicable
- j. Include language from MHMC 18.148.140 A. through D. to landscape and irrigation maintenance schedule notes where applicable






Approval Certificate 22-022

Final Audit Report

2023-02-08

Created:	2023-02-08
By:	Jenna Luna (jenna.luna@morganhill.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAaKPr_N8eNxkUdqKjnK_UnFr11WqINekP

"Approval Certificate 22-022" History

-  Document created by Jenna Luna (jenna.luna@morganhill.ca.gov)
2023-02-08 - 10:11:01 PM GMT
-  Document emailed to Diane Swing (dswing@techconcorp.com) for signature
2023-02-08 - 10:11:49 PM GMT
-  Email viewed by Diane Swing (dswing@techconcorp.com)
2023-02-08 - 11:15:58 PM GMT
-  Document e-signed by Diane Swing (dswing@techconcorp.com)
Signature Date: 2023-02-08 - 11:17:33 PM GMT - Time Source: server
-  Agreement completed.
2023-02-08 - 11:17:33 PM GMT