



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

## **APPROVAL CERTIFICATE NO. 20-013**

**APPLICATION NUMBER:** Design Review SR2019-0032 Monterey-Voices

**LOCATION:** Northwest intersection of Monterey Road and Cosmo Avenue (APN: 767-17-047)

**SITE AREA:** 2.02 Acres

**GENERAL PLAN:** Mixed Use Flex (MU-F)

**ZONING:** Mixed Use Flex (MU-F)

**DESCRIPTION:** A Design Permit for development of Phase 1 of a K-8 public charter school campus at the project site. Development would include construction of an approximately 28,547 square foot two story building with 18 classrooms, related administrative areas, lunch shelter, outdoor playground areas, and associated landscaping.

### **RECITALS**

1. On October 23, 2019, the Development Services Department received an application for Design Review. The subject property is 2.02 acres in size, located at the northwest intersection of Monterey Road and Cosmo Avenue (APN 767-17-047) and within the Mixed Use Flex zoning district.
2. Said application was deemed complete for processing and was considered by the Development Review Committee (DRC) at its regular meeting of November 13, 2019, at which time the Committee recommended conditional approval of application SR2019-0032 Monterey-Voices;
3. On October 8, 2019, the Planning Commission approved Resolution 19-15 approving a Conditional Use Permit for a public charter school project.
4. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process;
5. On August 31, 2020 the Development Services Department considered said application at the close of a duly noticed 10-day public comment period;

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6. 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 18.108.40 (J.) of the Morgan Hill Municipal Code.

- a) 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.
- b) The proposed project complies with all applicable provisions of the zoning code and municipal code.
- c) The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.
- d) The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). 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 judgment 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 material which constitute the record shall be the Development Services Department.
- e) 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.
- f) The proposed project complies with all applicable Design Review Criteria in 18.108.40 (H.).

**SECTION 2.** The proposed project will not result in a violation of the requirements established by the Regional Water Quality Control Board.

**SECTION 3.** The 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 judgment 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 material which constitute the record

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shall be the Development Services Department.

**SECTION 4.** The approved project shall be subject to all conditions contained within the attached Exhibit A, incorporated herein by reference.


**APPROVED THIS 31<sup>st</sup> DAY OF AUGUST, 2020.**

  
\_\_\_\_\_  
**Jennifer Carman**  
**Development Services Director**

**A F F I D A V I T**

Frances Teso

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

DocuSigned by:  
  
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\_\_\_\_\_  
(Name)

10/2/2020

\_\_\_\_\_  
Date

**EXHIBIT "A"**

## STANDARD CONDITIONS

**APPLICATION: SR2019-0032**

**THE FOLLOWING ARE STANDARD CONDITIONS OF APPROVAL THAT MUST BE MET PRIOR TO THE ISSUANCE OF BUILDING PERMITS AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS MAY BE SPECIFIED IN THE CONDITIONS. THE APPROVAL REQUIREMENTS INCLUDE THESE REQUIREMENTS AND ANY SPECIAL CONDITIONS THAT ARE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS. APPLICANTS ARE REQUIRED TO SIGN THE APPROVAL CERTIFICATE/RESOLUTION FORM INDICATING THEY UNDERSTAND AND AGREE TO IMPLEMENT THESE STANDARD CONDITIONS AND ANY SPECIAL CONDITIONS APPLIED TO THEIR PERMIT APPROVAL.**

### **ACRONYMS:**

**MHMC** – Morgan Hill Municipal Code

**MHARH** – Morgan Hill Architectural Review Handbook

### **PLANNING DIVISION**

#### **I. TIME LIMITS**

- A. The Design Review approval granted under this Resolution shall remain in effect for two years to August 31, 2022. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**

#### **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

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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. 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.

B. FINAL SITE DEVELOPMENT PLANS: Final site development plans shall be reviewed for conformance with Morgan Hill Municipal Code Section 18.108.040 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. Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with the architecture of the building(s). Sizing and design shall conform to the Morgan Hill Architectural Review Handbook. In residential areas, restaurants or other food service commercial uses, trash enclosure areas shall require an overhead shade structure. Trash enclosures shall be required in all commercial and industrial projects and in residential projects containing four or more dwelling units.
5. 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.
6. 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 18.76)

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

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

**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**. (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 will be subject to the review and approval of the Director of Development Services. 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. (MHMC 18.74.340)

#### **IV. PARKING & VEHICULAR ACCESS**

- A. PARKING AREA LANDSCAPING: The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces. The landscape planter shall contain a 12" strip extension (created as an integral pour) of concrete inside the 6" curb of the planter, to create an 18" concrete strip. (MHMC 18.64.050)

#### **V. LANDSCAPING**

- A. PLANTING AND IRRIGATION WORKING DRAWINGS: Detailed landscape planting and irrigation working drawings 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 15 gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Development Services Director.
- C. MAINTENANCE OF LANDSCAPING: 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 Development Services Director or Design Review Board.

#### **VI. SIGNS**

- A. SEPARATE APPLICATION REQUIRED FOR SIGN APPROVAL: The signs indicated on the plan set drawings are not approved with the subject site review application. Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning prior to installation of any signs.

#### **VII. HABITAT PLAN**

- A. The approved project is covered under the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. Prior to issuance of building permits or grading permits the project shall complete and submit a Habitat Plan Application Package. All fees must be paid prior to issuance building permits or grading permits. (MHMC 18.132)
- C. Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). (MHMC 18.132)

## VIII. OTHER CONDITIONS

- A. This Design Review approval is limited to the plan set date stamped August 14, 2020 on file SR2019-0032: Monterey-Voices with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with these plans as determined by the Development Services Director.
- B. 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.
- C. 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.
- D. SIGNED COPIES OF APPROVAL CERTIFICATE 20-013: Submit two (2) signed copies of Approval Certificate 20-013 to the Planning Division prior to issuance of building permits.

## IX. PROJECT MITIGATION MEASURES

The applicant shall be subject to compliance with the mitigation measures of the project's adopted Mitigated Negative Declaration. The following mitigation measures shall be included with all building permit, grading, or improvement plans.

### Biological Resources

- BIO-1:** A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing



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(construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the City of Morgan Hill Development Services Department. If owls are not determined to be present on-site, further mitigation is not required. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31), and Mitigation Measures IV-2 and IV-3 shall be implemented.

**BIO-2:** Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged. Establishment of the exclusion area shall be determined by a qualified biologist to the satisfaction of the City of Morgan Hill Development Services Department.

**BIO-3:** If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of the 250-foot buffer shall be allowed. Construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed, and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active.

Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the SCVHP is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat

Agency along with a passive relocation plan in accordance with Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.

**BIO-4:** 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.

**BIO-5:** The project applicant shall mitigate for the removal of the Ordinance Sized Tree located at the eastern portion of the site along Monterey Road, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a 1:1 ratio with a 15-gallon minimum size tree.

For the Ordinance Sized Trees within the southwestern corner of the site, which are 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.

- BIO-6:** No later than submittal of the first construction or grading permit for the proposed project the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone of the project site, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.132.050 of the Morgan Hill Municipal Code.

## Hydrology and Water Quality

- HYD-1:** Prior to submittal to the RWQCB, the Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed project shall include, to the satisfaction of the City Engineer, Best Management Practices (BMPs) designed to limit the discharge of sediment or other pollutants to West Little Llagas Creek.

Such BMPs shall include, but not necessarily be limited to, the installation of silt fencing at the limit of the proposed grading activities.

## Noise

**NOI-1:** Noise-generating construction activities associated with the proposed project 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.

**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.

## Transportation

**TRA-2:** Final project improvement plans prepared for the proposed project shall include, to the satisfaction of the City Engineer, installation of a crosswalk at the northern leg of the Monterey Road/Cosmo Avenue intersection and protected phasing on all approaches of the intersection, including modifying the traffic signal to include protected left-turn phasing on the northbound and southbound approaches and split phasing on the eastbound and westbound approaches.

**TRA-3:** Final project improvement plans prepared for the proposed project shall

include, to the satisfaction of the City Engineer, installation of post-mounted rectangular rapid flashing LED beacons on the bike/pedestrian crossing warning signs at the Little Llagas Creek Trail access on Cosmo Avenue.

**TRA-4:** The following conditions shall be noted on project construction drawings, to the satisfaction of the City Engineer, prior to issuance of a building permit or approval of improvement plan:

- During morning drop-off times at the proposed project, school staff or parent volunteers shall be stationed along the drop-off area to assist students in and out of vehicles and improve drop-off procedures efficiency. Additionally, in order to speed up student pick-up, parents picking up students shall place a name card on the passenger side visor showing the last name and grade level of the child being picked-up so that school staff, positioned at the project driveway, can radio ahead to staff at the drop-off area the name of the student being picked up to ensure the student is ready for pick-up by the time the parent reaches the drop-off area.
- Measures shall be taken to ensure efficient utilization of the available queue storage space within the project site and the efficient and safe loading/unloading of the students. The drop-off/pick-up area shall be well-defined with implementation of appropriate signage and pavement markings clearly showing the student loading zone and each vehicle position. The loading lane shall be designed to provide the maximum loading area possible. During drop-off times, school staff shall be positioned along the drive aisle to ensure that students do not unload outside of the designated loading zone.
- On-street parking along the southern project site frontage on Cosmo Avenue shall be prohibited. The on-street parking restriction may be permanent (red curb) or time-restricted to the school peak hours only.
- The proposed charter school shall implement 30-minute staggered start times; specifically, a start time of 8:00 AM for upper grade levels (sixth through eighth grades) and 8:30 AM for lower grade levels (kindergarten through fifth grades).

**TRA-5:** Final project improvement plans prepared for the proposed project shall demonstrate that double solid striping shall be installed on Cosmo Avenue, along the project frontage to the intersection of Monterey Road/Cosmo Avenue, to prohibit left-turn movements from eastbound and westbound Cosmo Avenue into and out of the project site driveway. The plans shall be reviewed and approved by the City Engineer.

## **X. ENGINEERING CONDITIONS**

The following conditions shall apply to the project/application.

### **I. PROJECT SPECIFIC**

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- A. Concurrent with the Building Department submittal, a separate Civil Engineering improvement plan submittal shall be submitted directly to the Engineering Division for review. Contact Engineering for submittal requirements and submittal fees.
- B. Due to the recent repaving of Monterey Road, there shall be no open trench work withing the paved street portion of Monterey Road.
- C. Sanitary Sewer connection into private sanitary sewer manhole is not allowed. Sanitary connection into sanitary main/SSMH on Monterey shall be by boring.
- D. Connection to the existing curb inlet on Cosmos shall be revised; from the proposed onsite SDMH the connection to the existing curb inlet at Cosmos shall be angled to east/back side of the curb inlet.
- E. Cosmo mid-block crossing: At Llagas Creek Trail crosswalk to the west on Cosmo, show on plans post-mounted rectangular flashing LED beacons to be installed to enhance the visibility of pedestrians within the midblock crossing. LED beacons to be solar powered push button activated by pedestrians.
- F. Project shall file the appropriate FEMA Letter of Map Revision Based on Fill (LOMR-F) prior to occupancy. Part of the LOMR-F process is to file FEMA Elevation Certificates for the buildings.
- G. Provide site specific percolation test at the locations of the treatment BMPs.
- H. Water, irrigation, and fire service shall all be separate water laterals.
- I. Water and irrigation each have a separate water meter located in the landscape/park strip with standard backflow device located immediately behind property line.
- J. Fire Department Connection (FDC) location shall be located within 50 feet of a fire hydrant or as approved by the Fire Department.
- K. Future building may require separate water lateral, meter, and backflow device, to be determined at precise plan submittal.
- L. Add streetlights per following standards:
  - 1. Monterey Road (arterial road with 80 LED) 160 - 180 feet apart matching the opposite side of the street spacing.
  - 2. Cosmo Avenue (collector road with 50 LED) 130 - 140 feet staggered along the street.
- M. Project shall pay Engineering Impact fees prior to issuance of any Building/Encroachment Permit.

## 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 in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the Director of Public Works prior to submittal of Final Map. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**
- C. Obtain necessary encroachment permits from:
- City of Morgan Hill
- and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- D. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- E. Enter into a
- Improvement Agreement (IA)
- with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- F. **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 1<sup>st</sup>) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City Public Works Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

### 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 Director of Public Works. All street improvements shall be constructed to the satisfaction of the Director of Public Works. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
- B. The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**
- C. Re-dedication in fee of a total of 55 feet from center line of public right-of-way on Monterey Road. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**

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- D. Re-dedication in fee of a total of 30 feet from center line of public right-of-way on Cosmo Avenue. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
- E. Dedicate in easement, a 10' public service easement along the property frontage along Monterey Road and Cosmo Avenue.
- F. 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 Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Site Review plans. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works. **(MHMC 17.32.020 A & B)**
- C. Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre development flows. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
- D. Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.



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. Where the project adjoins existing Santa Clara Valley Water District storm drain facilities, applicant shall obtain dedication(s) of all necessary easement or right-of-way to accommodate established ultimate facilities master plan.
- F. BMP Tree protection shall be part of the SWPPP inspections.
- G. As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The 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**).
- H. 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 15<sup>th</sup> thru May 1<sup>st</sup>).
  3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
  4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
  5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Public Works Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Public Works). QSD/QSP SWPPP Inspectors

shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Public Works (public right-of-way issues) inspectors respectively.

6. Prior to rain events, BMPs\* not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
8. Other non-compliance issues need to be addressed within a 24 hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

\*BMPs maintenance/inspections shall include tree protection if applicable.

## 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 Director of Public Works. The water system improvements shall be constructed within public easements or street right-of-way to the satisfaction of the Director of Public Works and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan )**
- B. 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 Director of Public Works. **(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](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml)). A copy of the guidance manual can be obtained through the Department of Public Works internet site. 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. Protect Slopes and Channels** - Project plans must include BMPs per the [Santa Clara Valley Water Resource Protection Collaborative: Guidelines and Standards for Land Use Near Streams](#) to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff; at a minimum the following shall be addressed:

1. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
2. Utilize natural drainage systems to the maximum extent practicable.
3. Stabilize permanent channel crossings.
4. Vegetate slopes with native or drought tolerant vegetation, as appropriate.
5. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion, with the approval of all agencies with jurisdiction, e.g., Santa Clara Valley Water District, the U.S. Army Corps of Engineers, and the California Department of Fish and Game.
6. Project shall not grade within 35 feet of a perennial or intermittent stream (top of bank) or within 30 feet of riparian habitat.

- F. Provide Storm Drain System Stenciling and Signage** - Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- G. Properly Design 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.
  2. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
  3. Doors: Trash enclosure shall have door(s) which can be secured when closed.
  4. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
  5. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.
- 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 storm water management treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Public Works 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 **Register 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 15<sup>th</sup> and September 15<sup>th</sup>) 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 Public Works Engineering.

**M. Records of maintenance and inspection activities** - On or before April 15<sup>th</sup> and September 15<sup>th</sup> of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance

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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 30<sup>th</sup> 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.