

**EXHIBIT "A"**  
**STANDARD CONDITIONS**

**APPLICATION NO: SR2021-0011/EA2021-0009 Cochrane-Toll Brothers  
(Borello Ranch)**

**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 Design Permit approval for Phases 3 and 4 of the 122-acre Borello Ranch Estates project. Phases 3 and 4 includes 114 lots, with landscape improvements, boundary wall and other civil engineering components.

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

- A. Environmental Impact Report- Cochrane-Borello Residential Development Project– State Clearinghouse #2011082039
- B. Cochrane-Borello Subdivision Map (SD 09-07)
- C. Cochrane-Borello Development Agreement (DA 09-05)
- D. Cochrane-Borello Zoning Amendment (ZA 09-08)

**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.

**Agricultural Resources**

The following agricultural mitigation measures have been proposed by the project applicant. Any one of these mitigation measures (or combination) achieving a 1:1 ratio of acreage protected for each acre lost would be deemed sufficient to mitigate the loss of agricultural lands from the project site:

- A. **MM-AG-1:** Prior to issuance of the first building permit for each phase, the applicant shall comply with the adopted City of Morgan Hill Agricultural Mitigation and Preservation program (if such a program exists at the time each

phase develops).

- B. **MM-AG-2:** Prior to the issuance of the first building permit for each phase, provide conservation easements to the City of Morgan Hill at a 1:1 ratio on land of at least equal quality and size or 1:1 on land deemed suitable for conservation by the Director of Planning. Project applicant will provide agricultural easements on other properties owned now or in the future by the Borello family or its associates, or on purchased property within the State of California, mitigating for loss of prime agricultural land at a ratio of 1:1.
- C. **MM-AG-3:** Prior to the issuance of the first building permit for each phase, the applicant shall provide evidence of payment of an in-lieu fee at a 1:1 ratio of acreage protected for each acre lost to an established local, regional, or statewide organization or agency. The per acre payment shall be made to the entity/City that has an adopted Agricultural Mitigation Program.

#### **Hazards and Hazardous Materials**

- D. **MM-HM 1.1:** A “no further action” determination shall be obtained from SCCEH for the former USTs, prior to development of Phase 10.
- E. **MM-HM 1.2:** The presence of the recorded UST at 18145 Peet Road should be confirmed prior to issuance of building permits for Phase 8, providing sufficient time for the applicant to mitigate prior to installation of the planned realignment of Peet Road in Phase 10. This may be accomplished by a geophysical survey or having an environmental professional onsite during road realignment activities to observe if UST indicators are present. Given the planned realignment (roughly 75 feet southwest of current location) it is unlikely the alleged UST would impact the realignment.

#### **Biological Resources**

The following measures shall be implemented by the proposed project prior to each phase of construction (i.e. preconstruction surveys will be per phase) to reduce impacts to white-tailed kite and non-listed raptors:

- F. **MM-BIO-1.1:** Should project construction be scheduled to commence between February 1 and August 31, a pre-construction survey will be conducted by a qualified biologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site. This survey will occur within 30 days of the onset of construction.
- G. **MM BIO-1.2:** If pre-construction surveys undertaken during the nesting season locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) will

remain off-limits to construction until the nesting season is over. Suitable setbacks from occupied nests will be established by a qualified biologist and maintained until the conclusion of the nesting season.

The following measures shall be implemented by the proposed project during each phase of construction that would demolish an existing structure onsite, to ensure that roosting bat mortality from project construction is avoided:

- H. **MM BIO-3.1:** A pre-construction survey will be conducted by a qualified bat biologist for roosting bats within 30 days of the on-set of construction. All suitable structures of the study area will be covered during this survey.
- I. **MM BIO-3.2:** If a non-breeding bat colony is found and construction will not include demolition, then a construction-free buffer of 25 to 50 feet shall be established around the structure. If construction will include demolition, then the individuals shall be humanely evicted via the partial dismantlement of the buildings prior to demolition under the direction of a qualified bat specialist to ensure that no harm or “take” would occur to any bats as a result of demolition activities.
- J. **MM-BIO-3.3:** If a maternity colony is detected in the buildings, then a construction-free buffer shall be established around the structure and remain in place until it has been determined that the nursery is no longer active. If demolition is necessary, demolition shall be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.
- K. **MM-BIO-5.1:** For the on-site trees proposed for preservation, a tree protection plan shall be completed by a certified arborist to the satisfaction of the City arborist. The plan shall demonstrate how tree protection shall be provided during and after construction. The key elements of a tree protection plan include; establishing Tree Protection Zones (TPZs) for each tree to be preserved; and providing supplemental irrigation during the demolition and construction phases of the project. The tree preservation plan shall include the following protective measures set forth in the tree survey prepared by Moki Smith:

#### Design Measures

- Locate structures, grade changes, etc. as far as feasible from the ‘dripline’ area of the tree.

#### Tree Protection During Construction

- 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 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. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.

- Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height.
- Post no parking or storage signs outside/on fencing. Do not attach posting to the mainstem of the tree.
- Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.

#### Tree Maintenance

- 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.
- Mulch 'rooting' area with an acidic, organic compost or mulch.
- Arrange for periodic (biannual/quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.
- Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines will be established in the tree preservation plan

#### **Air Quality**

- L. **MM-AIR-3.1:** The proposed project includes the following construction practices that can reduce construction dust/air quality impacts to a less than significant level. BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than

significant. The following construction practices shall be implemented during construction of the proposed project:

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- 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.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- 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.

- 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.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- 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.
- Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 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

M. **MM-AIR-3.2:** The following are additional mitigation measures recommended by the BAAQMD and included in the project to reduce engine exhaust emissions:

- Use alternative fueled construction equipment, when feasible.
- Minimize idling time (five minutes maximum).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy equipment and/or the amount of equipment in use.

### **Geology and Soils**

N. **MM GEO-2.1:** Proposed cut slopes below Coyote Road, located within the City of Morgan Hill, have the potential to destabilize the roadway. Therefore, a slope stability analysis and remedial grading measures, documented in a grading and drainage plan review letter will be prepared by the applicant for City staff to review, to confirm required factors of safety are maintained.

### **Hydrology and Water Quality**

O. **MM HYDRO- 1.1:** The portion of the site that drains to San Francisco Bay via Coyote Creek is under the jurisdiction of the San Francisco RWQCB. For the portion of the site that drains to Coyote Creek, the project shall include

hydromodification mitigation meeting or exceeding the specifications outlined in the SCVURPPP hydromodification mitigation plan (HMP).

- P. **MM HYDRO-1.2:** The project results in increased runoff from the site due to the increased impervious surfaces. The project includes sufficient storage volume to mitigate the increased peak runoff rate for the 2-, 10-, 25- and 100- year storm events. The southern drainage basins outlets to an existing storm drain system; portions of which are currently under capacity. As such, the outlet works for the detention basins shall be designed to limit post-project flows to pre-project levels for the 2-, 10-, 25- and 100-year storm events such that the existing frequency of capacity exceedance of any existing culverts is maintained or decreased. Since the northern retention ponds do not discharge to existing drainage systems accept in the event of a storm larger than the 100-year event, outlet works should be placed at an elevation that conveys only storms greater than the 100-year storm. The 2-, 10-, 25- and 100-year storms will not discharge from the northern retention ponds, and therefore will meet the requirement that post-project peak flows will not exceed pre-project conditions. In order to mitigate the increase in peak flow rate due to the expansion of Peet Road, infrastructure should be appropriately sized and designed to convey the flow to one of the southern detention basins. The connection pipes between basins S1 and S2 (regardless of its location on or off site) and the 12-inch replacement pipe under Peet Road may also have to be modified from what is shown on the conceptual storm drain plan exhibit (which does not include the Peet Road realignment). Because these pipes will need to be lengthened to accommodate the widening of Peet Road, the hydraulic losses associated with the longer pipes will be greater. As such, the pipes may need to be enlarged to maintain the same capacity over this longer length. This is particularly relevant for the 12-inch replacement pipe under Peet Road. The pipe connecting basins S1 and S2 serves primarily as a hydraulic connection between the basins and its capacity may not be relevant.
- Q. **MM HYDRO-3.1:** Potential construction-phase and post-construction pollutant impacts from development shall be controlled below the level of significance through preparation and implementation of an erosion control plan, a storm water pollution prevention plan (SWPPP) and a storm water management plan (SWMP) consistent with recommended design criteria in accordance with the NPDES permitting requirements enforced by the Regional Board (San Francisco or Monterey Bay as applicable for each phase), per requirements at time of development. The erosion control plan forms a significant portion of the construction-phase controls required in a SWPPP, which also details the construction-phase housekeeping measures for control of contaminants other than sediment. The SWMP implements treatment measures and best management practices (BMPs) to be implemented for control of pollutants once the project has been constructed. Both the SWPPP and the SWMP set forth the

BMP monitoring and maintenance schedule and identifies the responsible entities during the construction and post-construction phases.

The applicant's SWPPP shall prescribe construction-phase BMPs to adequately contain sediment on-site and prevent construction activities from degrading surface runoff. The erosion control plan in the SWPPP would include components for erosion control, such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for revegetation or mulching. BMPs shall be implemented in accordance with criteria in the California Stormwater BMP Handbook for Construction or other accepted guidance and shall be reviewed and approved by the City of Morgan Hill prior to issuance of grading or building permits for each phase of development. The applicant shall identify the SWPPP Manager who will be the responsible party during the construction phase to ensure proper implementation, maintenance, and performance of the BMPs.

The applicant's SWMP shall implement post-construction water quality BMPs that control pollutant levels to pre-development levels, or to the maximum extent practicable for both the Peet Road and site development projects. For the site itself, neighborhood and/or lot-level BMPs to promote infiltration or "green" treatment of storm runoff shall be emphasized, consistent with Regional Boards guidance for NPDES Phase 2 permit compliance.

These types of BMPs include infiltration basins and trenches, constructed wetlands, rain gardens, grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMP Handbook for New and Redevelopment or other accepted guidance and designs shall be reviewed and approved by the City prior to issuance of grading or building permits for the roadway or driveways. These types of structural BMPs are intended to supplement other storm water management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant shall identify the responsible parties and provide adequate funding to operate and maintain storm water improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). The applicant shall also establish financial assurances, as deemed appropriate by the Morgan Hill Community Development Department, enabling the City to maintain the storm water improvements should the HOA or other entity disband or cease to perform its maintenance responsibilities.



## Noise

- R. **MM NV-1.1:** Notify residents of Lots 41, 42, 78, 79, 81, 82, 109-112, 227, 228, and 230 of the potential for intermittent noises from operations and activities at the Santa Clara Water District Facility. This notification will be provided in the deed to the property.
- S. **MM NV-1.2:** Construct eight-foot noise barriers, relative to the residential pad elevation, to reduce intermittent noises from activities associated with operations at the Santa Clara Water District Facility to less than 60 dBA. Noise barriers would be required at the property lines of Lots 41, 42, 78, 79, 81, 82, 109-112, 227, 228, and 230 that adjoin the Santa Clara Water District Facility.
- T. **MM NV-1.3:** Provide a suitable form of forced-air mechanical ventilation, as determined by the City Building Official, for units located on Lots 41, 42, 78, 79, 81, 82, 109-112, 227, 228, and 230, so that windows could be kept closed at the occupant's discretion to control interior noise.
- U. **MM NV-4.1:** The contractor shall prepare a detailed construction plan for each phase of development identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall consider the following available controls to reduce construction noise levels as low as practical:
- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).
  - Temporary noise barriers (e.g., solid plywood fences (minimum 8 feet in height) and/or acoustical blankets could be erected, if necessary, along affected property boundaries facing the construction site. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
  - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
  - Prohibit all unnecessary idling of internal combustion engines.

- Route construction related traffic to and from the site via designated truck routes and avoid residential streets where possible.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures.
- Locate staging areas and construction material storage areas as far away as possible from adjacent land uses.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.

### III. AVOIDANCE MEASURES

#### Cultural Resources

- A. **AM-CUL-1.1:** An archaeologist shall be present on-site to monitor ground-disturbing activities during Phases 1 and 2. In the event that any bone material is discovered, work shall be halted with a distance determined by the project archaeologist until a qualified forensic archaeologist has made a determination that it is or is not human.
- B. **AM CUL-1.2:** 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.
- If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very

sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.

- Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
- Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
- An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbance.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
  - The City of Morgan Hill Community Development Director
  - The Contractor’s Point(s) of Contact
  - The Coroner of the County of Santa Clara (if human remains found)

- The Native American Heritage Commission (NAHC) in Sacramento
- The Amah Mutsun Tribal Band
  
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
  
- The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
  
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
  
- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
  
- If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

### **Geology, Soils, and Seismicity**

- C. **AM GEO-4.1:** Future development on the project site shall be designed and constructed in conformance with the 2010 California Building Code guidelines for Seismic Site Class D to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site. Potential impacts, therefore, would be reduced or avoided by conformance with the standards specified in the California Building Code for Seismic Site Class D.
- D. **AM GEO-4.2:** A detailed design-level geotechnical investigation shall be completed specific to each phase, and the project design and construction shall follow the specific recommendations of the investigation. The design-level investigation shall include exploration of appropriate foundation systems for proposed structures, as well as site preparation, grading, and pavement design.

- E. **AM GEO-5.1:** Potential construction-phase and post-construction pollutant impacts from the development of the Site and the Peet Road realignment can be controlled below the level of significance through preparation and implementation of an erosion control plan. The project shall implement standard grading and best management practices, including but not limited to, street sweeping, fiber rolls, inlet protection, stockpile covering or watering, covering of trucks, and/or replanting of vegetation, to prevent substantial erosion and siltation during development of the site. The erosion control plan forms a significant portion of the construction-phase controls required in a storm water pollution prevention plan (SWPPP), which also details the construction-phase housekeeping measures for control of contaminants other than sediment.

#### IV. DEVELOPMENT AGREEMENT REQUIREMENTS

The project shall comply with all provisions of the Amended and Restated Development Agreement, and Administrative Amendment to Development Agreement by and between the City of Morgan Hill and Toll CA XX regarding the San Sebastian residential development. The Residential Development Control System (RDSCS) public benefit commitments specified from the RDSCS 2016-0015 file apply to Phases 3 and 4. Although not all public benefit commitments have been identified in this document, all commitments are incorporated into the project.

The following public benefit commitments shall be verified for compliance during the building permit, final map, or certificate of occupancy phase of the project.

##### A. Schools

1. **School Fees.** Developer shall pay fees as provided by the Leroy F. Green School Facilities Act of 1988.

Fees shall be paid prior to issuance of building permit.

2. **Off-site Pedestrian Safety Improvements:** Developer shall provide off-site pedestrian safety improvements or traffic safety improvements to an elementary school located within 3/4 miles of the project site or to a middle school or high school up to \$4,950 per unit or develop any other improvements valued at \$4,950 as determined by MHUSD and the City of Morgan Hill Public Works Department.

Fees shall be paid prior to occupancy of each unit or acceptance of out of tract public improvements.

##### B. Open Space

1. **Transfer Development Credit (TDC):** Developer commits to purchase TDC's at a ratio of one TDC for every twenty units in the project.

Fees shall be paid prior to certificate of occupancy.

**C. Public Facilities**

1. **Public Improvements:** Developer commits to provide public facilities, off site storm drainage or pedestrian improvements from a City approved list at a rate of \$4,400/unit per stated requirements.

Fees shall be paid prior to occupancy of each unit or acceptance of out of tract public improvements.

**D. Parks and Paths**

1. **Bike paths/equestrian trails:** Developer commits to install 6.1 miles of Class II Bike Lanes where required by the 2008 Bicycle Master Plan  $(244/10 \times 0.25) = 6.1$  Miles. (1 Mile = 5280 ft.) Applicant commits to a total of 32,208 Linear Feet of Class II bike lane improvements.

Developer shall install improvements or pay an in-lieu fee (\$1.60/per foot) prior to acceptance of public improvements or final occupancy of final units.

2. **Park Impact Fees:** Developer agrees to pay the lesser of double the require in-lieu park fees or \$1,100 per unit.

The developer shall pay the required in-lieu park fees prior to issuance of a building permit.

**E. Housing Needs**

1. **15% Secondary Dwellings:** The developer to providing a minimum of 15% secondary units for the entire project.

The developer shall demonstrate that 25 secondary dwelling units are provided with the Master Plan documents for Phases 3 and 4 prior to approval.

2. **Standard Housing Fees:** Applicant commits to pay Double the standard housing fee, and to provide a minimum of 20 percent of the overall dwellings with secondary dwelling units.

The developer shall pay the double standard housing fee (\$24,000 per dwelling unit) prior to certificate of occupancy.

**F. Quality of Construction**

1. The following improvements shall be included in each home:
  - Full exterior OSB/Plywood wrap with window/door flashing

- Installation of light weight wallboard for all walls excluding code requirement for fire walls
- Installation of one dedicated 3/4inch electrical raceway for future circuit to accommodate two 220 Volt electric car charging statins inside the garage
- Installation of 90 percent high efficiency fan forced heating
- Zoned heating and air condition for all one and two-story homes
- Listed sound attenuated materials in wall that adjoin a bathroom and or bedroom wall
- Installation of high efficiency energy star water heater with energy factor of 0.70
- Installation of ultra-high efficiency or dual flush toilet
- Install rain sensor monitor in irrigation system
- Foundations: 20% reduction of cement in the concrete mix design by use of ash, slag, silica fume or rice hull ash

All improvements shall be verified prior to issuance of a building permit.

**G. Circulation Efficiency**

1. **Future street extensions:** Developer shall contribute to Circulation Fund with in-lieu fee equal to \$2,200/unit.

Fees shall be paid prior to occupancy of each unit or acceptance of out of tract public improvements.

2. **Eliminates stub or standard streets:** The project will provide the in tract Peet Road frontage public street improvements along the project frontage.

Required improvements shall be verified during review of the improvement plans.

3. **Convert existing lights to LED:** Converts existing city lighting to energy efficient LED lights at a ratio of one streetlight conversion per dwelling unit. The cost of the light conversion shall be at least equal to or greater than \$ 750.00 per unit.

Required fees shall be paid at map recordation.

4. **General Community Benefit:** The developer to pay an in lieu-fee equal to \$2,200/unit.

Fees shall be paid prior to occupancy of each unit or acceptance of out of tract public improvements.

H. **Safety and Security**

1. **Provide fire escape ladder, fire extinguishers and fireproof safe.** Units shall have a fireproof safe installed; the safe shall be bolted to the floor or other suitable location.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

2. **Provide first aid kit:** Developer shall provide a first aid kit with a poison control document installed in the kitchen area of each unit.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

3. **Illuminated address numbers and curb numbers:** Developer shall install illuminated address numbers for each unit and painted reflective curb numbers. House identification number markers will be installed at the entrance of each cul-de-sac to be maintained by the homeowner's association.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

4. **Lockable hardware:** Developer shall install lockable hardware on all side yard and patio gates.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

5. **Central Monitoring:** Each unit shall have installed an intrusion alarm; fire alarm and heat detector system monitored by a central station or auto dialer which meet the City ordinance. A one-year monitoring contract shall be provided with home purchase and commits to deliver to the homeowner a City specific responsible listing card that the Morgan Hill Police Department can keep on file.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

I. **Landscaping, Screening and Color**

1. **Twenty-four inch box trees:** Developer shall provide twenty-four inch box size trees at a ratio of one box-size tree per ten trees.



Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

2. **Varied front yard landscaping:** Varied front yard landscaping shall be installed by the Developer.

Improvements shall be indicated on development plans and installation of landscaping shall be verified prior to certificate of occupancy.

3. **Pervious hardscape cover:** Developer shall provide drought tolerant grasses and limit lawn areas. Landscape to be installed will include pervious hardscape such as decorative paving, wood decking, decorate stone and similar non-irrigated area on a at least fifteen percent of the landscape area.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

4. **Low to moderate water use:** Automatic irrigation with separate valve and circuits for trees; shrubs and groundcovers; and lawn areas will be provided.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

5. **Underground retention:** Project shall install pervious pavement in all open parking lots, driveways, and sidewalk areas to minimize drainage runoff.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

J. **Natural and Environmental Features**

1. **Solar photovoltaic panels (60%):** Project shall install solar photovoltaic panels to offset 60% of anticipated electrical energy demand of residential unit.

Improvements shall be indicated on development plans and verified prior to issuance of a building permit.

2. **Build it Green:** The project shall add 40 BIG points beyond the 70-point commitment in the Quality of Construction category.

Build it Green commitments shall be verified prior to issuance of a building permit.

**K. Public Facilities**

1. **No on-site detention pond or open space retention areas required:**  
Detention pond areas shall also be designated as open space.

Open space designation shall be verified on the Phase 3 and 4 Final Map.

2. **Excess public improvements:** Will provide public facilities, off site storm drainage or pedestrian improvements from a City approved list or improvements on or adjacent in excess of standard requirements (e.g, sewer, traffic control) at a rate of \$4,400/unit per stated requirements or pay an in-lieu fee equal to \$4,400 per unit. The project will construct half-street improvements for Peet Road across the Coyote Pumping Plant.

City shall credit Developer for half-street improvements costs for Peet Road across Coyote Pumping Plant. The remaining balance of RDCS commitments not used toward improvements shall be collected.

**V. PROJECT CONDITIONS OF APPROVAL**

This Design Review approval is limited to the Borello Ranch Estates Phase 3 and 4, Architecture (June 8, 2021), Civil (July 12, 2021), Backbone Landscape (April 15, 2021 and November 7, 2021) and Boundary Wall (September 2021) plans on file (File Number SR2021-0011 Cochrane-Toll Brothers (Borello Ranch)) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Review 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 Review approval granted pursuant to this Resolution shall remain in effect for two years to January 24, 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 18.108.040)**

#### **SITE DEVELOPMENT**

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with Design Review Permit SR2021-0011 Cochrane-Toll Brothers (Borello Ranch) 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. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted at building permit stage to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601).

#### **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.
- D. **Lot No. 134:** The proposed unit for Lot No. 134 in Phase 4 shall be changed to a one-story unit to address impacts to property located at 2290A Cochrane Road (APN 728-34-010). The Development Services Director shall verify compliance prior to issuance of a building permit.

## LIGHTING AND LANDSCAPING

- A. **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.
- B. **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)**
- C. **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.
- D. **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)**
- E. **Community Perimeter Boundary Wall:** Developer shall provide a minimum of five feet of landscape planting along the perimeter of the community boundary wall in Phases 3 and 4 (Cochrane/Coyote Road and Half Road). The final landscape and irrigation plans shall be reviewed and approved by the Development Services Director prior to issuance of a building permit.

- F. **Phase 1 Masonry Wall and Landscape Improvements:** A masonry wall shall be installed along the north and west boundary between the project site and 2290A Cochrane Road (APN 728-34-010). Landscaping and irrigation plans consistent with the Phase 1 approval shall be reviewed and approved by the Development Services Director prior to issuance of a building permit.
- G. **Landscape Improvements (APN 728-34-010):** Landscape and irrigation improvements along the north and west boundary of APN 728-34-010 shall be completed prior to the issuance of a certificate of occupancy for Lot No.'s 134, 135 and 138.
- H. **Landscape Improvements (APN 728-34-012):** Developer shall provide landscape planting along the perimeter of the masonry wall between the project site and 18285 Coyote Road (APN 728-340012). Landscape and irrigation plans shall be provided for review and approval by the Development Services Director prior to issuance of a building permit. Landscape and irrigation improvements shall be completed prior to the issuance of a certificate of occupancy for Lot No.'s 139 and 143.
- I. **Tree Removal/Preservation Plan:** Developer shall provide a detailed report from the project arborist providing detailed protective measures for trees proposed to be preserved during grading and construction as provided for on the tree plan prepared by Ruggeri-Jensen-Azar dated January 2022. Impacts from installation of retaining wall shall be evaluated. Trees to be preserved shall be tagged, numbered and clearly identified on the site. All recommended protection measures shall be implemented prior to issuance of a grading permit.

## **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. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**
- C. **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.

## **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. **Covenants, Conditions and Restrictions:** The applicant shall provide a set of Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation, for review and approval by the Development Services Director prior to recordation of a final map. All such CC&Rs shall include the following:



1. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)\* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.  

\*Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill.
2. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.
3. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.
4. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
5. This section may not be amended without the prior written consent of the Development Services Director for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.

6. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance obligation or duty of maintenance is increased by such amendment.
- C. **Land Agreement/Deed Restriction:** Prior to issuance of building permits, the developer shall record a deed restriction on all lots adjacent to 2290A Cochrane Road (APN 728-34-010) prohibiting second story additions or second story alterations.
- C. **Signed copies of Approval Certificate:** Submit two (2) signed copies of the Approval Certificate to the Planning Division prior to issuance of a building permit.

#### **ENGINEERING DIVISION**

- A. **Street Improvements (RDCS out of tract):** Project shall coordinate with Valley Water to obtain the necessary right of way along the adjacent Valley Water District frontage to complete the improvements along Pete Road at 18300 Peet Road. RDCS funds shall be used construct out of tract improvements. Unused balance of the RDCS funds shall be paid to the City prior to final acceptance of public improvements of each phase.
- B. **Street Improvements (in tract frontage):** Project shall complete Peet Road frontage improvements prior to occupancy of the final unit of Phase 4.
- C. **Utilities (Private Sanitary Sewer Maintenance Agreement):** Prior final acceptance of public improvements of each phase, HOA(s) shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains, sewer laterals, force main and lift station. The Agreement shall be recorded at the County Recorder's Office prior to building final.

#### **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. **Improvement Drawings:** 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 City Engineer prior to submittal of Final Map. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**

1. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- C. **Encroachment Permits:** Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- D. **Improvement Agreement:** Enter into an Improvement Agreement (IA) with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- E. **Impact Fee Increase:** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**
1. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance and at building final. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering.

## **STEET IMPROVEMENTS**

- A. **Public and Private Streets:** The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
- B. **Installation and Dedication of Streets:** 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. **Right-of-way Dedication:** The project shall dedicate public right-of-way on Peet Road. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
- D. **Underground existing utilities:** All existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**
- E. **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.

#### **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 Connections:** 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)**

#### **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 Tentative Map/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 final map approval or issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.

1. Storm drain calculations to determine detention/retention pond sizing and operations.
2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.

**(CMH Design Standards and Standard Details for Construction)**

E. **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:**

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSP)**.
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, SWPPP inspection reports, and when applicable, Rain Event Action Plans (REAPS) shall be e-mailed to: [sw.construction@morganhill.ca.gov](mailto: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.
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.
10. BMPs maintenance/inspections shall include tree protection if applicable.

**WATER SYSTEM**

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

- B. **Water well abandonment:** Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with SCVWD standards.

#### **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 tract area 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:
1. Civil Engineer of record
  2. Geotechnical Engineer of record
  3. Third Party QSD/QSP SWPPP Inspector
  4. General Contractor
  5. Sub-Contractors
- F. **As-Built Submittal Standards:** The developer shall submit digital as-builts of the project's Grading Plan and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

#### **NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS**

- 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 Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, 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. **Provide 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. **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) stormwater 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.
- E. **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.
  - 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 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 of this chapter.
- F. **Stormwater BMP operation, maintenance, and replacement responsibility**
  - 1. Prior to building final, the property owner(s) 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 3rd party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
  - 2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the City.

3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
  4. 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.
- G. **Stormwater BMP operation and Maintenance Agreement (SWBOMA)**- 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.
- H. **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 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.
- I. **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 agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.

- J. **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.

## **BUILDING DIVISION**

- A. **California Code of Regulations:** Project shall be designed to comply with the current edition of the California Code of Regulations as amended by Morgan Hill Municipal Code Title 15.
- B. **Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
  - 1. MHMC 15.65 Sustainable Building Regulations.
  - 2. MHMC 15.40 Building Security
  - 4. MHMC 15.38 Wage Theft Preventions
  - 4. MHMC 18.148 Water Conservation

## **FIRE DIVISION**

- A. **Fire Apparatus (Engine) Access Roads Required:** Prior to the commencement of combustible construction, an access roadway with a paved all-weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-B.
- B. **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.
- C. **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.
- D. **Automatic Fire Sprinkler System Required:** New homes located within the hazardous fire area, and in the non hazardous fire area shall be protected throughout with an approved automatic fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standard #13.
- E. **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.
- F. **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.

### **PACIFIC GAS AND ELECTRIC COMPANY**

- A. **Grading/Excavation:** PG&E requires a minimum of existing grade or 36 inches of cover over gas lines (whichever is less). Based on external stress calculations, the maximum allowable fill over the pipeline easement is 24” from existing grade. Any excavations, including grading work, above or around the gas transmission facilities must be performed while a PG&E inspector is present. This includes all laterals, subgrades, gas line depth verifications (potholes), etc. Please follow all PG&E excavation safety requirements, as directed by the Standby Inspector, when working in the vicinity of the gas transmission pipeline. The Vacuum Excavation Limitations bulletin limits air/water pressure and nozzle angles to levels that will not damage the pipeline or coating, which need to be followed anytime the excavation is within 24” of the edge of the PG&E pipeline. Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Engineering in writing PRIOR to performing the work.
- B. **Pile Driving/Vibratory Installations:** PG&E must review and approve 3rd party plans to install piles, piers, or other structures by pile-driving or other vibratory/impact methods. PG&E recommends that all piles be installed a minimum of 15 feet from the edge of the gas transmission pipeline facilities. Continuous monitoring of peak-particle-velocity levels on the pipeline facilities may be required by PG&E, depending on the proximity and equipment proposed. PG&E standby personnel must be present during monitoring activities when required.
- C. **Boring/Trenchless Installations:** PG&E must review and approve of 3rd party plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facilities at regular intervals for all parallel bore installations. A PG&E Standby Inspector must be present during all pothole and boring/trenchless installations within 10 feet of the pipelines.
- D. **Structures:** No structures are to be built on the easements. This includes fences, water fountains, pools, ponds, decks, patios, building overhangs, signs, carports, septic or other tanks, leach fields, bioswale areas, storage sheds, loading ramps, or similar.

- E. **Substructures:** All utility crossings must be as close to perpendicular as feasible ( $90^{\circ} \pm 15^{\circ}$ ) to 34-inch gas lines and must be separated by a minimum of 24 inches from the gas pipelines. Parallel utilities, electroliers, water lines, 'kicker blocks', storm drain inlets, drainage outlets, water meters, valves, back pressure devices or other utility substructures cannot be allowed in the PG&E easement/right of way or within 10 feet of the pipeline, whichever is greater.
- F. **Retired PG&E Facilities:** If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.
- G. **Landscaping:** Trees or deep-rooted shrubs shall not be located within 10 feet of edge of the 34" pipe (pipe zone). Trees less than 12 inches in diameter with non-intrusive root structures can be placed outside of the 10-foot pipe zone. This is in accordance with PG&E Utility Standard TD-4490S "Gas Pipeline Encroachment Management" Section 2
- H. **Construction loading:** Care must be taken to ensure the safety of the pipeline and the public. There are wheel loading restrictions over the pipeline which will limit the construction equipment used during road/site grading and building operations over the pipeline. Minimally invasive construction techniques must be utilized to minimize damage to the pipeline coating or the pipeline itself. For compaction, please use walk-behind compaction equipment if within 2-feet of the pipeline. At greater than 2-ft, use only equipment that meets the Wheel Loading limits.
- I. **Cathodic Protection:** The active Gas Transmission pipelines in the project area are protected from corrosion with an "Impressed Current" Cathodic Protection System. Any proposed substructures/facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that may affect the pipeline Cathodic Protection System will require review and approval by PG&E Corrosion Engineering.
- J. **Pipeline Markers:** PG&E requires pipeline markers be placed along the pipeline route in order to ensure public awareness of the presence of the pipeline, as well as allow visual confirmation of the pipeline location during aerial patrols. Any existing markers will be temporarily relocated to accommodate construction work, but disk or post markers must be reinstalled at the property lines and public road crossings at a minimum.

- K. **Fencing:** Care must be taken to ensure the safety and accessibility of the pipelines. No parallel fencing will be allowed within the easements, and any perpendicular fencing will require a minimum of 14-foot access gates, secured with PG&E corporation locks. Any temporary construction fencing must be coordinated with PG&E Operations personnel, and a PG&E corporation lock placed on the gate, to allow PG&E access to the Gas Transmission Pipeline Easement at all times