



---

17575 Peak Avenue Morgan Hill CA 95037

## APPROVAL CERTIFICATE NO. 20-018

**APPLICATION NUMBER:** SR 2019-0020

**LOCATION:** Cochrane Road (APN 726-58-006)

**SITE AREA:** 2.24 acres

**GENERAL PLAN:** General Commercial

**ZONING:** PUD

**DESCRIPTION:** A commercial project consisting of a five-story hotel building having a footprint of approximately 20,241 square feet, and other associated improvements.

### RECITALS

1. On July 23, 2019, the Development Services Department received an application for Design Review. The subject property is 2.24 acres in size, located on the south side of Cochrane Road, between Woodview Lane and Sutter Road (APN 726-58-006) and within the PUD zoning district.
2. Said application was deemed complete for processing and was considered by the Development Review Committee (DRC) at its regular meeting of October 28, at which time the Committee recommended conditional approval of applications SR-2019-0020;
3. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process;
4. On December 14, 2020, the Development Services Department received a request for a public hearing on the Design Permit
5. On January 5, 2021 the Development Services Director held a public hearing and considered said application;
6. Pursuant to the authority set forth under Section 18.108.040 (Design Permit) the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the following conditions incorporated herein and as attached as exhibit "A".

**FINDINGS**

**SECTION 1.** The proposed project, together with its provisions for its design and improvements, is consistent with the Zoning Ordinance and the General Plan.

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

**SECTION 3.** An Addendum to the previously approved Mitigated Negative Declaration for the Planned Development district was approved by the City on July 24, 2018.

Consistent with CEQA Guidelines Section 15183, the City shall not undertake additional environmental review under CEQA unless required to do so by CEQA. This project is consistent with the development projections analyzed in the MND and Addendum for the project site. The Project also is designed to be consistent with the development standards in the General Plan and Zoning Code. No further environmental assessment is required.

The Development Services Director hereby finds that, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the previously adopted Addendum and Mitigated Negative Declaration for Evergreen Village 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.

**SECTION 4.** The approved project shall be subject to the following conditions incorporated herein and as attached as Exhibit “A”.

**APPROVED THIS 5th DAY OF JANUARY 2021.**

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

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

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

  
\_\_\_\_\_  
(Name)

Jan 14th 2021  
\_\_\_\_\_  
Date

## EXHIBIT A

### CONDITIONS OF APPROVAL

Project/Application: SR-2019-0020: Cochrane-Holiday Inn Express

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

#### PLANNING DIVISION

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

- A. The Design Review approval granted under this Resolution shall remain in effect for two years to January 5, 2023. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.74.250)**

##### **II. SITE DEVELOPMENT**

- A. FINAL SITE DEVELOPMENT PLANS: Final site development plans shall be reviewed and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed. **(MHMC 18.50.270)**
  2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing. **(MHMC 18.74.370)**
  3. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHMC 18.74.320)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
  4. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building

- B. DUST, NOISE, VIBRATION, AND MATERIALS MANAGEMENT PLAN: A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. (MHMC 18.48.005)

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

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.
9. 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.

10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
11. 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.
12. Minimizing the idling time of diesel-powered construction equipment to two minutes.
13. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
14. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines

### **III. BUILDING DESIGN**

#### **A. 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)**

#### **B. SIGNAGE:**

1. Will be approved by separate permit.

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

- #### **A. RECIPROCAL INGRESS/EGRESS EASEMENTS:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the Community Development Director for a reciprocal ingress/egress easement along the common driveway.

### **V. LANDSCAPING**

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

- B. TREES AND SHRUBS MINIMUM SIZE: All trees within approved landscape plans shall be of a minimum fifteen-gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Community Development Director.
- C. MAINTENANCE OF LANDSCAPING: The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Community Development Director.
- D. LIGHTING: Walkways and pedestrian pathways in landscaped areas or common areas and not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions (MHARH p.30, 67, 108)
- E. WATER CONSERVING LANDSCAPE ORDINANCE: The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. It is strongly suggested that the project's landscape designer refer to the City's Ordinance prior to beginning development of the project's landscape plans.

## **VI. OTHER CONDITIONS**

- A. This Design Review approval is limited to the architectural plans prepared by I & A Architects, undated but received on October 15, 2020, and the engineering plans prepared by Kier & Wright and dated October 13, 2020, on file with the Community Development Department. The approved building plans and landscape plans must be in substantial conformance with these plans as determined by the Community Development Director
- B. RELATED APPLICATIONS: The project shall comply with the conditions of approval of related applications or planning division files, including SD13-14, SR2018-0024, AAE2017-0034, and AAE2017-0035.
- C. DEFENSE AND INDEMNITY: 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 discretionary project 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 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.

- B. 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.
- C. SIGNED COPIES OF APPROVAL CERTIFICATE: Submit two (2) signed copies of APPROVAL CERTIFICATE NO. 20-018 to the Planning Division prior to issuance of building permits.
- D. SITE PLAN: Bio retention will not be allowed in areas that abut Cochrane Road or the main internal drives, beyond what was approved as part of the master plan. This is a Landscape and Public Utility Easement.
- E. TRASH ENCLOSURE: Ensure the trash enclosure is sized large enough for the containers described in Recology's new development specifications. (See attached.)
- F. PARKING: Compliance with the following numbered items will be required prior to issue of a building permit and must be shown on the on all future plan submittals.

1. Indicate dimensions of the loading area and the ADA parking spaces and access aisles.
2. Regular ADA space must be 9 ft wide; van ADA space must be 11 ft wide (9 ft if access aisle is eight feet wide) -- Please reconfigure the ADA parking spaces, with access aisles, to the required dimensions.
3. The 103<sup>rd</sup> counted parking space in the southwest parking area is short of the required 9 ft width; ensure all parking spaces are dimensioned correctly.
4. Bumper blocks are missing on the spaces on the east and adjacent side of the building.

G. BUILDING ARCHITECTURE: Compliance with the following numbered items will be required prior to issue of a building permit and must be shown on the on all future plan submittals.

1. Plans showing covers over air the conditioner units on the façade will be required to be approved by the Community Development Director prior to issue of a building permit.
2. The tower is required to be spandrel glass façade and not spandrel glass affixed to the façade.
3. The vestibule must be removed and the porte-cochere must be either completely supported by the building or supported in such a way as not to effect pedestrian access to the building. Supports for the porte-cochere currently block pedestrian access to the front of the building forcing everyone to step into the drive aisle to access the building.
4. The protective wall under porte-cochere must be faced with cultured stone to match the building façade and include a concrete or stone cap. The height must be at least 2.5 feet in height.
5. The architectural pillars built into the building on either side of the hotel's main entrance must be modified to be spaced far enough from the driveway (six to eight feet) so as to provide an easily identifiable pedestrian path of travel, as well as an ADA compliant path of travel, that is separated from the driveway and/or drive aisle.
6. Ensure material changes occur at intersecting planes or at other logical locations, preferably at inside corners of changing wall planes or where architectural elements intersect such as a pilaster and projection. Please provide a detailed view of the change in planes on the facades.



7. Windows are to be recessed. Windows on project plans show they are flush with the exterior wall. Revise plans to show that windows are recessed on the exterior of the building by at least 2 inches.
  8. Provide details for all architectural elements, street furniture, walls, gates, pathways, mechanical grills, EFIS finish, fixtures, etc.; on the building and site.
- H. PHOTOMETRIC PLAN: Compliance with the following numbered items will be required prior to issue of a building permit and must be shown on the on all future plan submittals.
1. Proposed locations of lighting fixtures conflicts with pedestrian walkways, are located in parking spaces, public walkways, or located off the property. The precise location of the lighting fixtures will need to be finalized prior to the issuance of a building permit.
  2. The proposed blue lights on the façade of the building are subject to the approval of the Community Development Director.
  3. Regarding the previously submitted photometric plan, the maximum allowed height of light poles in the development is 20-feet. The plans indicate poles that are 27.5 feet in height, mounted on a 2.6-foot pier. Reduce the height of the light poles and piers so that the combined height does not exceed 20-feet.
  4. Project should incorporate pedestrian scale lighting along walkways. All building entrances should be well lit with a minimum of five (5) footcandles.
- I. LANDSCAPING: Compliance with the following numbered items will be required prior to issuance of a building permit and must be shown on the on all future plan submittals.
1. Replace the two Strawberry trees on the west side of the parking lot along Skipper Lane with either Southern Live Oaks or Coastal Live Oaks to match the trees along Skipper Lane on the 7-Eleven property.

## **ENGINEERING CONDITIONS**

The following conditions shall apply to the project/application.

### **I. LAND DEVELOPMENT ENGINEERING - PROJECT SPECIFIC CONDITIONS**

#### **A. General:**

1. At building permit stage, revise the plans to address the following:

- a. Change the street names of the private drives to match the street names on the Parcel Map recorded on July 17, 2019. New names are “Skipper Lane” (for Woodview Lane) and “Checkerspot Lane” (for Mid Drive).
  - b. Show all new on-site traffic signs, traffic controls and markings to be added to address the potential vehicular and pedestrian conflicts at the drive aisles and porte cochere.
  - c. Update the project’s Erosion Control Plan to reflect the changed condition at the site with the adjacent “7-Eleven Project” currently under construction.
2. The Architectural Site Plan and Civil Plans show a 30’ wide access from the east side of the new hotel building to the adjacent property with APN: 726-32-002. At building permit stage, submit a copy of the ingress/egress easement required from the adjacent property allowing the access.
3. Impact Fees:
- a. 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. The project’s impact fees will be based on the Impact Fee Freeze Agreement approved by the City Council on October 17, 2018 and will be due prior to issuance of the building permit.
  - b. The recorded Subdivision Improvements Agreement between the City and Evergreen-Butterfield & Cochrane, LLC (Developer/Subdivider) included a reimbursement provision for the cost of public improvements to be completed by the Developer/Subdivider. Credits may be applied against the Traffic Impact Fees due for this project if the reimbursable public improvements are completed prior to this project’s building permit issuance.

B. Stormwater Management: 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.

1. At building permit/grading permit stage, submit the Final 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:
  - Performance Requirement 1: Site Design and Runoff Reduction
  - Performance Requirement 2: Water Quality Treatment

- Performance Requirement 3: Runoff Retention
  - Performance Requirement 4: Peak Management
2. At building permit/grading permit stage, revise the Stormwater Quality Control Plan (Sheet C8.0) to address the following:
    - a. The approved Master Improvement Plans for the "Evergreen Village Project" includes the construction of a temporary basin at the southwest corner of the project site. The temporary basin will capture drainage from the project site and portions of "Skipper Lane" and "Checkerspot Lane". The proposed onsite bioretention facilities do not take this offsite area into account. The proposed project will remove the temporary basin. Show how the project will treat the portions of Skipper Lane and Checkerspot Lane to meet the Central Coast Post-Construction requirements.
    - b. A portion of the new drive aisle fronting the west end of the new hotel building was designed by the adjacent "7-Eleven Project" to drain towards their site. Update the plan to show this portion of the drive aisle area as a separate DMA and add a note stating that stormwater treatment for this area is included in the "7-Eleven Project" construction plans.
    - c. Add a DMA or include in another DMA the porte cochere area and the parking spaces next to DMA 4.
    - d. The Landscaping Plans shall include appropriate landscaping for all proposed bioretention facilities and flow through planters. For plant guidance, refer to the Central Coast Low Impact Development Initiative (LIDI) website at <https://www.centralcoastlidi.org/landscape.php>
    - e. The project is proposing to utilize the existing bioretention swale adjacent to Cochrane Road that was constructed by the "Evergreen Village Project" and is shown in the approved Master Improvement Plans. The bioretention volume to be used by the project shall not exceed the available capacity of the existing bioretention. Update the plans and calculations accordingly.
  3. The outdoor trash enclosure area must meet the following Structural or Treatment Control BMP requirements:
    - a. Roof Required: Trash enclosure area shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
    - b. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
    - c. Doors: Trash enclosure shall have door(s) which can be secured when closed.
    - d. 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.
    - e. 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.

4. Prior to Building Final, submit a signed certification (with signature, date & license number/seal), from the civil engineer responsible for preparing the Stormwater Control Plan/Report, 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.

C. Utilities:

1. At building permit stage, revise the plans to comply with the following:
  - a. Locate the private utilities shown on the northerly side of the site to be outside the existing Public Utility Easement and Landscape Easement.
  - b. Add inverts on all existing and proposed storm drain manholes and catch basins.
  - c. Show the location of the required sanitary sewer test manhole within the property but outside existing easements and outside the stormwater facilities. The test manhole shall be accessible to the Pretreatment Inspector.

## II. LAND DEVELOPMENT ENGINEERING – STANDARD CONDITIONS

### 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. 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)**
- C. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.

## III. 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 a separate sewer tap. These are to be installed by the developer. **(MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)**

- B. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MHMC 13.24.060; 17.32.20 C)

#### IV. STORM DRAIN SYSTEM

- A. **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 issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.
1. Storm drain calculations to determine detention/retention pond sizing and operations.
  2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
  3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control. (CMH Design Standards and Standard Details for Construction)
- E. **Tree Protection:** BMP Tree protection shall be part of the SWPPP inspections.
- F. **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).

#### **G. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:**

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)** or as determined by the City prior to construction.
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.
10. BMPs maintenance/inspections shall include tree protection if applicable.

## V. WATER SYSTEM

- A. **Water Meters:** Provide a separate water service and meters for the project. These are to be installed by developer. (MHMC 17.32.020 D)

## VI. 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. **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)
- D. **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

## VII. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **Peak Storm Water Runoff Discharge Rates** - Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- B. **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.

**C. 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.

**D. 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.

**E. 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) 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.

**F. Stormwater BMP operation and Maintenance Agreement (SWBOMA) required:** 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 Land Development Engineering).

**G. Stormwater BMP inspection responsibility**

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **Registered Civil Engineer (RCE)**.
2. Unless otherwise required by the 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 Land Development Engineering.

**H. 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.

**I. 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

development's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

## **PRETREATMENT**

### **I. INDUSTRIAL WASTE / PRETREATMENT**

- A. An industrial waste discharge permit is required from the Pretreatment Program prior to any industrial wastewater discharge (non-domestic) to the Sanitary Sewer System. The permit shall be maintained and renewed as required. Please email to [Jennifer.Rojero@cityofgilroy.org](mailto:Jennifer.Rojero@cityofgilroy.org) for a pretreatment application.
- B. Building shall have a sewer test manhole installed on the property (see City Specifications) and in an area that can be readily accessed by an inspector, (minimum of one for each building).
- C. Kitchens/Cooking facilities: All cooking and food preparation facilities shall provide with a grease trap or clarifier, sized for the anticipated flows. No garbage disposals are allowed. Contact Pretreatment at 408 846-0438 for Grease Interceptor Policy Documents for sizing and type, etc. Submit plans and obtain permit from Pretreatment.

## **Building Comments**

- A. Project shall be designed to comply with the 2016 California Code of Regulations as amended by Morgan Hill Municipal Code Title 15. Building Permit applications submitted after January 1, 2020 shall be designed to comply with the 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code.
- B. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
  - 1. MHMC 15.65 Sustainable Building Regulations.
  - 2. MHMC 18.72.040 C. Electric Vehicle Charging.
    - a. When Required. Electric vehicle charging stations shall be provided:
      - i. For new structures or uses required to provide at least twenty-five parking spaces; and
      - ii. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.
    - b. Number of Charging Stations. The number of required charging stations shall be as follows:
      - i. Twenty-five to forty-nine parking spaces: One charging station.
      - ii. Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.

3. MHMC 15.40 Building Security.
4. MHMC 15.38 Wage Theft Preventions.

### **FIRE DEPARTMENT**

- A. Automatic Fire Sprinkler System Required. Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. (CFC Chapter 9 as amended by MHMC 15.44.170)
  
- B. All new commercial building shall comply with standard specification 11-D for construction site fire safety. Fire Apparatus (Engine) Access Roads Required. Prior to the commencement of combustible construction, an access roadways 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. (CFC section 503 as amended by MHMC 15.44.140)

### **POLICE DEPARTMENT**

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