



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 21-0007

APPLICATION NUMBER: AAE2021-0003 (SR2017-0007): Condit - Wanja

LOCATION: 17085 Condit Road located on the west side of Condit Road north of East Dunne Avenue (72817035).

SITE AREA: 9.24-acres

GENERAL PLAN: Commercial

ZONING: Highway Commercial with Planned Development Combining District (CH – PD)

DESCRIPTION: An amendment to the previously approved design review permit for an auto dealership. The amendment includes modifications to the exterior façade and square footage of the main building with an ancillary structure to wash and detail the cars.

RECITALS

1. On April 7, 2021, the Development Services Department received an application for a Design Permit amendment to a previously approved Design Review permit for and auto dealership (SR2017-0007) consistent with Municipal Code Section 18.104.200 (Changes to an approved project);
1. Said application was deemed complete for processing and was considered by the Development Review Committee (DRC) at its regular meeting of April 14, 2021, at which time the Committee recommended conditional approval of application AAE2021-0003: Condit - Wanja.
2. The proposed project was reviewed in compliance with the California Environmental Quality Act (CEQA);
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 July 13, 2021 the Development Services Department considered said application at the close of a duly noticed 10-day public comment period; and,
5. Pursuant to the authority set forth under Section 18.108.040 (Design Permit) and Section 18.104.200 (Changes to an Approved Project) of the Morgan Hill Municipal Code, the

Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

SECTION 1. Design Permit and Subdivision Findings

The following findings are made for the purposes of approving a Design Permit in accordance with Section 18.108.40 (J.) of the Morgan Hill Municipal Code.

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

The Commercial land use designation is intended to allow a wide range of retail businesses, administrative and executive office uses and professional services and requires development not to exceed 60% FAR. The project as proposed is a retail business and the development will not exceed 60% FAR. The project is consistent with but not limited to General Plan Policies CNF-8.1 for High Quality Design, CNF-8.5 for quality architecture on all four sides, and CNF-8.7 for Design Sensitivity. The amendment to the previously approved auto dealership enhances the building façades on all four sides and ensured two project frontages as the business faces the Highway at the rear of the property and a major arterial road at the front of the property.

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

In March of 2009, the City Council adopted a PD (Ord. 1926) for three new auto dealerships and one existing dealership. This proposal is for the second dealership and as proposed is consistent with the development standards outlined in the Planned Development.

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

The amendment enhances the building faces, proposed articulated details on all four sides of the building, and is consistent with the design guidelines identified within the Design Review Handbook.

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

A Mitigated Negative Declaration (MND) was adopted for the SR2017-0007 Design Review Permit. The proposed modifications to SR2017-0007 were reviewed in compliance with the California Environmental Quality Act (CEQA). The City of Morgan Hill Community Development Director hereby finds that the proposed project with minor modifications could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures described in the

Adopted MND are included in the amended project. The custodian of the documents or other material which constitute the record shall be the Development Services Department.

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

The use at this location is permitted and the architecture and site plan are compatible with adjacent uses. All new construction will comply with SWIPP and Building Code requirements and will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

6. The proposed project complies with all applicable design review criteria outlined in Subsection H of Section 18.108.040 of the Morgan Hill Municipal Code.

The proposed amendment is consistent with the character and architectural style of the surrounding community. Adequate parking and landscaping shall be provided and maintained.

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

SECTION 3. A Mitigated Negative Declaration (MND) was adopted for the SR2017-0007 Design Review Permit. The City of Morgan Hill Community Development Director hereby finds that the proposed project with minor modifications could have a significant effect on the environment. However, there would not be a significant effect in this case because mitigation measures described in the Adopted MND are included in the amended project, therefore no further environmental review beyond the approved MND is required.

SECTION 4. Pursuant to the authority set forth under Section 18.100.030 and 18.108.040 of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the attached conditions of approval outlined in Exhibit A.

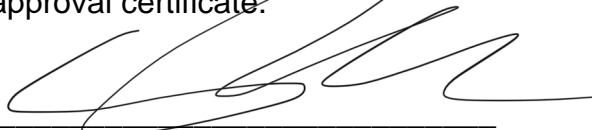
APPROVED THIS 13th DAY OF JULY, 2021.



Jennifer Carman
Development Services Director

AFFIDAVIT

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



Chris Pullara
TSC Motors Inc. DBA Chrysler Dodge Jeep Ram MH

8 | 4 | 21
Date

**EXHIBIT "A"
STANDARD CONDITIONS**

APPLICATION NO: AAE2021-0003 (SR2017-0007): Condit - Wanja

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

Legend

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

I. PROJECT DESCRIPTION

The project includes the construction of a two-story auto dealership building with ancillary building to wash and detail the cars and associated on-site and off-site improvements as depicted on the plans dated June 2, 2021 and stamped approved on July 13, 2021.

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

- A. Design Review SR2017-0007
- B. PD Ordinance No. 1926, New Series

II. PROJECT MITIGATION MEASURES

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

- A. **MM-BIO-1: Nesting Raptors or Other Migratory Birds**
 - 1. Construction related activities should take place during the non-breeding season (September 1-January 31) to the greatest extent feasible.
 - 2. A preconstruction nesting bird survey shall be completed by a qualified biologist prior to demolition or any construction activity that occurs during the breeding season (February 1 through August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 15 days before initiation of construction activities. Surveys shall include the project site, staging area, and 500 feet surrounding the project site. If nests are observed, the biologist in consultation with California Department of Fish and Wildlife (CDFW), will determine an adequate buffer zone and other minimization measures to ensure that nest will not be disturbed during project construction.

- B. **MM-BIO-2: Burrowing Owls**

A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the Community Development Department. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).

C. **MM-BIO-3: Burrowing Owls**

Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.

D. **MM-BIO-4: Burrowing Owls**

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

1. A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
2. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
3. If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer.
4. If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active.
5. Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the Santa Clara Valley Habitat Conservation Plan (SCVHP) is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat Agency along with a passive relocation plan in accordance with Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.

E. **MM- HAZ-1: Construction workers on-site could be exposed to residual migrating contaminants in the soil and groundwater during grading and construction on the site. Excavation at the site could expose the public or the environment to hazardous materials.**

- F. **MM- HAZ-1a:** Conduct specific testing of soil prior to issuance of grading permit and if residual contaminants are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC). Copies of the environmental investigations shall be submitted to the City of Morgan Hill Planning Division. The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include:
1. Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.
 2. Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation. A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
 3. The SMP would be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP would detail procedures and protocols for management of soil containing environmental contaminants during site development activities.
 4. All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.
 5. A No Further Action letter (or equivalent assurance) from SCCDEH or DTSC documenting completion of cleanup activities shall be provided to the City of Morgan Hill Planning Department prior to issuance of grading permit.
- G. **MM- HAZ-1b:** Prior to issuance of a grading permit, a groundwater management and dewatering plan shall be developed to protect construction workers if groundwater is encountered, and to meet the permit requirements if groundwater is determined to require treatment prior to discharge to the sewer system. The SCCDEH would be informed of any groundwater contaminants and oversee the groundwater management plan.
- H. **MM-HAZ-1c:** A copy of the Site Management Plan and any associated environmental investigations shall be provided to the City of Morgan Hill Planning Division.
- I. **MM-HAZ-1d:** Prior to issuance of a grading permit, the project proponent would implement Mitigation Measures HAZ-1a-c and would be required to provide a monitoring plan to the satisfaction of the City of Morgan Hill Planning Division.
- J. **MM-HYD-1:** In order to be consistent with the City's requirements for storm runoff control, the proposed project design would need to include the development of a storm water detention basin or other drainage control structures on the subject property. The

storm drainage facilities proposed for the project would need to be consistent with provisions the City's Storm Drainage System Master Plan and the stormwater-related conditions of project approval. The incorporation of the Stormwater Conditions for construction activities, post-construction operation of the project, and Low Impact Development (LID) would reduce the potentially significant impacts of the project on stormwater quality to less than significant levels.

- K. **MM-AQ-1:** Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by Bay Air Quality Management District (BAAQMD) and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:
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 miles per hour (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 five (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 mechanic and determined to be running in proper condition prior to operation.
 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.
- L. **MM-NOI-1:** Construction Best Management Practices
All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted. Unnecessary idling of internal combustion engines should be strictly prohibited. Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors (adjacent hotels). Utilize "quiet" air compressors and other stationary noise sources where technology exists.

PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped June 2, 2021 on file (File Number AAE2021-0003) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit plans as determined by the Development Services Director. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

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

PLANNING DIVISION

DEFENSE AND INDEMNITY

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

TIME LIMITS

A. **Term:** The Design Permit approval granted pursuant to this Approval Certificate shall remain in effect for two years to July 13, 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 18.104.210)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with (SR2021-0003) and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
 4. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
 5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.
- B. **Pedestrian Access:** The Project shall provide pedestrian walkways in compliance with ADA requirements and with Section 18.72.060.H of the Morgan Hill Municipal Code, which states the following:
1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
 2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Development Services Director.
- C. **Tree Protection:** Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree

(or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.

3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.
7. Any tree subject to Chapter 12.32 Restrictions on Removal of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

D. **Separate Application Required for Sign Approval:** No Signs are approved with this Design Permit Amendment. A separate Sign Permit application is required. Signs shall be designed in conformance with the Auto Park PD Guidelines (ZA-08-06 Condit-Kubo), Condit Business Park Uniform Sign Program (USP-04-08 Condit- The Ford Store) and Morgan Hill Sign Ordinance. A request for additional signage above the allowed signage per code would require the review and approval of a Sign Program by the Planning Commission.

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:** A final site development plan shall be provided at the building permit stage for review and approval to the Development Services Director prior to issuance of a building permit.
1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.
 2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

- A. **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. **Trees and shrubs minimum size:** All trees within approved landscape plans shall be a minimum 15-gallon size. All shrubs shall be minimum 5-gallon size unless otherwise approved by the Development Services Director.
- C. **Maintenance of landscaping:** The landscaping installed and accepted with this project shall be maintained on the site as 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 18.148)**

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. **Signed copies of Approval Certificate:** Submit two (2) signed copies of the Approval Certificate 21-005 to the Planning Division prior to issuance of a building permit.

ENGINEERING PROJECT SPECIFIC CONDITIONS

A. General

1. The project's building permit application and offsite improvement plans are under separate review. Detailed engineering comments on the building permit and offsite improvement plans shall be addressed prior to building permit issuance.
2. There is a drive aisle opening on the project's southerly property line that will allow shared access between the project and the adjacent Ford Dealership. Prior to building permit issuance, provide a copy of the recorded reciprocal access easement agreement between the project and the Ford Dealership that allows the shared access. If an agreement does not exist, the developer/owner shall execute and record a Reciprocal Access Agreement prior to Building Final.
3. **Impact Fees:** 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 December 2, 2020 and will be due prior to City Council approval of the project's Improvement Agreement.

B. Stormwater Management: The 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.

1. The final Stormwater Control Plan/Report will be reviewed and approved prior to building permit issuance.
2. The proposed carwash building shall be connected to the sanitary sewer as it has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system.
3. 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. Grading & Drainage:

1. The final Hydrology Study/Report will be reviewed and approved prior to building permit issuance.
2. The drainage report and/or the SWCP shall describe how the project is complying with the City's ponding basin requirement for on-site detention of a 25-year, 24-hour storm event. The on-site detention may coincide with the post-construction requirement no. 3 (i.e., on-site retention of the 95th percentile storm event).
3. The Hydrology Study that was submitted with the project's building permit application included a statement *"if a storm event greater than the design storm was to occur at the site location, an existing overflow pipe has been proposed into the existing storm drain facility at the South-West corner of the subject property line."*
 - a. Prior to building permit issuance, provide a copy of the recorded easement or other documentation that allows the project to connect to the existing storm drain facility located on the adjacent Ford Dealership.

D. Permit/Approval from Valley Water:

1. The project site is proposing grading and landscaping adjacent to Madrone Channel which is considered a Category 2 stream per Valley Water staff. The project shall comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams."
2. Prior to building permit issuance, project shall address all comments/conditions received from Valley Water.

E. Landscaping:

1. The proposed street trees along the project's Condit Road frontage shall comply with the species and spacing listed under Zone 6 of the Master Street Tree List in the City's Master Street Tree Plan.
2. The proposed trees within the proposed retention basin shall not affect the function of the basin.

F. Street and Utility Improvements:

1. The project shall construct the following street improvements:
 - a. Condit Road - West Side: Improvements along the project frontage, which include, but are not limited to, curb and gutter, attached sidewalk, street trees, street paving, storm drainage facilities, sewer and water, fire protection, and street lighting.
 - b. Condit Road - East Side: Improvements on the East side of Condit Road, along the frontage of the property directly across from the project site. The improvements include curb and gutter, attached sidewalk, street paving, storm drainage facilities, and street lighting.
 - i. The developer's cost to improve the east side of Condit Road shall be reimbursed by the City in the form of credits against the Traffic Impact Fees and Storm Impact Fees due from the project. The project's Improvement Agreement will include a reimbursement provision that outlines the terms and conditions for reimbursement.
 - ii. The construction of the east side Condit improvements includes work outside the City's right-of-way on an adjacent parcel located within the unincorporated County area with Assessor's Parcel Number (APN) 728-17-032. The City will obtain the necessary street right-of-way and a 10' Public Service Easement dedication behind the new sidewalk in order for the developer to complete the required public improvements along Condit Road.
2. Deferred Improvement Agreement: The developer requested a deferral of the construction of improvements along approximately 180' of frontage of the 3.24-acre northerly portion of the project's 9.24-acre site, in the location of the project's approved temporary automotive sales facility that is currently in operation. As part of the deferral, the developer will be required to enter into a Deferred Improvement Agreement with the City. The Deferred Improvement Agreement is recommended for approval by the City Council at the Council meeting scheduled for June 23, 2021. If the City Council does not approve the Deferred Improvement Agreement, the project shall complete the frontage improvements along the 3.24-acre northerly portion of the project site.

3. Provide a dedicated left-turn pocket at Condit Road to serve the proposed driveway entrance for northbound Condit traffic. The turn pocket and median taper/transition design shall include striping and signage in conformance with City standards, the California Manual on Uniform Traffic Control Devices, and all applicable standards and regulatory requirements.
4. A sanitary sewer test manhole shall be provided and shall be accessible to the Pretreatment Inspector. The sanitary sewer test manhole shall be located within private property but adjacent to Condit Road right-of-way or as approved by the City Engineer in conjunction with Pretreatment Inspector review.

ENGINEERING STANDARD CONDITIONS

I. GENERAL

- A. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the project and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**
- C. Obtain necessary encroachment permits from:
 - City of Morgan Hill
 - Valley Water (if applicable)and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- D. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- E. Enter into 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)**

II. STREET 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. 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)**

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

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

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 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. NPDES Construction Activity General Permit/SWPPP Requirements: As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities **(SWRCB NPDES General Permit CA000002)**.

F. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:

- i. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
- ii. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
- iii. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
- iv. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
- v. Per each of the inspection conditions 2, 3, or 4, 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 Checklist 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.

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

V. 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 Valley Water Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the Valley Water and either be maintained or abandoned in accordance with Valley Water standards.
- C. **Water Meters:** Provide water services 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 project. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. **(MHMC 17.32.020 E.1)**
- C. **Landscaping and Irrigation Systems:** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the property owner or designated maintenance entity.
- D. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the project. **(MHMC 17.08.090)**

- E. **Pre-construction Meeting:** Prior to the approval of any Building Permit for grading activity, the developer shall schedule a pre-construction meeting with the Public Works Inspection Division with the following project team members:
- i. Civil Engineer of record
 - ii. Geotechnical Engineer of record
 - iii. Third Party QSD/QSP SWPPP Inspector
 - iv. General Contractor
 - v. Sub-Contractors

VII. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **Stormwater Management Guidance Manual for Low Impact Development State Water Resources Control Board Post Construction Requirements (PCRs):** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering 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:** 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.

- D. Properly Design Trash Enclosure Areas:** All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
- i. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
 - ii. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - iii. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
 - iv. **Grades:** The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
 - v. **Drain Inlet:** Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.
- E. Design Standards for Structural or Treatment Control BMPs:** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow-based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:
- i. **Volumetric Treatment Control BMP**
 1. 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
 2. 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
 3. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.
 - ii. **Flow Based Treatment Control BMP**
 1. 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
 2. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.
- F. Stormwater Runoff Management Plan (SWRMP) 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.
- i. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.

G. Stormwater BMP operation, maintenance, and replacement responsibility

- i. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner or other legal entity approved by the City.
- ii. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
- iii. The property owner shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

H. Stormwater BMP operation and Maintenance Agreement (SWBOMA) 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).

I. Stormwater BMP inspection responsibility

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

J. Records of maintenance and inspection activities: On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the City engineer or designee with records of all inspections, maintenance and repairs.

K. Annual Certification of SWRMP: On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

SANTA CLARA COUNTY VALLEY WATER DISTRICT

1. Prior to issuance of grading permit, the grading adjacent to Valley Water property should have the slope called out; this slope should be in accordance with Grading Options Next to Streams as specified in Valley Water's Guidelines and Standards for Land Use Near Streams: Chapter 4 - Design Guides. Current details for grading adjacent to Valley Water property call out a "Slope Stability Protection Area and Landscape." Please note that the Slope Stability Protection Area is a setback requirement for structures or embankments adjacent to a channel and does not address grading requirements for developments adjacent to a channel.
2. Contour lines shown in the Grading Plans should have the contours labeled with elevations.
3. Irrigation plans still show irrigation equipment is located on Valley Water right-of-way (ROW). There should be no irrigation equipment located on Valley Water ROW. Furthermore, irrigation adjacent to Valley Water ROW should employ drip irrigation to avoid overspray onto Valley Water ROW.
4. All plant species adjacent to Madrone Channel and Valley Water ROW should be consistent with those recommended in Valley Water's Guidelines and Standards for Land Use Near Stream. Additionally, all vegetation, particularly trees, should be setback sufficiently from Valley Water's property line to avoid overhanging branches or vegetation onto Valley Water ROW. The submitted planting plans show various plantings encroaching Valley Water's ROW. Please note that Valley Water has a maintenance road directly adjacent to the property line which must be kept clear.
5. The retention basin should be sufficiently designed so that there are no overflows up to a 100-year flood event. All overflows from the basin should be directed towards Madrone Channel in a dispersed manner, and not as concentrated discharges at a specific location. Additionally, please provide the proposed grading along Valley Water property showing post-project drainage patterns.

BUILDING DIVISION

A. The following items need to be incorporated into the design and will be verified at Building Permit application plan review:

1. Project shall be designed to comply with the current edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
2. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - MHMC 15.65 Sustainable Building Regulations.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT15BUJO_CH15.65SUBURE

- MHMC 18.72.040 C. Electric Vehicle Charging.
 - MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.40BUSE
 - MHMC 15.38 Wage Theft Preventions
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
 - MHMC 18.148 Water Conservation
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDECO_CH18.148WACO
 - MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
3. Trash Enclosure shall have a solid noncombustible roof structure to prevent storm water from entering the sanitary sewer system. See Pretreatment requirements regarding the required connection to sanitary sewer.

FIRE DIVISION

- A. **Preliminary Review Only:** The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete plan submittal application that clearly shows all intended grading, demolition, construction or building modifications.
- B. **Proposal limited to:** Review of this Development proposal is limited to acceptability of site access as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
- C. **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)**
- D. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.