

RESOLUTION NO. 20-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DESIGN PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW TWO-STORY, 6,600 SQUARE-FOOT COMMERCIAL BUILDING AT 17395 MONTEREY ROAD (APN:767-07-047)

WHEREAS, the applicant Daniel McCranie with Golden Quail, LLC, applied for a Design Review permit in compliance with the Municipal Code;

WHEREAS, on December 16, 2020, the City Council reviewed the Design Permit and considered public testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process; and

WHEREAS, in 2009, the Morgan Hill City Council adopted a resolution certifying the Master Environmental Impact Report (MEIR) for the Downtown Specific Plan. In accordance with Section 15177(b) and 15179(b) of the State Guidelines for Implementation of California Environmental Quality Act (CEQA), the City of Morgan Hill completed an environmental assessment which concluded that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in the Master EIR for the Downtown Specific Plan, and (b) have been avoided or mitigated pursuant to that earlier MEIR, including revisions or mitigation measures that are imposed upon the Project, nothing further is required. Furthermore, pursuant to CEQA Guidelines Section 15179, no substantial changes have occurred with respect to the circumstances under which the MEIR was certified, and there is no new available information which was not known and could not have been known at the time the MEIR was certified; and

WHEREAS, The proposed project is consistent with the development assumptions in the Downtown Specific Plan and will not individually or cumulatively result in any new or more significant cumulative impacts than stated within the MEIR and will not have an adverse effect on wildlife resources, as defined in Section 89.5 of the California Department of Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct.

SECTION 2. The project is consistent with the Zoning Ordinance, General Plan, and Downtown Specific Plan.

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

The redevelopment of the project site is consistent with the General Plan Policies, Specific Plan, transportation infrastructure, development standards, and design guidelines.

b. The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.

The proposal is consistent with all provisions in the Zoning Code which is consistent with the Downtown Specific Plan requirements.

c. The proposed project substantially complies with all applicable design standards and guidelines contained in the Design Review Handbook.

The Design Guidelines within Chapter 5 of the Downtown Specific Plan supersede the regulations within the Design Review Handbook. The project is found to be consistent with all design guidelines in that chapter.

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

The Final Master Environmental Impact Report for the Morgan Hill Downtown Specific Plan was certified in November 2009 in conformance with the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) for the Morgan Hill 2035 Project, was prepared in accordance with CEQA and certified by the Morgan Hill City Council on July 27, 2016.

An environmental assessment was prepared for the project in compliance with the California Environment Quality Act (CEQA). The project will not individually or cumulatively introduce new impacts were that were not previously disclosed in the General Plan FEIR or the Downtown Specific Plan MEIR, nor would it result in a substantial increase in the magnitude of any significant environmental impacts previously identified. Therefore, pursuant to Sections 15177(b) and 15179(b) of CEQA Guidelines, the project is consistent with Downtown Specific Plan Master EIR.

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

The redevelopment of the project site is part of the vision for both the General Plan and Downtown Specific Plan. The project will not be detrimental to the public health as analyzed within the Downtown Specific Plan MEIR and General Plan FEIR. The project and circulation were designed to Vision Zero standards and therefore will not be detrimental to public safety or welfare. The project will comply with SWIPP and Building Code requirements, therefore will not be materially injurious to the properties or improvements in the vicinity.

f. The proposed project complies with all Design Review criteria in subsection H. of Section 18.108.040 of the municipal code.

The Design Guidelines within Chapter 5 of the Downtown Specific Plan supersede the regulations within the Design Review Handbook. The project is found to be consistent with all design guidelines in that chapter.

SECTION 3. The City Council approves application SR2020-0024: Monterey - McCranie. The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit “A”. Minor deviations to the site review permit may be approved by the Development Services Director when consistent with the overall intent of the project.

SECTION 4. 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 applicant’s use for the purpose of defraying all or a portion of the cost of public facilities related to applicant’s development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of the application for development allocations under the City’s Residential Development Control System. The Mitigation Fee Act Fees applying to applicant’s project are listed in the schedule of fees provide. Notice is also hereby given that the applicant can protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of applicant’s development project and that the 90-day approval period in which applicant may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 16th day of December 2020 by the following vote:

AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, Rene Spring, John McKay
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

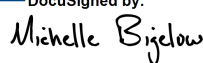
APPROVED:

ATTEST:

DocuSigned by:

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RICH CONSTANTINE, Mayor

DocuSigned by:

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Michelle Bigelow, City Clerk

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∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.20-071, adopted by the City Council at the meeting held on December 16, 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL

DATE: 12/18/2020

DocuSigned by:
Michelle Bigelow
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MICHELLE BIGELOW, City Clerk

EXHIBIT "A"

STANDARD CONDITIONS

APPLICATION: SR2020-0024, Monterey - McCranie

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

ACRONYMS:

MHMC – Morgan Hill Municipal Code

MHARH – Morgan Hill Architectural Review Handbook

PLANNING DIVISION

TIME LIMITS

- A. The Design Review permit approval granted under this Resolution shall remain in effect for 24 months from approval date. 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. The extension of time may be reviewed and approved at the admin level. **(MHMC 18.108.040)**

OTHER CONDITIONS

- B. All trees to be removed, relocated, or protected will comply with the tree removal ordinance within the Municipal Code.
- C. Prior to Off-Site Improvement Plans the applicant and contractor shall submit a construction logistics plan that addresses all impacts to the public road right-of-way, including but not limited to: pedestrian control, traffic control, detours, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, crane lifts, work hours, noise control, dust control, and storm water pollution prevention. It shall include notes as indicated on the approved Truck Route Map for construction traffic to and from the site.

- D. Avoid over-spray from automatic irrigation systems.
- E. Provide at least 7 feet of vertical clearance between branches and sidewalks.
- F. Maintain landscape areas.
- G. 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 ft. or greater to match the height of any proposed equipment.
- H. Lighting fixtures shall not project above the fascia or roofline of the building. Any ground mounted lighting projecting onto the building or site will be subject to the review and approval of the Development Services Director . Adjustment to the lighting intensity may be required after the commencement of the use.
- I. 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.
- J. 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.
- K. Reciprocal ingress/egress easements and EVA 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 Development Services Director for a reciprocal ingress/egress easement along the common driveway.
- L. FINAL SITE DEVELOPMENT PLANS: Final site development plans shall be reviewed for conformance with Morgan Hill Municipal Code Section 18.108.040 and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:
 - i. Detail depicting all concrete curbs as full formed.
 - ii. 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.
 - iii. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.

- iv. Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with the architecture of the building(s). Sizing and design shall conform to the Morgan Hill Architectural Review Handbook. In residential areas, restaurants or other food service commercial uses, trash enclosure areas shall require an overhead shade structure. Trash enclosures shall be required in all commercial and industrial projects and in residential projects containing four or more dwelling units.
- v. 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.
- vi. 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.

M. DUST, NOISE, VIBRATION, AND MATERIALS MANAGEMENT PLAN: A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**

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

- i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- iii. 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.
- iv. All vehicle speeds on unpaved roads shall be limited to 15 mph.

- v. 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.
 - vi. 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.
 - vii. 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.
 - viii. 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.
- N. 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.
- O. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- P. 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.
- Q. 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.
- R. 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.
- S. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- T. 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.

- U. 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.
- V. Minimizing the idling time of diesel powered construction equipment to two minutes.
- W. 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.
- X. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Y. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- Z. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.
- AA. 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.

BB. 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 the development project for the purpose of defraying all or a portion of the cost of public facilities related to the 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 the application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to the project are listed in the schedule of fees provide. Notice is also hereby given that the applicant has 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 the development project and that the 90-day approval period in which the applicant may protest has begun.

CC. Submit two (2) signed copies of this Resolution to the Planning Division prior to issuance of building permits.

PRETREATMENT

DD. A waste discharge permit may be required from the Pretreatment Program prior to any wastewater discharge (non-domestic) to the Sanitary Sewer System. If required, the permit shall be maintained and renewed as required. Please email to Jennifer.Rojero@cityofgilroy.org for a pretreatment application.

EE. If included, all commercial cooking and food preparation facilities shall be provided with a grease trap or clarifier (clarifier with sample box), 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.

FIRE PREVENTION

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 during building permit submittal.

- FF. 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.
- GG. Fire Apparatus (Engine) Access Roads Required, Prior to the commencement of combustible construction, an access roadway with a paved all weather surface and a minimum unobstructed width of 15 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)
- HH. Public Fire Hydrant(s) required. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the City of Morgan Hill Public Works Department. Maximum hydrant spacing shall be 500 feet and the minimum single flow hydrant shall be 1000 GPM at 20 psi residual pressure. If fire hydrants are already in place, include civil drawings showing location of all hydrants with the building permit submittal. (CFC 507)
- II. Fire Hydrant Location Identifier, Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
- JJ. Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (CFC section 505)
- KK. Timing of Required Water Supply Installations. Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. (CFC Chapter 14 as amended by MHMC 15.44.180)
- LL. 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)
- MM. Fire Department Key Box Required. The building shall be equipped with a permanently installed emergency access key lock box (Knox), conforming to the City of Morgan Hill Standard Detail and Specification sheet 11-I. At time of final inspection, access keys shall be provided to the fire department. (CFC section 506)

NN. Provide a monitoring system. A licensed C-10 fire alarm contractor shall submit two (2) sets of drawings, a permit application, and applicable fees for review and approval prior to performing work. (CFC 903.4)

OO. Fire Lane Marking Required. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F. (CFC section 503)

ENGINEERING DIVISION

A. **Flood:** The project site is in Flood Zone AE, approximate Elevation 348.20' North American Vertical Datum of 1988 (NAVD88), which is within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. The base flood elevation is taken from the revised West Little Llagas Creek Flood Profile effective March 2, 2015. The new building is required to comply with the City's floodplain requirements (Municipal Code Chapter 15.80 - Flood Damage Prevention).

1. Elevate the lowest floor of the new building a minimum of one foot above Elevation 348.20' NAVD88 (minimum required finish floor elevation of 349.20') or floodproof to the same minimum required elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
2. An Elevation Certificate (FEMA Form 086-0-33) based on construction drawings is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required prior to building final.
3. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above Elevation 348.20' NAVD88 or protected from flood damage.

B. **Stormwater:** Since this project will create/replace more than 2,500 sq. ft. of impervious surface, 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. A copy of the guidance manual can be obtained through the following link: <https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=>.

1. At building permit/improvement plan stage, the project shall comply with the following:
 - a. Pervious pavement is proposed over an existing 5' wide sanitary sewer easement along the rear alley. This existing easement is for City's maintenance of an existing sewer main. The City may allow the pervious pavement over the

sewer easement if it can be determined that the existing sewer main is in good condition.

- i Assess the condition of the existing sewer main at the rear alley. The project may be required to upgrade the existing sewer main prior to the City allowing the new pervious pavement over the easement.
- b. Match the Architectural plans with the Civil plans to note the new pervious pavement.
- c. If applicable, show the location of any proposed outdoor trash enclosure area. The outdoor trash enclosure area must meet the following Structural or Treatment Control BMP requirements:
 - i Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
 - ii Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - iii Doors: Trash enclosure shall have door(s) which can be secured when closed.
 - iv Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
 - v Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

C. Street Improvements:

1. At building permit/improvement plan stage, the project shall comply with the following:
 - a. If feasible, remove the "through the curb" drain(s) proposed on W. Second Street frontage and instead connect to the nearest public storm main. The "through the curb" drain option is subject to City Engineer approval.
 - b. The proposed width of the alley is subject to the review and approval of the Planning Division and Fire Department. Engineering Division encourages an alley width that matches the width of the recorded right-of-way/ingress-egress easement.
 - c. Match the width of the new driveway approach at W. Second Street to the width of the alley and per City standards.
 - d. Relocate the existing pole located on W. Second Street to maintain a clearance of 3 feet from the new driveway approach or move the driveway approach.
2. The proposed pavers along the Monterey and W. Second Street sidewalks shall match the Downtown standard pavers.

3. The proposed in-ground accent lighting along the Monterey and W. Second Street sidewalks is subject to review and approval by the City Engineer at building permit/improvement plan stage. The developer will be required to maintain the in-ground accent lighting throughout the life of the project.
4. Existing street trees to be replaced or new street trees shall comply with the Master Street Tree Plan and approved by the City Engineer.

D. Undergrounding of existing utilities: All existing overhead utilities along all street frontages of the site and within the property limits at the rear alley shall be placed underground in accordance with City standards and affected utility company guidelines. Any additional undergrounding work beyond the project limits can be coordinated and reviewed at building permit/improvement plan stage.

E. Impact Fees:

1. 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. This project is required to pay impact fees prior to issuance of a building permit. A Sewer Impact Fee Credit may be applied to the project subject to the availability of RDA Sewer Funds at the time of building permit issuance.
2. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

ENGINEERING STANDARD CONDITIONS

II. GENERAL

- A. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. Obtain necessary encroachment permit 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.
- D. Enter into an Improvement Agreement with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**

III. STREET IMPROVEMENTS: The project shall install street improvements 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)**

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

V. STORM DRAIN SYSTEM

A. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**

B. **Storm Drainage General Requirements:** Prior to issuance of a grading/building permit, the applicant shall complete the following to the satisfaction of the City Engineer.

1. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
2. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control. **(CMH Design Standards and Standard Details for Construction)**

VI. OTHER CONDITIONS

A. **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)**

B. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans/building plans for the project. **(MHMC 17.08.090)**

C. **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, if applicable
4. General Contractor
5. Sub-Contractors

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HABITAT CONSERVATION

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