



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 22-006

APPLICATION NUMBER: Design Permit SR2021-0012: Skipper – Evergreen (Starbucks)

LOCATION: Between Monterey Road and Butterfield Boulevard, south of Jarvis Drive, north of Digital Drive (APN(s) 726-25-061, 726-25-094 and 726-25-093).

SITE AREA: 19.5-acres

GENERAL PLAN: Commercial

ZONING: General Commercial with Planned Development, Evergreen Villages

DESCRIPTION: Design Permit approval for a 2,328 square foot retail coffee outlet with drive-through and associated improvements. The property, identified by Assessor Parcel Number 726-58-004, is located on the south side of Cochrane Road between Sutter Boulevard and Butterfield Boulevard (Evergreen-Butterfield & Cochrane LLC, Owners).

RECITALS

1. On August 12, 2021 the Development Services Department received an application for Design Permit approval for a 2,328 square foot retail coffee outlet with drive-through for a new Starbucks. Pursuant to Municipal Code Section 18.108.040.C.1 (Design Permit), projects an administrative Design Permit approval is required prior to development.
2. The project was reviewed by the Design Review Committee on August 18, 2021 and comments were received from the various departments and agencies. The application was deemed complete for processing on March 11, 2022.
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 April 26, 2022 the Development Services Department considered said application after a duly noticed 10-day public comment period;
5. Pursuant to the authority set forth pursuant to Section 18.108.040 (Design Permit) of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

SECTION 1. Design Permit Findings

The following findings have been made in approving the Design Permit in accordance with Section 18.108.040 (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 proposed development is consistent with the General Plan Policies, development standards and design guidelines for commercial uses.

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

The proposal is consistent with all provisions in the Evergreen Villages Planned Development, Zoning Code, and Municipal Code.

3. The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.

While the Planned Development standards and design criteria supersede standards within the Design Review Handbook, the project proposal still also consistent with applicable design criteria specified in the Design Review Handbook.

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

An addendum to the adopted Mitigated Negative Declaration for The Evergreen Villages Planned Development Master Plan was prepared in compliance with Title 14 Section 15164 of the California Code of Regulations and City of Morgan Hill environmental standards.

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 Planned Development MND and subsequent Addendum determined that the proposed development would not have a detrimental impact on public health, safety, or welfare or be material injurious to the properties or improvements in the vicinity. The project is in compliance with the adopted MND.

6. The proposed project complies with all applicable Design Review Criteria in 18.108.040 (H.).

The project has been designed to be compatible with the shopping center and supports a walkable/pedestrian environment. The massing and scale of the buildings complement the neighboring structures. Attractive, accessible and functional space has been provided for the retail coffee shop.

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

SECTION 3. The approved project shall be subject to all conditions contained within Exhibit A, incorporated herein by reference.

APPROVED THIS 26th DAY OF APRIL, 2022.



Jennifer Carman
Development Services Director

A F F I D A V I T

I, **Zach Lauterbach** hereby agree to accept and abide by the terms and conditions specified in this approval certificate.

Zach Lauterbach
[Zach Lauterbach \(Oct 13, 2022 13:48 PDT\)](#)

Zach Lauterbach
Evergreen Development

Oct 13, 2022

Date

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2021-0012

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

Legend

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

I. PROJECT DESCRIPTION

The project includes Design Permit approval for a 2,328 square foot retail coffee outlet with drive-through and associated improvements. The property, identified by Assessor Parcel Number 726-58-004, is located on the south side of Cochrane Road between Sutter Boulevard and Butterfield Boulevard (Evergreen-Butterfield & Cochrane LLC, Owners).

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

- A. AAE2017-0034 for the Map
- B. AAE2017-0035 for the Planned Development

II. PROJECT MITIGATION MEASURES

- A. The applicant shall be subject to compliance with the mitigation measures of the project's adopted Mitigation Monitoring and Reporting Program for the Evergreen Villages Planned Development Master Plan.

II. PROJECT CONDITIONS OF APPROVAL

This SR2021-0012 approval is limited to the plan set on file with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the approved 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 or any Unit are in compliance with the original City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

PLANNING DIVISION

DEFENSE AND INDEMNITY

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

TIME LIMITS

- A. **Term:** The Design Permit approval granted pursuant to this Resolution shall remain in effect for two years 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. **(MHMC 18.108.040)**

SITE DEVELOPMENT

A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with SR2021-0012 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.

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. Architectural elements

1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.
2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

C. Landscape maintenance agreement: The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.64.070 (Landscaping maintenance and enforcement) of the Municipal Code. Bond amount shall be equal to 100 percent of the value of the landscaping and irrigation improvements for the development project.

D. 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.

E. Lighting: Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. **(MHARH p.30, 67, 108)**

1. A final photometric plan shall be provided for review and approval to the Development Services Director prior to issuance of a building permit.

F. Undeveloped site area: The balance of a building site not developed as part of this project approval shall have landscaping installed acceptable to the Planning Division. **(MHARH p., 57, 98)**

G. 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.

H. Water Conserving Landscape Ordinance: The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types

of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. **(MHMC 18.64)**

- I. **Reciprocal Ingress/Egress Easements:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the Development Services Director for a reciprocal ingress/egress easement along the common driveway.

SIGNS

- A. **Separate application required for sign approval:** Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.
- B. **Directory signs required:** Directory sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits. **(MHARH p.61)**

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.

NOISE

- A. **Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- B. **Covenants, Conditions and Restrictions:** The applicant shall provide a set of Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation, for review and approval by the Development Services Director prior to final occupancy or recordation of a final map. All such CC&Rs shall include the following:
 1. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.

*Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill.

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

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

ENGINEERING DIVISION

I. LAND DEVELOPMENT ENGINEERING - PROJECT SPECIFIC CONDITIONS

- A. Stormwater Management: Portions of the project site are within the jurisdictions of the San Francisco Bay Water Board (Region 2) and the Central Coast Water Board (Region 3). The project shall comply with the more stringent Region 3 requirements included in 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 (“Stormwater Guidance Manual”).
1. At grading/building permit stage, submit a Stormwater Runoff Management Plan/Report (SWRMP).
 - a. The SWRMP shall match the City Standard Stormwater Runoff Management Plan Template.
 - b. The SWRMP shall include the following:
 - i. All relevant sheets from the project’s improvement plans including the DMA map, stormwater details, and grading & drainage plans.
 - ii. A copy of the project’s Geotechnical Report as an attachment to the SWRMP.
 - iii. An Operation and Maintenance Plan as an attachment to the SWRMP.
 - iv. A copy of the project’s Stormwater Best Management Practices, Operation, and Maintenance Agreement as an attachment to the SWRMP.
 - v. Contact information for the owner of the facilities and responsible party for conducting the Operation and Maintenance Plan.
 2. A portion of the project’s proposed bioretention pond (labeled as SCM-1/BMP2 in the Stormwater Control Plan), located near the existing bioswale next to Cochrane Road, will be constructed on top of an existing 10” public sanitary sewer main. The Owner has acknowledged responsibility for re-

installation/reconstruction of the bioretention pond in the event the City has to remove the bioretention pond to perform maintenance on the existing public sanitary sewer main.

- B. Grading: The proposed grades along the project's common property line with the adjacent, undeveloped Parcel 3 (proposed Taco Bell site) to the west shall conform with the Parcel 3 plans.
- C. NPDES Construction Activity General Permit/SWPPP Requirements: Although the project may have a land disturbance of less than one acre during construction, the project is part of a larger common plan of development that in total disturbs more than one acre and is therefore subject to the Construction General Permit. Prior to issuance of a grading/building permit, submit a Notice of Intent (NOI) to the State Water Resources Control Board.
- D. Landscaping: At grading permit/building permit stage, revise the Landscape Plans to specify the appropriate planting materials for the bio-retention ponds. The Central Coast Low Impact Development Initiative (LIDI) has bioretention plant design resources available for reference which can be found in their website at <https://www.centralcoastlidi.org/landscape.php>.
- E. City's Sanitary Sewer Lift Station "P"
 - 1. Pursuant to the Engineering/Public Works condition of approval included in the Design Review approval for Cochrane-Evergreen (SR2018-0004), the developer shall dedicate, to the satisfaction of the City Engineer, a minimum 20' wide Public Access Easement within the property, along the access path to the adjacent City's Sanitary Sewer Lift Station "P".
 - a. The Grant of Public Access Easement with plat and legal descriptions will be reviewed at grading permit/building permit stage and shall be finalized and recorded at the County Recorder's Office prior to Grading/Building Final.
 - 2. At grading permit/building permit stage, the project will be required to install "No Parking" sign(s) and/or pavement markings or have the curb painted red next to the landscape island to ensure that the access path to the lift station is kept clear at all times.
 - 3. A gate is required at the interior entrance to the City's Sanitary Sewer Lift Station "P". The type of gate will be determined at grading permit/building permit stage.

F. Utilities

1. The perimeter public improvements along Cochrane Road, Butterfield Blvd. and Jarvis Drive, and private street and landscaping improvements along the private drives were included in a separate, approved improvement plan set ("Master Improvement Plans").

a. Per the Master Improvement Plans, the project's domestic water and irrigation meter boxes were installed behind the private sidewalk and outside the existing Public Service Easement (P.S.E.) at Skipper Lane. The Owner shall dedicate an additional P.S.E. for the meters/meter boxes. The P.S.E. shall be recorded prior to building final of the Grading Permit.

i. At grading/building permit stage, submit for review a plat and legal description of the P.S.E. prepared by a licensed professional land surveyor or engineer.

b. At grading/building permit stage, revise the plans to comply with the following:

i. Show the location of the required backflow preventers for the domestic and irrigation services.

ii. Locate the backflow preventers and double detector check valve assembly for the fire service outside the proposed Public Service Easement area.

iii. Show the required screening for backflow prevention devices. The Planning Division will require the backflow prevention devices to be architecturally screened from view.

2. A sanitary sewer test manhole shall be provided for the proposed building and shall be accessible to the Pretreatment Inspector. The sanitary sewer test manhole shall be located within private property but adjacent to the street right-of-way or as approved by the City Engineer in conjunction with Pretreatment Inspector review.

G. General

1. An encroachment permit is required prior to the project's sewer connection to the public sanitary sewer main located within the existing P.S.E., adjacent to Cochrane Road.

2. The new trash enclosure shall comply with the City's updated Refuse and Recycling Enclosure Standards (City Ordinance No. 2328).

3. Impact Fees:

a. The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. The impact fees for this project will be locked to the Fiscal Year 2016-2017 Fee Schedule per the Impact Fee Freeze Agreement between the City and Evergreen-Butterfield & Cochrane LLC (Master Developer), which was amended, and have been extended per City Council Resolution 21-004. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering.

b. The recorded Subdivision Improvements Agreement between the City and the Master Developer included a reimbursement provision for the cost of

public improvements to be completed by the Master Developer. Credits will be applied against the Traffic Impact Fees due for this project for the reimbursable public improvements that have been completed by the Master Developer.

LAND DEVELOPMENT ENGINEERING - STANDARD CONDITIONS

II. GENERAL

- A. Public and Private Improvements: The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. (MHMC 12.02.090 A; 17.32.010 A)
- B. Encroachment Permit: 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)

III. 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. (MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)

IV. SANITARY SEWER SYSTEM

- A. Design of Sewer Improvements: The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)
- B. Sewer Connection: 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. Storm Drainage Study: A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)
- B. Storm Drainage Design: The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. (MHMC 17.32.020 A & B)
- C. Storm Drainage Capacity: Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to retain stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. (MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)

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

1. Storm drain calculations to determine detention/retention pond sizing and operations.

2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.

3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.

(CMH Design Standards and Standard Details for Construction)

E. NPDES General Permit Site SWPPP Inspections and Compliance: The applicability of the requirement to have the site inspected by a qualified third party SWPPP Inspector (QSD or QSP or RCE) will be determined at grading/building permit stage.

VI. WATER SYSTEM

A. Water Meters: Provide water services and meters for the lot. These are to be installed by developer. (MHMC 17.32.020 D)

VII. OTHER CONDITIONS

A. Easement Dedications: The owner shall dedicate all necessary utility easements. (MHMC 12.02.080 D; 17.28.010 A)

B. Undergrounding New Utilities: The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. (MHMC 17.32.020 E.1)

C. Landscaping and Irrigation Systems: Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this 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:
1. Civil Engineer of record
 2. Geotechnical Engineer of record
 3. Third Party QSD/QSP SWPPP Inspector
 4. General Contractor
 5. Sub-Contractors
- F. As-Built Submittal Standards: The developer shall submit digital as-builts of the project's Final Map, Grading Plan, and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

VIII. NPDES STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. Stormwater 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 from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable 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. Storm Drain System Stenciling and Signage: All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: “NO DUMPING – DRAINS TO CREEK”) and/or graphical icons to discourage illegal dumping. Legibility of stencils and signs must be maintained.

- D. Trash Enclosure Areas: In addition to the requirements under Municipal Code Section 18.92.155 (Refuse and Recycling Enclosures), all trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
 - 1. 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.

 - 2. 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:
 - 1. Volumetric Treatment Control BMP
 - a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

 - b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or

 - c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

2. Flow Based Treatment Control BMP
 - a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
 - b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

- F. Stormwater Runoff Management Plan (SWRMP): The Stormwater Runoff Management Plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.
 1. The Stormwater Runoff Management Plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved Stormwater Runoff Management Plan.
 2. The developer shall provide a signed certification from the civil engineer responsible for preparing the Stormwater Runoff Management Plan that all stormwater best management practices have been designed to meet the requirements of this chapter.

- G. Stormwater BMP Operation, Maintenance, and Replacement Responsibility
 1. Prior to building final, the property owner shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
 2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the City.
 3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
 4. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the

maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

H. Stormwater BMP Operation and Maintenance Agreement (SWBOMA):

1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management BMPs. The City standard Stormwater BMP Operation and Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.

I. Stormwater BMP Inspection Responsibility

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a certified Qualified Stormwater Practitioner (QSP).

2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the QSP. Written records shall be kept of all inspections and shall include, at minimum, the following information:

- a. Site address;
- b. Date and time of inspection;
- c. Name of the person conducting the inspection;
- d. List of stormwater facilities inspected;
- e. Condition of each stormwater facility inspected;
- f. Description of any needed maintenance or repairs; and
- g. As applicable, the need for site re-inspection.

3. Upon completion of each inspection, an inspection report shall be submitted to the City.

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

BUILDING DIVISION

- A. 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.
- C. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
- MHMC 15.65 Sustainable Building Regulations (16 LEED Points).
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.65SUBURE
 - MHMC 18.72.040 C. Electric Vehicle Charging. (1 EV Charger is required for the 25 Parking Spots)
 - 1MHMC 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 (GAS IS PROHIBITED)
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR

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. **Parking Along Roadways:** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8-foot-wide space. **(CFC Section 503)**







Design Review Approval Certificate -Starbucks Evergreen

Final Audit Report

2022-10-13

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