

## **RESOLUTION NO. 22-21**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF A DESIGN PERMIT AMENDMENT (AAE2022-0004 AMENDING SR-16-01) TO EXPAND THE APPROVED GRANADA HOTEL BY ADDING A PARTIAL FIFTH-LEVEL WITH MINOR BUILDING FAÇADE MODIFICATIONS AND SITE IMPROVEMENTS ON THE 1.09 ACRE SITE LOCATED EAST OF MONTEREY ROAD BETWEEN 1<sup>ST</sup> STREET AND 2<sup>ND</sup> STREET AS IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 726-14-074.**

**WHEREAS**, a Design Permit (SR-16-01) was reviewed for compliance with the Downtown Specific Plan design guidelines by Planning Commission at its regular meeting of April 26, 2016, at which time the Planning Commission approved application SR-16-01: Monterey—Leal; and

**WHEREAS**, an amendment request was submitted by Leal Vineyards, Inc. to amend the approved Design Permit to allow for a partial fifth level that will accommodate 11 additional guestrooms, convert the fitness amenity to add an additional two additional guestrooms on the third level and minor façade modifications and enhanced entrances along Monterey Street and 1<sup>st</sup> Street; and

**WHEREAS**, the Planning Commission has reviewed and considered the Initial Study and Addendum prepared for the Project; and

**WHEREAS**, the Addendum prepared or the project is incorporated, by this reference into the Resolution as if fully set forth herein; and

**WHEREAS**, the City of Morgan Hill, Development Services Department, has reviewed the proposed project and on the basis of the whole record before it, has determined that 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 that the MEIR was certified. The project, as identified in the Addendum, would not have a significant effect on the environment beyond that which was evaluated in the Downtown Specific Plan Master Environmental Impact Report (MEIR). The document demonstrates that neither a subsequent EIR, nor a supplement to the MEIR is required given that the proposed modifications to the approved project would not trigger the applicable criteria set forth in the CEQA Guidelines Section 15162. The Addendum to the Downtown Specific Plan MEIR has been prepared pursuant to Title 14 Section 15164 of the California Code of Regulations and City of Morgan Hill environmental standards; and

**WHEREAS**, the proposed project is consistent with the development assumptions in the Downtown Specific Plan. The proposed project would not result in any new or more significant cumulative impacts than the previously approved project (disclosed in the Specific Plan MEIR). Mitigation measures adopted for the previously approved project where feasible and will be implemented by the proposed project; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

**SECTION 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 partial fifth floor is pushed far back from Monterey Road and 2nd Street, central to the main building and mid-block. This reduces the massing of the structure and visibility of the fifth floor from the public right-of-way. The project is in conformance with General Plan Policies specifically, but not limited to CNF-14.1, CNF-14.2, CNF-14.3, and CNF-14.7 and the Economic Development Element. The hotel development supports the implementation of the DTSP by providing a new use that includes specialty retail, event space, and other services on the first floor along Monterey Road, and supports tourism downtown by adding rooms for short-term stays for visitors.

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

The amendment as proposed is consistent with the intent of the zoning code which is consistent with the DTSP requirements in that it meets the Design Guidelines by utilizing quality design and materials, introduces glass, wood tile, and metal for architectural detailing, and creatively utilizes reveals to create interest and private space for balconies.

**SECTION 3.** 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 DTSP supersede the regulations within the Design Review Handbook. However, the amendment as proposed substantially complies with the applicable design standards and guidelines outlined in the design review handbook in that the building utilizes alternate colors and materials to identify the base of the building from the top of the building, includes deep reveals for architectural interest

and privacy for balconies, and maintains architectural details on all facades of the building.

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

the City of Morgan Hill, Development Services Department, has reviewed the proposed project and on the basis of the whole record before it, has determined that 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 that the MEIR was certified. The project, as identified in the Addendum, would not have a significant effect on the environment beyond that which was evaluated in the Downtown Specific Plan Master Environmental Impact Report (MEIR). The document demonstrates that neither a subsequent EIR, nor a supplement to the MEIR is required given that the proposed modifications to the approved project would not trigger the applicable criteria set forth in the CEQA Guidelines Section 15162. The Addendum to the Downtown Specific Plan MEIR has been prepared pursuant to Title 14 Section 15164 of the California Code of Regulations and City of Morgan Hill environmental standards.

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

**SECTION 6.** The proposed project complies with all applicable design review criteria in Subsection H of Section 18.108.040.

While the proposed amendment meets the intent of the design review criteria, the Design Guidelines within Chapter 5 of the DTSP supersede the regulations within the municipal code.

**SECTION 7.** Pursuant to the authority set forth under Chapter 5, Design Guidelines of the Downtown Specific Plan and adopted by Ordinance No. 1956, New Series, the Planning Commission hereby finds the project to be in

substantial conformance with those Design Guidelines and approves of the Design Permit for the hotel project.

**SECTION 8.** The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as Exhibit "A", and by this reference incorporated herein.

**PASSED AND ADOPTED THIS 11TH DAY OF OCTOBER 2022, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

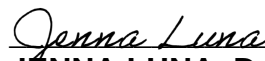
**AYES: COMMISSIONERS: MUELLER, HABIB, KUMAR DOWNEY,  
LAKE, WILSON,**

**NOES: COMMISSIONERS: NONE**

**ABSTAIN: COMMISSIONERS: NONE**

**ABSENT: COMMISSIONERS: TANDA**

**ATTEST:**

  
\_\_\_\_\_  
**JENNA LUNA, Deputy City Clerk**

**APPROVED:**

  
\_\_\_\_\_  
Joseph Mueller (Oct 28, 2022 14:06 PDT)

**JOSEPH MUELLER, Chair**

## EXHIBIT "A"

### STANDARD CONDITIONS

#### APPLICATION: AAE2022-0004: Monterey – Granada Hotel Expansion

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 RESOLUTION FORM INDICATING THEY UNDERSTAND AND AGREE TO IMPLEMENT THESE STANDARD CONDITIONS AND ANY SPECIAL CONDITIONS APPLIED TO THEIR PERMIT APPROVAL.

#### I. TIME LIMITS

The Design Review approval granted under this Resolution shall remain in effect for two years of 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.

#### II. SITE DEVELOPMENT

- A. ENCROACHMENT PERMITS: The owner of designee shall seek encroachment permits through the Department of Engineering Department for the work performed within the City's right-of-way.

#### III. OTHER CONDITIONS

- A. This Design Review approval is limited to the plan set on file for AAE2022-0004: Monterey – Granada Hotel Expansion with the Community Development Department. The approved site and building plans must be in substantial conformance with these plans as determined by the Community Development Director.
- B. The project shall incorporate a valet station for drop-off /pick-up in a location convenient for all downtown visitors in addition to the hotel guests. The location of the station shall be approved by the Development Services Director.
- C. The project shall incorporate a mural to be displayed on the rear façade of the building. The artwork shall be reviewed and approved by the City Library, Culture, and Arts Commission.
- D. DEFENSE AND INDEMNITY: 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.

- E. MITIGATION FEE ACT: Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements, or as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun.

- F. Signed copies of Resolution: Submit two (2) signed copies of Resolution No. 22-21 to the Planning Division prior to issuance of building permits.

**BUILDING DIVISION**

- A. The owner or designee shall follow all applicable building codes.
- B. The fifth-floor addition and conversion 1. The fifth-floor addition and conversion of other previously submitted spaces to sleeping rooms will require a separate Building Permit application, documents, and plans. The existing Permit cannot be revised as this is a change in the previously permitted scope of work.
- C. This new proposed scope of work will need to be designed to comply with the current edition (2019) of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15 or the edition that is effect at time of Building Permit Application submittal. (2022 edition after January 1, 2023).
- D. The structural elements of the existing structure that will support the lateral or gravity loads of the addition will need to be analyzed for compliance with the current (2019) California Building Code or the edition that is effect at time of Building Permit Application submittal (2022 edition after January 1, 2023) as required by the California Existing Building Code. A Structural Analysis will need to be submitted at time of Building Permit application

**FIRE DEPARTMENT**

- A. The owner or designee shall follow all applicable fire safety codes.

**ENGINEERING DEPARTMENTENGINEERING DEPARTMENT**

- A. Project Water:
- a. All project water shall be served from First Street.
  - b. Domestic water service with City standard backflow device and water meter with location to be determined by Engineering Department.
  - c. Irrigation service with City standard backflow device and water meter with location to be determined by Engineering Department.
  - d. Fire service with City standard backflow device with location to be determined by Engineering Department.
  - e. Fire Department Connection (FDC) location shall be approved by the Fire Department.
  - f. Existing Granada water service shall be maintained.
  - g. All retention/detention facilities shall be privately maintained by the owner.
- B. Obtain an encroachment permit from the Engineering Department t prior to commencement of any work in the City's right-of-way or in connection with the City's utility system.

## 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)
- H. **IMPACT FEE INCREASE**-The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City Engineering Department 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)

## STORM DRAIN SYSTEM

- A. 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 Engineering Department Engineering. A Waste Discharger Identification (WDID) number will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WIDI number and approved SWPPP Manual shall be provided to Engineering Department and the Building Department prior to any approval of grading activities (SWRCB NPDES General Permit CA000002).
- B. **NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:**
  - 1. ALL project onsite and offsite construction activity shall have the site inspected by a qualified third party SWPPP Inspector (QSD or QSP).
  - 2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
  - 3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
  - 4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
  - 5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Engineering Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List

- to be provided by Engineering Department). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Engineering Department (public right-of-way issues) inspectors respectively.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
  7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
  8. Other non-compliance issues need to be addressed within a 24 hour period.
  9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.
- C. Current Federal Emergency Management Agency Flood Insurance Maps show the site is located in:
1. In all other zones (AE, AH, A99, V, VE), the lowest floor shall be elevated at least one foot above the base flood elevation. (MHMC 18.42.160 C; CMH Design Standards and Standard Details for Construction)
- IV. OTHER CONDITIONS
- A. 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 Director of Engineering Department. (MHMC 17.32.020 E.1)
- B. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association/Owner.

#### WATER QUALITY

- A. State Water Resources Control Board Post Construction Requirements (PCRs): Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: [http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/stormwater/docs/lid/lid\\_hydromod\\_charette\\_index.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml)). A copy of the guidance manual can obtained through the Department of Engineering Department internet site.
- a. Project shall provide Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements.
  - b. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
    - i. Performance Requirement 1: Site Design and Runoff Reduction

- ii. Performance Requirement 2: Water Quality Treatment
    - iii. Performance Requirement 3: Runoff Retention
    - iv. Performance Requirement 4: Peak Management
  - c. **Submit/re-submit site review plans (SR) to include requirements of item “a” and “b” above.**
- B. Design Standards Applicable to All Categories.
- a. **Peak Storm Water Runoff Discharge Rates** - Post-development peak storm water runoff discharge rates shall not exceed the estimated pre development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre development flows.
  - b. **Minimize Storm Water Pollutants of Concern** - Storm water runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the storm water conveyance system. The development must be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the storm water conveyance system as approved by the building official. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bio-accumulate in organisms therein, or the detectable inputs of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.

In meeting this specific requirement, “minimization of the pollutants of concern” will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the Maximum Extent Practicable. Those BMPs best suited for that purpose are those listed in:

- i. [California Stormwater Quality Association \(CASQA\) Handbook: BMPs for New Development and Redevelopment](#)
- ii. [Bay Area Stormwater Management Agencies Association \(BASMAA\) Design Guidance Manual for Stormwater Quality Protection: Start at the Source 1999](#)

*Other available sources of BMPs*

- iii. [California Storm Water Best Management Practices Handbooks](#)

iv. [Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide](#)

- 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 Outdoor Material Storage Areas** - Outdoor material storage areas refer to storage areas or storage facilities solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:
- i. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
  - ii. The storage area must be paved and sufficiently impervious to contain leaks and spills.
  - iii. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.
- e. **Properly Design Trash Storage Areas** - A trash storage area refers to an area where a trash receptacle or receptacles (dumpsters) are located for use as a repository for solid wastes. Loose trash and debris can be easily transported by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. All trash container areas must meet the following Structural or Treatment Control BMP requirements (individual single-family residences are exempt from these requirements):
- i. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
  - ii. Trash container areas must be screened or walled to prevent off-site transport of trash.

- iii. Shall have covered roof.
  - iv. Shall have a sanitary connection with approved guard cover Engineering Department.
- f. **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.
- g. **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.
  - ii. The chief engineer or designee may require a developer to 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.

- iii. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.
- iv. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Engineering Department Association, or the California Water Environment Association.

**h. 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(s), an owners' or homeowners' association 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(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.

**i. Stormwater BMP operation and Maintenance Agreement (SWBOMA)**

**required** - Improper maintenance is one of the most common reasons why water quality controls will not function as designed or which may cause the system to fail entirely. It is important to consider who will be responsible for maintenance of a permanent BMP, and what equipment is required to perform the maintenance properly.

- i. 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 Engineering Department Engineering).
- ii. The stormwater BMP operation and maintenance agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design

unless approved by the city prior to the commencement of the proposed modification or maintenance activity.

- iii. The stormwater BMP operation and maintenance agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.

j. **Stormwater BMP inspection responsibility**

- i. The property owner(s) 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 chief engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15<sup>th</sup> and September 15<sup>th</sup>) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
  - 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 reinspection.
- iii. Upon completion of each inspection, an inspection report shall be submitted to Engineering Department Engineering.

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

- l. **Annual Certification of SWRMP** – On or before September 30<sup>th</sup> of each year a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

C. Provisions (if) Applicable to Individual Priority Project Categories

a. **Restaurants**

- i. Properly Design Equipment/Accessory Wash Areas - The activity of outdoor equipment/accessory washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the

project plans an area for the washing/steam cleaning of equipment and accessories. This area must be:

1. Self-contained, equipped with a grease trap, and properly connected to a sanitary sewer.
2. If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.

b. **Properly Design Loading/Unloading Dock Areas** - Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- i. Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- ii. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

c. **Parking Lots**

- i. **Properly Design Parking Area** - Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor-vehicles. These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:
  1. Reduce impervious land coverage of parking areas.
  2. Infiltrate or treat runoff.
- ii. **Properly Design To Limit Oil Contamination and Perform Maintenance** - Parking lots may accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks:
  1. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used (e.g. fast food outlets, lots with 25 or more parking spaces, sports event parking lots, shopping malls, grocery stores, discount warehouse stores).
  2. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

## PRETREATMENT

A. Owner or designee shall apply for Industrial Wastewater Discharge Permit with the City of Gilroy Pretreatment.

### General:

1. All nonresidential wastewater is subject to compliance with SCRWA

Ordinance 13-1. Industrial Wastewater falls into 4 local permitting categories. An industrial waste discharge permit is required from the South County Regional Wastewater Authority, Chemical Control Program (Pretreatment) prior to any industrial wastewater discharge.. Industrial waste water (non-domestic) to the Sanitary Sewer System. The permit shall be maintained and renewed as required.

**Construction Requirements:**

1. All new industrial buildings shall have a sewer test manhole installed on the property (see City Specifications) and in an area that can be readily accessed by an inspector, (minimum of one for each building). For tenants with industrial waste treatment systems a separate sewer test manhole shall be required.
2. Kitchens/Cooking facilities: All cooking and food preparation facilities shall be provided with a grease trap or clarifier, sized for the anticipated flows. No garbage disposals are allowed. See Chemical Control Grease Interceptor Policy Documents for sizing and type. Separate Plan review and permit required. Submit plans and obtain permit from Chemical Control.
3. Trash enclosures shall be covered by a non-combustible roof. Plans show roofed trash enclosures. If trash enclosures will be cleaned by periodic washings, then the trash enclosure may be equipped with features to allow washing (e.g. spilled liquids & food wastes, restaurant floor mats). Such features include: 1) sloped concrete floor, 2) Vandal- Proof floor drain, 3) solids/grease trap connected to plumbing to sanitary sewer, 4) a secured water source, and 5) lockable doors to the trash enclosure. No storm drain inlets adjacent to trash enclosure. Contact Jonathan Crick at 408-846-0436 if additional information is required.
4. The swimming pool filtration system shall drain wastewater to the sanitary sewer system through an approved connection. Depending on the pool filtration system installed, a solids trap may be required.

**Use and Operations:**

5. Vehicle Washing or other washing operations that may generate oily residues shall be drained to an oil water separator. Rainwater is prohibited from entering the separator.

<b>CHEMICAL CONTROL PROGRAM</b>
<b>POLICIES AND PROCEDURES</b>
<b>Grease Interceptors for Commercial Cooking</b>

**Policy:**

Pursuant to SCRWA Ordinance 13-01 restaurants and other establishments that handle, prepare or serve food have the potential to discharge grease and solids to the Sanitary Sewage System. All such operations shall have a Grease Interceptor installed to serve that business. No garbage disposals or food grinders are allowed. Food waste is to be caught in sink screens and placed into the trash. Installation of the interceptor shall meet the Uniform Plumbing Code and meet standards approved by the Chemical Control Program. Tallow tanks are to be maintained clean and orderly and shall be located in covered trash enclosure or a UL listed tank inside of the facility. Under no circumstance can equipment be cleaned outdoors unless an approved waste water collection and disposal method is used.

Grease interceptors may be of two kinds, one installed inside the food service area commonly called a grease trap, or a large unit installed outside, underground, that is commonly called a clarifier. The UPC Section 1014.0 provides standards for the installation of grease traps and interceptors. Small under counter units are suitable for small food preparation, handling or serving establishments (seating under 50). The size of unit is determined by the number of fixtures (drains) connected to it. For large restaurants or fast food facilities, an underground, outdoor unit is required. In this case all kitchen drains including floor sinks and mop sinks are plumbed to the grease interceptor. Food prep sinks and domestic sewage shall not be plumbed into the interceptor. In any facility required to have an interceptor, the dishwasher shall be plumbed to the interceptor as a fixture, but the wash temperature cannot exceed 140 degrees.

**ENVIRONMENTAL SERVICES**

- A. Project Shall comply with the Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation and MHMC 18.64 Landscaping







# 22-21 Design Permit Resolution Final

Final Audit Report

2022-10-28

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