

RESOLUTION NO. 23-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT (UP2021-0002), APPROVING A MITIGATED NEGATIVE DECLARATION, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (EA2021-0001) TO ALLOW FOR THE DEMOLITION AND RECONSTRUCTION OF THE EXISTING GAS STATION WITH CONVENIENCE STORE LOCATED AT 16720 MONTEREY ROAD. (APN 817-01-002)

WHEREAS, an application was submitted by John Hundley with World Oil Marketing Company, for the request of a conditional use permit to allow for the demolition and reconstruction of the existing gas (fuel service) station and convenience store ("Project"). The property, identified by Assessor Parcel Number 817-30-002, is located on the northeast corner of Monterey Road and San Pedro Avenue.(John Hundley, Property Owner); and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of March 28, 2023; and

WHEREAS, testimony was received at the duly-noticed public hearing, along with exhibits and drawings and other materials and continued the item to a April 11, 2023.

WHEREAS, the Commission open and closed the public hearing for the item at the April 11, 2023 hearing and further continued the item to April 25, 2023 to allow additional time to coordinate available of the environmental consultants to attend the hearing; and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of April 25, 2023; 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; and

WHEREAS, the City of Morgan Hill is the lead agency on the Project, and the Planning Commission is the decision-making body for the proposed Project; and

WHEREAS, prior to the adoption of this Resolution, the Planning Division of the City of Morgan Hill prepared an Initial Study (IS), a Mitigated Negative Declaration (MND), and the Mitigation Monitoring and Reporting Program (MMRP) for the Project in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA"), and state and local guidelines implementing CEQA; and

WHEREAS, the IS, MND, and MMRP prepared for the project is incorporated, by this reference, into this Resolution as if fully set forth herein; and

WHEREAS, the Planning Commission has reviewed and considered the IS/MND and MMRP for the Project; and

WHEREAS, although the proposed project could have a significant effect on the environment, all potentially significant effects have been (a) analyzed adequately in the IS/MND and (b) have been avoided or mitigated pursuant to the MMRP which includes measures that are imposed upon the Project and reduces potential impacts to a less than significant level and is consistent with Section 15070 of CEQA Guidelines.

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

SECTION 1. The Planning Commission does hereby make the following CEQA findings:

- (1) It has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon the Project;
- (2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA;
- (3) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project. The Development Services Director of the Development Services Department at 17575 Peak Avenue, Morgan Hill, California 95037, is the custodian of documents and records of proceedings on which this decision is based; and,
- (4) On the basis of the whole record before it (including the Initial Study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment with the application of mitigation measures.

SECTION 2. The approved Conditional Use Permit has been found consistent with the Findings of approval contained in Section 18.108.030 of the Zoning Code and hereby adopted:

- a. **The proposed use is allowed in the applicable district.**

A fuel service station and convenience market is a conditionally permitted use within the Mixed-Use Flex zoning designation.

- b. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.**

The use is consistent with the General Plan, specifically, but not limited to, Policies CNF 8.1, CNF 8.7, CNF 8.9, CNF 15.5 and CNF 16.2 as described in the staff report. The proposed project enhances the existing use by redeveloping the site, and if approved, will construct the facility to meet all the development standards within the zoning district.

- c. The site is suitable and adequate for the proposed use.**

The proposed use is a redevelopment of the existing use to utilize the whole property. The site plan demonstrates that the proposed fuel service station with convenience store can meet all the development standards of the City of Morgan Hill Municipal Code and aesthetically enhances the site layout and design, including the incorporation of additional landscaping.

- d. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the property.**

The proposed use is the redevelopment of an existing use at this location. The proposed site layout relocates the convenience store closer to Monterey Road and realigns the pump stations with a canopy to enhance on-site circulation and site access. The new plan will incorporate landscaping along the perimeter of the site, including a landscaped buffer in between the gas station parking area and the adjacent residential neighborhood to the east.

- e. The proposed use will not be detrimental to the public health, safety, and welfare.**

The new construction will meet all current building codes and County and State regulations, and therefore will not be detrimental to the public health, safety, and welfare. In addition, an environmental assessment was completed in compliance with the California Environmental Quality Act and concludes that the project will have a less than significant impact with the adoption of the listed mitigation measures.

- f. The proposed use would not have a substantial adverse effect in traffic circulation and on the planned capacity of the street**

system.

The current site has rolled curbs along Monterey Road, creating an 84-foot wide driveway, and has a 32-foot wide driveway along San Pedro Avenue. The lengthy driveway along Monterey Road allows cars to enter and exit at any spot along the adjacent street which can cause circulation congestion with oncoming traffic from Monterey Road. The new site layout will reduce the access point along Monterey Road to 32 feet and introduce landscaping to limit and clarify vehicular access points. The planned median to prevent left hand turns will also improve the traffic concerns discussed within the staff report.

- g. **The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

The proposed use is the redevelopment of an existing use at this location and, pursuant to the General Plan, there is sufficient services and infrastructure to support the remodeled gas station with convenience market.

SECTION 3. The Planning Commission hereby adopts the IS/MND with MMRP and approves the Conditional Use Permit subject to the conditions set forth in Exhibit A attached hereto and incorporated herein this reference. Any expansion, intensification, or changes to the use approved under this conditional use permit deemed major by the Development Serviced Director shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

PASSED AND ADOPTED THIS 25th DAY OF APRIL 2023, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:



JENNA LUNA, Deputy City Clerk

APPROVED:


Joseph Mueller (May 1, 2023 15:06 PDT)

JOSEPH MUELLER, Chair

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: UP2021-0002/EA2021-0001
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 proposed project includes the removal of the existing pump stations with fuel canopy and convenience store and allows for the redevelopment of the entire site to include six pump stations with 12 gas dispensers, a new fuel canopy, and a 2,115 square foot convenience store with associated off- and on-site improvements. The facility is approved for a 24-hour operation seven days a week with the restriction that the store door will not be open to the public past 10:00pm or before 7:00am. Access to store purchases will be limited to the outside window access only.

II. PROJECT MITIGATION MEASURES

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

- A. **MM BIO-1.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. If construction can be scheduled to occur between September 1st and January 31st (inclusive) to avoid the raptor nesting season, no impacts will be expected. If construction will take place between February 1st and August 31st, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. Surveys shall be completed within seven days of the on-set of site clearing or construction activities. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, buildings) onsite as well as within 250 feet of the site for nests of raptors and 100 feet for nests of non-raptors.
- B. **MM BIO-1.2:** If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet

for raptors and 50-100 feet for other species) that shall remain off limits to construction until the nesting season is over, to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Wildlife Code will be disturbed during project implementation. A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the Development Services Director or Designee prior to issuance of a grading permit.

- C. **MM GEO-6.1:** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately. The Development Services Director or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Development Services Director or the Director's designee prior to work beginning on the site following a discovery.
- D. **MM HAZ-2.1:** The project applicant shall prepare a Site Management Plan (SMP) prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of petroleum-based contaminants. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:
- Procedures for transporting and disposing the waste material generated during removal activities, if such transport and disposal is necessary;
 - Procedures for stockpiling soil on-site if such stockpiling is necessary;
 - Provisions for collecting soil samples to prior to grading activities;
 - Provisions for confirmation soil sampling as appropriate to obtain a "No Further Action" letter (or equivalent) from the state and/or local agency assuming oversight for the site;
 - Procedures to ensure that fill and cap materials are verified as clean truck routes;
 - Staging and loading procedures and record keeping requirement.

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH) for review and approval. Copies of the approved SMP shall be provided to the City's Development Services Department prior to issuance of any grading permits.

- E. **MM HAZ-2.2:** All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the

known environmental conditions for the site. The HSP shall be implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but not limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers;
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered;
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils;
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities;
- Emergency procedures and responsible personnel.

The HSP shall be submitted to the SCCDEH. Copies of the approved HSP shall be provided to the City's Development Services Department prior to issuance of any grading permits.

- F. **MM HAZ-2.3:** Prior to issuance of a site grading permit, the project applicant shall collect additional soil samples (of organochlorine pesticides and related metals) from the upper zero to six inches of soil to ensure soil samples at the project site are collected in accordance with the California Department of Toxic Substance Control (DTSC) guidance. Soil samples shall be taken in areas where soil disturbances are anticipated as part of the proposed development.

If the concentrations of the analyzed pesticides and related metals in soil samples exceed the most current risk-based screening levels, prior to issuance of any grading permits, the project applicant shall enter into the SCCDEH's Voluntary Cleanup Program to obtain regulatory oversight to remediate the contaminated soil discovered. A Removal Action Workplan (RAW), or equivalent, shall be prepared for review and approval by SCCDEH that describes the process for the removal of all impacted soil to below established cleanup levels. The RAW shall include a HSP for construction worker safety and include measures to control dust and other potential exposure to neighboring properties during remediation. A copy of the SCCDEH-approved RAW shall be provided to the City's Development Services Department prior to issuance of any grading permits.

- G. **MM HAZ-2.4:** Removal work shall be completed by a California-licensed hazardous waste contractor under the supervision of a Professional Geologist or Engineer. Dust control measures and dust monitoring shall be implemented at the site during demolition, removal of current site structures, and excavation of impacted soil in accordance with the approved Removal Action Workplan (or the equivalent) and to the satisfaction of the City's Development Services Department.

- H. **MM HAZ-2.5:** After post-remediation sampling has confirmed that the soil has been removed to meet the approved soil cleanup levels, the project applicant shall prepare and submit a final report to SCCDEH and a “No Further Action” or “Closure” letter shall be obtained. This closure letter shall be submitted to the City’s Development Services Department.
- I. **MM HAZ-2.6:** Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Division an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal/OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal/OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

III. **PROJECT CONDITIONS OF APPROVAL**

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

PLANNING DIVISION

- A. **Conditional Use Permit.** This Conditional Use Permit approval is limited to the Project Description above and the conceptual plan set on file (UP2021-0002) with the Development Services Department. The proposal will require approval of a Design Permit prior to submittal of a building permit. The approved building plans and landscape plans must be in substantial conformance with the approved Use

Permit and future Design Permit plans as determined by the Development Services Director.

- B. **Design Permit.** The applicant shall submit for a Design Permit for the review of the future gas station with convenience market. The site design shall comply with all applicable development standards within the Mixed-Use Flex Zoning designation and applicable parking requirements. The following shall also be incorporated into the design permit approval.
- i. Work with the adjacent property owners to discuss the height of an additional wall that will start at a minimum of 7' and the incorporation of trees within the landscaped planter as further outlined in "C. Lighting" below.
 - ii. Plan for the new underground tanks to be located as far away from the adjacent residential properties as feasible.
- C. **Lighting.** The applicant shall work with the City on the incorporation of landscaping in the planter area between the gas station and the adjacent masonry wall located on the east side of the project site. Such landscaping shall include trees with a minimum of 24" box tree that will provide year round foliage to provide screening taller than the existing wall.
- D. **Convenience markets with fuel services stations.** Per Section 18.92.032 of the Municipal Code, convenience markets which also sell automotive fuels shall provide the following additional services without charge:
1. Restrooms available to customers and employees. If restroom entrances open directly to the outside of the building, the restroom entrances shall be screened from public view and shall comply with the lighting and crime prevention measure in the Section 18.92.032(D).
 2. Hoses conveying air and water for the service of automotive vehicles available for public uses in locations approved by the development services department.
- E. **Air and Water Services.** The property owner/designee shall use the quietest generator available and incorporate screening around the generator to muffle the sound as much as possible as it is adjacent to the residential neighborhood.
- F. **Loiter Control.** Per Section 18.92.032 of the Municipal Code, convenience markets which also sell automotive fuels shall control loitering by incorporating the follow standards:
1. Public pay telephones on an exterior wall of the convenience market fuel and service stations or anywhere on the site shall not allow incoming calls. Public telephones allowing incoming calls are allowed within the building interior.

2. Video games may not be installed or operated on the premises of the convenience market with fuel and service station.
- G. **Crime Prevention Measures.** Per Section 18.92.032 of the Municipal Code, the following measure shall be followed:
1. The exterior of the convenience market with fuel and service stations shall be illuminated during all hours of darkness during which the market is open for business. Exterior illumination shall allow law enforcement personnel to easily identify persons within front entry areas, adjacent public sidewalks, parking areas, throughways, and alleys under control by the convenience market. Illumination shall be located and designed to minimize interference with the quiet enjoyment of nearby residential properties.
 2. Commercial alarm systems and video security cameras shall be installed and maintained within the building to the specifications of the police department as required by this conditional use permit.
 3. The police department may require additional crime prevention measures as part of this approval. In this case, the Police Department is requiring access to camera feed and camera recordings to be available to view in real time and recorded footage if/when required.
 4. Persons under the age of eighteen who are employed in a capacity which allows for selling of alcoholic beverage must be under the continual supervision of a person twenty-one years of age or older.
- H. **Concurrent Sale of Alcoholic Beverages and Automotive Fuels.** Per Section 18.92.032 of the Municipal Code, when the concurrent sale of alcoholic beverages and automotive fuels are proposed in conjunction with the convenience market, the following additional requirements shall apply:
1. No alcoholic beverages shall be displayed within ten feet of the cash register or front door unless located within a permanently affixed cooler.
 2. No display or sale of alcoholic beverages shall be made from an ice tub.
 3. No alcoholic beverages advertising shall be located on fuel pump islands and no self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
 4. Employees on duty between the hours of ten p.m. and two a.m. who sell beer or wine shall be at least twenty-one years of age.
- I. **Liquor Store.** A liquor store with a fuel and service station is not permitted. The store must meet the municipal code definition of a convenience market.
- J. **Time Limits:** The conditional use permit approval granted pursuant to this Resolution shall remain in effect for two years from approval date. Failure to obtain a design permit 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 and 18.104.210)**

K. **UST Submittal Required:** Prior to the issuance of a grading permit, the project applicant shall submit an application for an Underground Storage Tank (UST) System Closure Permit to the Santa Clara County Hazardous Materials Compliance Division (HMCD) for review and approval, pursuant to the requirements set forth in Santa Clara County Code Section B11-325. As part of the UST System Closure Permit application, the project applicant shall also pay associated fees. At minimum, the UST Closure Permit application shall detail the following:

- The proposed schedule for collection and sampling of soils beneath the on-site USTs and along piping runs;
- The California Department of Toxic Substances Control (DTSC) and U.S. Environmental Protection Agency (USEPA) standards against which collected on-site soils shall be tested;
- Applicable work practice standards, in accordance with the Occupational Safety and Health Administration (OSHA) Technical Manual, that shall be implemented to ensure appropriate precautions are incorporated to protect construction workers and the surrounding community during removal of the on-site USTs and associated piping runs;
- The proposed disposal methods for on-site soils associated with the existing USTs and piping runs;
- The proposed date of UST closure inspection; and
- The methods with which soils shall be remediated on-site, if contaminants in tested soils exceed applicable standards. If on-site remediation is not possible, the methods and routes in which contaminated soils shall be hauled to an appropriate facility for disposal.

In accordance with California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 32, the existing on-site USTs and primary piping shall be managed as hazardous waste upon removal, unless such facilities are cleaned on-site and certified by an HMCD representative as non-hazardous in accordance with DTSC hazardous waste regulations. The proposed UST and sump removal and sampling activities shall be witnessed by a HMCD representative.

L. **Soil excavation:** If on-site soil excavation for UST removal and replacement will result in the need to export the excavated soil for disposal at an off-site location, the applicant shall retain a qualified environmental professional to characterize the excavated soil as a waste to determine an appropriate disposal facility and obtain their acceptance of the soil. The qualified environmental professional shall oversee the loading, transportation, and disposal of the soil including retaining copies of transportation and disposal documentation (i.e., waste manifests and landfill weigh tickets, respectively). The qualified environmental professional shall also prepare a report summarizing the methodology of soil waste characterization, results of the characterization, and describing the loading, transportation, and disposal of the

soil. The report shall be submitted to the Santa Clara County Environmental Health Department for review and approval.

- M. **Construction.** Notice of the site management plan shall be made available to residences adjacent to the project site and shall be posted on the City's website. The construction timing and schedule shall be available to the public that identifies what phase of construction is happening at what time including when the removal of the existing underground tanks is occurring. A contact to the construction management team and property owner/designee shall be posted on the project site if anyone has any questions about the phasing of construction.
- N. **Post Construction.** The property owner / designee shall provide to the adjacent residences directions from Occupational Safety and Health Administration (OSHA) on the proper way to clean an area after grading is completed.
- O. Fuel deliveries shall not occur between 9:00 p.m. and 6:00 a.m.
- P. **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.

ENGINEERING DIVISION

- A. The Design Permit will be reviewed for compliance with the Municipal Code including but not limited to the on- and off-site improvements and storm water control plan.
- B. Project will be subject to impact fees prior to issuance of any future building permit.

ENVIRONMENTAL SERVICES

- A. The Design Permit landscaping shall comply with the Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation.

BUILDING DIVISION

- A. The following items need to be incorporated into the design and will be verified at Building Permit application plan review:
 - 1. Project shall be designed to comply with the current edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
 - 2. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - a. MHMC 15.65 Sustainable Building Regulations.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.65SUBURE
 - b. MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.40BUSE
 - c. MHMC 15.38 Wage Theft Preventions
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
 - d. MHMC 18.148 Water Conservation
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDECO_CH18.148WACO
 - e. MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
 - 3. A separate Building Permit will be required for demolition of existing structures. Demolition of existing tank requires Santa Clara Environmental Health Hazardous Materials approval.

4. A separate submittal, fee and permit is required to Santa Clara County Environmental Health for installation of fuel tanks and food preparation.

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.

Prior to Design Permit submittal, provide Fire Apparatus turning template to show onsite access, turning, radius and if access exceeds 150-feet and approved fire apparatus turn around.

- B. **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 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-B. **(CFC Section 503 as amended by MHMC 15.44.140)**
- C. Review of the conceptual plans does not release the developer, architect, or contractor of the responsibility for the corrections of mistakes, errors or omissions contained therein.

POLICE DEPARTMENT

- A. **Safety and Security Plan.** The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.
- B. **Camera Access.** The Police department will require access to camera feed and camera recordings to be able to view real time and recorded footage if/when required.







World Oil Resolution Ready for Siganture

Final Audit Report

2023-05-01

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