



17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 25-026

PROJECT: UP2025-0002, SR2025-0006 : Monterey-Singreddy

PROJECT LOCATION: Northwest Corner of Monterey Road and Wright Ave. (APN 764-12-020)

GENERAL PLAN: Commercial

ZONING: Corridor Form Based (FB-C)

DESCRIPTION: Administrative Use Permit and Design Permit to allow a remodel of the existing Valero gas station and convenience store, which would result in the operation of a Chevron gas station and convenience store at the project site. As part of proposed improvements, the existing auto bays attached to the convenience store would be removed and the existing convenience store would be expanded to occupy the former auto body space. The building's square footage would not increase as a result of the convenience store improvements. A new fueling canopy would be installed with one additional Multi-Product Dispenser (MPD) and a 500-gallon above-ground propane tank for propane sales.

RECITALS

1. On February 4, 2025 the Community Development Department received an application for a Administrative Use Permit and Design Permit for the remodel and an approximately 800 square foot addition to an existing Convenience Market and construction of a new fuel canopy. The subject property is located at 17905 Monterey Road, within the FB-C Zoning District.

Ordinance No. 2348 was approved on September 9, 2023 amending the zoning of the site from General Commercial (CG) to Corridor Form Based (FB-C) that resulted in the existing fuel and service station becoming a non-conforming use. A fuel and service station is not a permitted use in the Corridor Form Base (FB-C) zoning district. As a result the existing use is nonconforming use. The convenience store is a permitted use in the FB-C zone. The enlargement of a structure or site occupied by a nonconforming use, or the intensification in any way of the operation of a nonconforming use, shall require the approval of an

Administrative Use Permit in accordance with Section 18.68 Nonconforming Uses and Structures of the Morgan Hill Municipal Code

2. Said application was deemed complete for processing. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process;
3. Pursuant to the authority set forth under Section 18.108.220 and 18.108.040 of the Morgan Hill Municipal Code, the Community Development Director hereby approves the Administrative Use Permit and Design Permit application subject to the following conditions:

FINDINGS

SECTION 1. The proposed project, together with its provisions for its design and improvements, is consistent with the Zoning Ordinance and the General Plan with the exception of the permitted uses and setbacks of the FB-C Zoning district.

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 Administrative Use Permit has been found consistent with the Findings of approval contained in Sections 18.108.020 and 18.68.080 of the Zoning Code for a nonconforming and hereby adopted:

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

A Convenience Market is a permitted used in the FB-C zoning district. The modification of a legal non-conforming fuel and service station requires an Administrative Permit.

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 proposed use is considered a commercial use that is consistent with the Commercial General Plan designation on the site. 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 site is appropriately zoned and of adequate size to accommodate the proposed use. The project as proposed conforms with the supplemental standards for drive-through facilities in MHMC Chapter 18.92.032 and is conditioned accordingly.

- 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 convenience market with fuel and service station is existing and located within a primarily commercial area.

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

The project's operations would not adversely affect public health, safety, or welfare as it conforms with the applicable Zoning code. The project will comply with stormwater and building code requirements.

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

Existing driveways will be removed to improve traffic circulation and existing sidewalks will be replaced and brought up to City standards.

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

The proposed project is a redevelopment of a site and is located within a developed area, and within the Urban Service Area that is adequately served by existing or planned services and infrastructure.

- h. Available evidence indicates that the nonconforming use was legally established.**

Building Permit records indicate that the service station use has existed on the site since 1961.

- i. The nonconforming use has not resulted in a notable negative impact or nuisance to the surrounding area.**

There is no indication from Code Compliance records that there have been any notable negative impacts or nuisance from the existing use.

- j. The nonconforming use is compatible with the general character of the surrounding area.**

The general character of the surrounding area is a mixed use commercial and residential area.

- k. The proposed action is consistent with the purpose and intent of the applicable zoning district.**

The modification to the existing service station is consistent with the intent of the Corridor Form Based (FB-C) district allowing a mix of appropriate land uses chosen to ensure compatibility among different contexts and the intended physical form of the area.

SECTION 4. 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 improvements are consistent with the General Plan and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

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 Zoning Code and Municipal Code.

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

The proposal is consistent with all applicable design standards and guidelines contained in the design review handbook.

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

A Mitigated Negative Declaration was adopted.

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 project would not have a detrimental impact on public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity and has been designed to comply with City requirements.

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 neighborhood.

SECTION 5. The Proposed Project could have a significant effect on the environment, however there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION has been prepared.

SECTION 6. The approved project shall be subject to all conditions contained within Exhibit A, incorporated herein by reference. It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project complies with the original City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

APPROVED THIS 9th Day of January 2026



Jennifer Carman
Development Services Director

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: UP2025-0002, SR2025-0006: Monterey-Singreddy

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

PLANNING DIVISION

1. Use Approval. The use shall be conducted as described in the Applicant's Statement of Proposed Operations on file at the Community Development Department. Any future expansions or intensification of the use shall be permitted only upon modification of this Administrative Use Permit.
2. The Use shall be conducted in accordance with Section 18.92.032- Convenience markets with fuel and service stations of the Morgan Hill Municipal Code including:
 - a. One restroom for women and one restroom for men 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.
 - b. Hoses conveying air and water for the service of automotive vehicles available for public use is required.
 - c. 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.
 - d. Persons under the age of eighteen who are employed in a capacity which allows for selling of alcoholic beverages must be under the continual supervision of a person twenty-one years of age or older.
 - e. Concurrent Sale of Alcoholic Beverages and Automotive Fuels. If concurrent sale of alcoholic beverages and automotive fuels are proposed in conjunction with the convenience market with fuel and service stations use, the following additional requirements shall apply as specified in Section 23790.5 of the Business and Professions Code:
 - f. No alcoholic beverages shall be displayed within ten feet of the cash register or front door unless located within a permanently affixed cooler.
 - g. No display or sale of alcoholic beverages shall be made from an ice tub.
 - h. No alcoholic beverage advertising shall be located on fuel pump islands and no self-illuminated advertising for alcoholic beverages shall be located on buildings

or windows

- i. 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.
3. The Mitigation measures in accordance with the adopted Mitigation and Monitoring Report (Attachment B) are required.
4. SIGNS: A Sign Permit is needed for any proposed signs. Signs shown on plans are conceptual and not approved.

LAND DEVELOPMENT ENGINEERING

A. Impact Fees & Fee Increase:

The City of Morgan Hill, pursuant to MHMC Chapter 3.56, has established impact fees to finance the cost of improvements required by new development. MHMC Section 3.56.050 provides for automatic annual (January 15th) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

1. The Developer shall pay all applicable impact fees and other engineering review fees (fees other than impact fees are automatically adjusted annually on July 1st) prior to building permit issuance. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering. The estimated total amount of impact fees and engineering review fees for this project based on the Fee Schedule currently in effect is **\$420,000**.

B. Traffic Circulation

1. Vehicle Turning Templates: At improvement plan/building permit stage, the project shall address the following:
 - a. Submit separate vehicle turning templates for fueling trucks and Recology/garbage trucks that will access the project site. Also include the dimensions of each vehicle.
 - b. Confirm that the height of typical trucks that will access the project site will not conflict with height of the fuel canopy.
2. Driveway Approaches:
 - a. The project shall provide a total of two driveway approaches, one at the Monterey Road frontage and the other at the Wright Avenue frontage.
 - i. At improvement plan/building permit stage, revise the plans to show the driveway approach at the Wright Avenue frontage to have a minimum of 10' separation between the driveway transition and the curb return pursuant to City Design Standard 1.802.
 - ii. Final review of the location of the driveway approaches will be performed at improvement plan/building permit stage after the review of the required vehicle turning templates.

- b. At improvement plan/building permit stage, label the directions of each driveway approach as one-way or two-way.

C. Right-of-Way (ROW) and Easements

1. Street Rededications/Dedications: The following street dedications/rededications shall be recorded with the Santa Clara County Clerk-Recorder's Office prior to Grading/Building permit issuance:
 - a. Monterey Road Frontage: Rededication of approximately 55' street right-of-way width in fee to the City along the Monterey Road frontage, from the northern property boundary to the centerline of Wright Avenue.
 - b. Wright Avenue Frontage: Rededication of approximately 33' street right-of-way in fee to the City along the Wright Avenue frontage, from the western property boundary extent to the centerline of Monterey Road.
 - c. Corner Cutoff: Dedication of street right-of-way in fee to the City as needed for the required corner cutoff at the intersection of Monterey Road and Wright Avenue to accommodate the required upgraded curb ramp and detached sidewalk improvements and in accordance with City Standard Details A-2 "Handicap Ramp Commercial Sidewalk" and A-5 "Standard Returns Detached and Transition Sidewalks.", and applicable accessibility standards.
 - i. According to Book H891, Page 673 "Deed for Public Way", a portion of the corner has been dedicated to the City. At improvement plan/building permit stage, the project may be required to dedicate additional right-of-way, in fee, during final design of the corner to accommodate the required improvements in accordance with City Standards.
2. 10' Public Service Easement (PSE): Dedication of a 10' PSE behind the property line for both street frontages along Monterey Road and Wright Avenue. The Grant of PSE instrument shall be recorded with the Santa Clara County Clerk-Recorder's Office prior to Grading/Building permit issuance.
 - a. The PSE shall be kept clear of permanent buildings and structures.
 - i. The City will allow the new fuel canopy and concrete fueling pad to encroach into the PSE on Monterey Road.
 - ii. At improvement plan/building permit stage, verify that the locations of the underground fuel tanks are outside of the PSE.
 - iii. The underground fuel tanks, bioretention ponds, or other stormwater control measures shall not encroach into the PSE on Wright Avenue.

D. Grading & Drainage

1. Flood Control/25-Year Detention Standard:
 - a. The project shall comply with the City's Flood Control Standard, as outlined in Storm Drain Design Standard 4.1600, Ponding Basins. The City is currently in the process of updating the Flood Control/25-Year Detention Standard. The project may obtain approval from the City Engineer during Design Review stage, for the project to comply with the following interim standards:

- i. Mitigate post development flows to not exceed pre-development for the 10-year, 25-year, and 100-year design storm events.
- ii. The 25-year and 100-year design storms shall be based on the criteria in Table 3.4 "Hydrology and Hydraulics Design Criteria for Ponding Basins" of the City's 2018 Storm Drainage System Master Plan. The Master Plan can be viewed online at: <https://www.morganhill.ca.gov/1646/Infrastructure-Master-Plans>
- iii. The release of pre-project flow rates during the storm events is allowed.

E. Stormwater Management

1. The project shall comply with the California Regional Water Quality Control Board Central Coast Region (Region 3) Resolution No. R3-2013-0032 as described and as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements (Guidance Manual). The Guidance Manual can be found on the City's Website:

<https://www.morganhill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=>

- a. The project submitted a Stormwater Runoff Management Plan (SWRMP), dated August 14, 2025, prepared by Stukam Consulting Engineers. At improvement plan/building permit stage, the SWRMP shall be revised to address the following:
 - i. Include language in Section II.A of the SWRMP specifying the proposed project resides in the Central Coast Regional Quality Control Board.
 - ii. In the project summary table, include the design storm frequency and depth for the 85th percentile storm event.
 - iii. The concrete pad under the fuel canopy shall be graded in a way so that there is no runoff to the bioretention facilities in case of a fuel spill. The concrete pad cannot drain to the storm drain system and must drain to the sanitary sewer system. Grade the site to prevent discharge to the storm drain system.
 - iv. Show the downspouts for the fuel canopy that connect to the storm drain system for treatment.
 - v. Based on the project's impervious surface areas (>5,000 SF), the project triggers up to Performance Requirement No. 2 (Water Quality Treatment), which requires the site to treat runoff with an approved and appropriately sized LID treatment system prior to discharge from the site.
 - (a) Provide the 85th percentile volume generated by each DMA along with the provided water quality volume provided by each stormwater control measure (SCM).
 - (b) Confirm the bioretention facilities are sized appropriately to store the volume generated by the 85th percentile rainfall event.
- ii. Section II.B of the SWRMP states the retention volume (95th percentile storm) will be used for self-retaining areas. This is not required for self-retaining areas. Self-Retaining areas must include the following parameters, as listed in Section 4.2 of the C.3 Handbook.
 - (a) Landscaped self-retaining areas are designed as concave areas that will retain the first one-inch of rainfall without producing any runoff.

- (b) Drainage from self-retaining areas (for amount of runoff greater than the first one-inch) must flow to offsite street or storm drains without flowing onto paved areas within the site.
- iii. Provide project-specific bioretention details for each SCM. Each detail shall provide actual elevations, ponding depths, soil media depths, gravel depths, elevation of the 4-inch perforated pipe, and elevation corresponding to the 85th percentile volume.
- iv. Revise the design of the bioretention facilities with underdrains or perforated pipes to have the required soil media depth of 24 inches.
- v. The DMA Map and Report state that all of DMA 1 is routed to SCM1. Provide an explanation on how all of the drainage is being captured and routed to SCM1.
 - (a) Clarify if all the drainage sheet flows to Drop Inlet #1.
 - (b) Clarify how certain drainage will not enter Junction Boxes 3, 4, and 5, and bypass SCM1.

2. Valley Water: At improvement plan/building permit stage, the project shall address the following comments provided on November 3, 2025 by Valley Water regarding the project's Initial Study/Mitigated Negative Declaration.

- a. Install secondary containment systems for the new underground storage tanks. The installation of these secondary containment systems should mitigate any high-risk use onsite.
- b. With the installation of the secondary containment systems, Valley Water is recommending the design of the proposed bioretention ponds to maximize the groundwater infiltration onsite while maintaining water quality.
- c. Verify the depth of historical and seasonal high groundwater to ensure that a minimum of 5-foot vertical separation is provided between the high groundwater and the invert of the bioretention pond, pursuant to Table 6 in the Guidance Manual.

3. Geotechnical Investigation: At improvement plan/building permit stage, address the following:

- a. Submit a site-specific Geotechnical Investigation to evaluate and recommend measures to support the proposed bioretention ponds. The investigation shall include the following elements listed below:
 - i. Surface and subsurface soil contamination and remediation measures.
 - ii. Site-specific soil infiltration rates at all proposed bioretention pond locations.
 - iii. Identification of the seasonal historical high groundwater elevation.
- b. The local groundwater authority, Valley Water, is recommending maximizing the infiltration onsite, which would prohibit installation of any impermeable liner.

4. Additional NPDES Water Quality Stormwater Management Development Standards for Priority Projects:

- a. This project is considered a priority project and shall implement at improvement plan/building permit stage the following Best Management Practices (BMPs) for the design of the fueling area.
 - i. The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade break. It is recommended that the canopy have a minimum

overhang of 5 feet measured from the perimeter of the fuel dispensing area. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to a landscaped area to prevent drainage across the fueling area.

- ii. The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
- iii. The fuel dispensing area must have a 2% to 4% slope to prevent ponding and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
- iv. At a minimum, the concrete fuel dispensing area must extend 6.5' from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.

5. Trash Full Capture System: The project is located within one of various priority areas within the City where trash full capture will be implemented by the City. At improvement plan/building permit stage, the project shall include the installation of a trash full capture system(s) from a list of certified trash full capture systems by the State Water Resources Control Board. The list of certified trash full capture systems can be viewed from the Water Board's webpage at:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/2022/fullcptre-availabletopublic10-11.pdf

6. New Trash Enclosure Area:

- a. In addition to compliance with the requirements under Municipal Code Section 18.92.125 (Refuse and Recycling Enclosures), all trash enclosure areas shall meet the following Structural or Treatment Control BMP requirements:
 - i. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents
 - ii. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - iii. Doors: Trash enclosure shall have door(s) which can be secured when closed.
 - iv. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
 - v. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

F. Flood: Portion in Flood Zone AE; Majority in Flood Zone X

- 1. A portion of the site is located in Flood Zone AE per the effective FEMA Flood Insurance Rate Maps. Flood Zone AE is defined as a Special Flood Hazard Area subject to inundation by the 1% annual chance flooding.
- 2. There is an approved FEMA Letter of Map Revision (LOMR) Case No. 15-09-1137P, effective December 12, 2015, that revised the base flood elevation (BFE) for the site.

Based on the LOMR, the BFE at the site ranges from **Elevation 353.6' to 353.9'** North American Vertical Datum of 1988 (NAVD88).

3. The project is proposing a substantial improvement to the existing building on the site. Pursuant to Morgan Hill Municipal Code Chapter 15.80 (Flood Damage Prevention), Section 15.80.160.C.2, all new construction or substantial improvements of non-residential structures shall have the lowest floor either be elevated at least one foot above the BFE or be floodproofed to the same elevation. All building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities are also required to be elevated above the BFE or protected from flood damage.
 - a. At improvement plan/building permit stage, revise the information under the "Building Code Analysis" box on Sheet A001 to comply with the following:
 - i. Update the existing finish floor elevation information if there are more than one existing finish floor elevation for the existing building. Revise the text "Flood Plane" to "FEMA Flood Zone AE".
 - ii. Update the Base Flood Elevation (BFE) to match the BFE shown under the Project Data.
 - iii. Include the vertical datum for the BFE.
 - b. The proposed finish floor of the remodeled convenience store building is required to be elevated or floodproofed a minimum of one foot above the approximate BFE of Elevation 353.8' NAVD88 (**minimum Elevation 354.8' NAVD88**).
 - i. At Building permit stage, submit an Elevation Certificate (FEMA Form FF-206-FY-22-152) based on construction drawings for the convenience store building. Consequently, after the improvements to the building are completed, an Elevation Certificate based on finished construction is required prior to issuance of building final.
4. Project Runoff and Floodplain Review: Valley Water provided comments on the project's Initial Study related to project's floodplain impacts and site runoff impacts. A Technical Memorandum, prepared by Schaaf & Wheeler dated December 8, 2025, was submitted to the City. Based on the Schaaf & Wheeler memorandum, runoff from the proposed project is not anticipated to increase the 2-year, 10-year, 25-year or 100-year storm return periods. In addition, the proposed work within the small area of the project site that remains within the 100-year floodplain will not adversely impact the floodplain since the proposed grades within the site are either at or below existing grades.

G. Undergrounding

1. In order for the City to determine the scope of the undergrounding work, the Applicant/Developer was required to submit to the City a reliable estimate from a joint trench consultant of the current cost for undergrounding the existing overhead lines along the project's Monterey Road and Wright Avenue frontages.
 - a. A Utility Undergrounding Cost Estimate for undergrounding the existing overhead lines along the project's Monterey Road and Wright Avenue frontages was submitted with the project's Use Permit application (UP2025-0002). The estimate was not prepared by a joint trench consultant. At improvement plan/building permit stage,

provide a letter from a joint trench consultant who can confirm the reliability of the cost estimate provided

2. **Reimbursement Agreement**: The City will determine at improvement plan/building permit stage if the Owner shall enter into a Reimbursement Agreement with the City for the reimbursement of any portion of the cost to construct the undergrounding improvements that will be beyond the Owner's responsibility.

H. Utilities

1. At improvement plan stage, confirm with the Building Division if any fire service will be required for the project.
2. **Change to the New Storm Drain Improvement by The Magnolias Residential Project**: The residential development project (The Magnolias) located to the north previously proposed the installation of an 18" Reinforced Concrete Storm Drain Pipe along the Chevron Project's Monterey Road and Wright Avenue frontage. The storm drain improvement will no longer be constructed by The Magnolias Project.
 - a. Update the plans to remove the proposed storm drain improvement.
3. **Water**
 - a. **Existing Well Improvements**:
 - i. According to Valley Water's Well Information GIS Map, there are four (4) existing active wells on or adjacent to the project site. The existing, active well facilities are listed below with their respective Valley Water well permit identification numbers.
 - (a) Permit #D20150505018 (municipal water production well)
 - (b) Permit # D20150505004 (groundwater monitoring well)
 - (c) Permit # D20150505017 (vapor monitoring well)
 - (d) Permit # D20150505015 (groundwater monitoring well)
 - ii. At improvement plan/building permit stage, show the existing active well facilities and identify if there are any proposed improvements on the existing well facilities or if the facilities will remain in their existing conditions.
 - b. **Domestic Water**: At improvement plan stage, the project shall upgrade any meters, backflows, and laterals to a minimum 1" size per City Standards.
 - c. **Irrigation Water**:
 - i. On Sheet C2 of the Civil Plans, update Water Note "W-4" to specify this is the irrigation service.
 - ii. Update the Irrigation Design Plan (Sheet LI-1) so the location and size of the irrigation meter match the Civil plans.
 - iii. At improvement plan stage, upgrade any water meters and backflow preventers to a minimum 1" size per City Standards.
 - iv. Revise the Irrigation Plan (Sheet LI-1) to match the location of the irrigation meter shown on the Civil Plans.
 - d. At improvement plan stage, the project shall have a City-approved backflow preventor at all water service laterals.

- e. Sanitary Sewer: At improvement plan stage, a sanitary sewer test manhole shall be provided and shall be accessible to the Pretreatment Inspector. The sanitary sewer test manhole shall be located within private property but adjacent to the street right-of-way or as approved by the City Engineer in conjunction with Pretreatment Inspector review.
- f. At improvement plan/building permit stage, revise the plans to address the following:
 - i. Provide invert elevations at existing SS cleanout/service located south of the convenience store building.
 - ii. Provide invert elevations at the existing SS manhole at Wright Avenue.

4. Storm: The City's Storm Drainage Master Plan, dated 2018, identifies the installation of a 36" storm drain pipeline on Wright Avenue from Monterey Road to Hale Avenue. The project will not be required to install any portion of this master plan improvement.

I. Street Improvements

- 1. The project will be required to construct the following improvements along the entire property frontages of Wright Avenue and Monterey Road: pavement rehabilitation consisting of a minimum of a 2" mill and fill up to the centerline of Wright Avenue and Monterey Road; concrete curb, gutter, curb ramp upgrade to meet current City and ADA compliance on the northwest corner of Monterey Road and Wright Avenue, driveway approach, and detached sidewalk with planter strip; stormwater drainage and management facilities; roadway striping and signage; street trees and landscaping; and any work associated with the specified improvements.
 - a. The project shall construct a 5-foot-wide sidewalk with 5-foot-wide planter strip and street trees along both the Monterey Road and Wright Avenue frontages. Per City Standards, the width of the planter strip is measured from the face of curb to edge of adjacent sidewalk.
 - b. At improvement plan/building permit stage, revise the plans to address the following:
 - i. Provide cross-slopes for the pedestrian path of travel within the driveways.
 - ii. Label the proposed type of City Standard Drive approach.
 - iii. Verify the proposed slope of the driveway approach.
 - iv. Show the relocation of existing facilities associated with modifying the existing curb return radius to 30', including but not limited to:
 - (a) Traffic Signal Pole(s), equipment, pullboxes, conduits, etc.
 - (b) Storm Drain inlet(s).
- 2. Traffic Signal Poles: At improvement plan stage, submit a Traffic Signal Modification Plan if any traffic signal poles are proposed to be relocated.
- 3. Due to existing "bottoming out" of vehicles exiting the existing Monterey Road driveway approaches, the project shall improve and adjust the concrete curb and gutter and pavement cross-slope along Monterey Road to reduce the cross-slope difference/conflict between the driveway approach and adjacent Monterey Road pavement. The improvements may include a combination of pavement profile grinding/paving on Monterey Road and concrete finished grade adjustments. At improvement plan/building permit stage, revise the plans to address the following:

- a. Revise Cross-Section A-A (Monterey Road) and Cross-Section B-B (Wright Avenue) to show typical cross-slopes for the drive approach, sidewalk, AC, etc.
- b. Pursuant to City of Morgan Hill Street Design Standard "1.808 Grade", "*Driveway grades shall be designed to keep the automobile from dragging or 'bottoming out' on the street or driveway. The algebraic sum of the street cross slope and driveway apron slope shall not exceed 15 percent*".
 - i. Proposed driveway apron slope and street cross-slope shall not exceed 15 percent pursuant to City of Morgan Hill Street Design Standard "1.808 Grade".
 - ii. If any milling of the asphalt on Monterey Road results in a reduction of the existing asphalt concrete section to achieve the required cross slope is required, provide the following:
 - i. Pavement coring at various locations demonstrating the depth of the existing roadway section, including depths of asphalt concrete, aggregate base, and any other material.

4. City Pavement Projects:

- a. The City currently has a pavement resurfacing project along Monterey Road scheduled to start construction in Summer 2026. Any offsite improvements installed by the Chevron Project following the City's project that would impact the roadway condition shall require full roadway restoration up to the median along Monterey Road to the satisfaction of the City Engineer.
- b. Wright Avenue was rehabilitated by the City in 2021 and is currently under paving moratorium through 2027, which no pavement cuts or excavations are allowed. Any construction that will trench or cut into the roadway will require full street restoration improvements that are determined by the City Engineer at improvement plan stage.
5. At improvement plan stage, the project shall coordinate with any private utility owners for any adjustments of private utility covers. This includes, but is not limited to, the private telecom manhole adjacent to the curb and gutter along the project's Monterey Road frontage.
6. At improvement plan stage, the project will be required to restore any damaged existing facilities. This includes, but is not limited to, the existing traffic signal vehicle detector loops along the project's Monterey Road and Wright Avenue frontages.
7. Detailed review of the street improvements will be performed by the City at building permit/improvement plan stage.
8. At improvement plan stage, the project shall submit a separate Offsite Improvement Plan set to Land Development Engineering. The Onsite Improvement Plans shall be submitted to the Building Division as part of the project's grading/building permit application.

J. Landscaping

1. The project shall revise the Landscape Plans and/or the Irrigation Plans to address the following at improvement plan/building permit stage to remove any proposed landscaping or retaining curbs from the public right-of-way area.
2. The proposed landscaping in the bioretention ponds will be reviewed at improvement plan/building permit stage.
3. Show the proposed street trees and landscaping within the required 5' planter strip along the project's Monterey Road and Wright Avenue frontages.
 - a. The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan or subsequent amendments. The street tree species will be approved by the City Engineer at improvement plan stage.
4. Show/Note the required equipment screening of the project's backflow preventers, above-ground transformers, and other equipment.

LAND DEVELOPMENT ENGINEERING - STANDARD CONDITIONS

I. 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. **Improvement Plans:** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. (**MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A**)
 1. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- C. **Encroachment Permit:** Obtain necessary encroachment permit from City of Morgan Hill and provide guarantee covering off-site improvements. (**MHMC 12.08.040 A; 12.08.090**)
- D. **Improvement Agreement:** Enter into an Improvement Agreement with the City of Morgan Hill to cover required improvements. (**MHMC 12.02.150; 17.32.010 B; 17.32.160**)

II. STREET IMPROVEMENTS

- A. **Installation and Dedication of Streets:** The project shall install and dedicate street improvements including, but not limited to, curb and gutter, sidewalk, compaction,

street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. (MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)

B. **Street Trees:** The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan. The street tree species will be approved by the City Engineer at improvement plan stage.

III. SANITARY SEWER SYSTEM

A. **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)

IV. STORM DRAIN SYSTEM

A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)

B. **Storm Drainage 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)

C. **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)

D. **Private Storm Drain Connection to Public Storm Drain System**

1. Prior to connection of the private storm drain to the public storm drain system, the point of connection shall be inspected by the City's Environmental Services staff. Developer/Applicant shall contact SW Construction at SW.construction@morganhill.ca.gov for the inspection.
2. Prior to acceptance of public improvements or occupancy of the building, the private storm drain facilities shall be inspected by Civil Engineer of record and the City's Environmental Services staff. If necessary, storm drain pipe, inlets, post-construction stormwater control measures, and detention facilities, shall be cleared of foreign debris, sediment or silt.

V. 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. **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)**
- D. **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
- E. **As-Built Submittal Standards:** The developer shall submit digital as-builts of the project's Grading Plan, Civil and Landscape Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

VI. 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_hydropmod_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. 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. 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.

E. 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.

F. 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), an owners' or homeowners' association 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.

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

H. 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 a 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 Environmental Services Division.

I. **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.

J. **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.

POLICE DEPARTMENT

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. Commercial alarm systems and video security cameras shall be installed and maintained within the building.

FIRE DIVISION

Fire Sprinklers; The fuel canopy and remodeled store will require fire sprinklers. The fire sprinkler system shall be hydraulically designed according to the National Fire Protection Association (NFPA) Standard #13

ENVIRONMENTAL SERVICES

1. Include the following Landscape Plan revisions as part of the Building Permit plan submittal:

Revise the plant selection to include low and very low water use species as follows:

Please remove/replace the following species:

- Acer Rubrum 'October Glory' (October Glory Red Maple) – Moderate water use.
- Wisteria Sinensis (Chinese Wisteria) – Moderate water use.
- 'Bio filtration' Sod by Delta Bluegrass – Moderate water use. Please select low water use groundcover/plants for all bioretention areas.

Please update the following species:

- Update the common name of Erigeron Karvinskianus to state Fleabane.
- Update the common name of Pennisetum Alopecuroides 'Hameln' to state Hameln Black Pennisetum.
- Update the common name of Dymondia Margaretae to state Dymondia.

2. 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.

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.

TIME LIMITS

Term: These approvals granted pursuant to this Resolution shall remain in effect for two years from approval date. Failure to commence use 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.

GENERAL

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). MHMC Section 3.56.050 provides for automatic

annual adjustment on January 15 of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. These fees do not include fees for processing applications for governmental regulatory actions or approvals. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage and are generally described below in the Engineering Divisions Conditions, Section ___. 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.

**MITIGATION MONITORING AND REPORTING PROGRAM
CHEVRON C STORE AND GAS STATION
MORGAN HILL, CALIFORNIA**

Prepared for the:



Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037
408.778.6480

Prepared by:

Raney Planning & Management, Inc.
1501 Sports Drive, Suite A
Sacramento, CA 95834

November 2025

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the Chevron C Store and Gas Station (proposed project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the proposed project. This MMRP includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. In addition, the MMRP identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The mitigation measures, timing, and responsibility are summarized in Table 1. The implementation and monitoring of the mitigation measures, in conjunction with the implementation of the City's Standard Measures required for such projects, will ensure the reduction of potentially significant environmental effects to less-than-significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Raney Planning & Management, Inc., an environmental consulting firm.

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility ¹ | Timing of Implementation |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------|-----------------------------------------------------|
| Prior to Construction | | | |
| VIII-1: Consistent with the Bay Area Air District's (BAAD) fourth criterion, related to the CALGreen Tier 2 off-street electric vehicle requirements, prior to the approval of project improvement plans, the applicant shall indicate that Electric Vehicle (EV) capable parking spaces shall be installed throughout the project site consistent with current CALGreen Tier 2 standards. Compliance with this measure shall be ensured by the City of Morgan Hill Development Services Department. | Project Applicant | City of Morgan Hill | Prior to the approval of project improvement plans. |
| IX-1: 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: <ul data-bbox="242 1052 792 1414" style="list-style-type: none"> 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 | Project Applicant | Santa Clara County Hazardous Materials Compliance Division | Prior to the issuance of a grading permit. |

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>appropriate precautions are incorporated to protect construction workers and the surrounding community during removal of the on-site USTs and associated piping runs;</p> <ul style="list-style-type: none"> • 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. | | | |
| <p>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.</p> <p>IX-2: If unidentified or suspected contaminated soil or groundwater, as evidenced by stained soil, noxious odors, or other factors, is encountered during site improvements, work shall stop in the area of potential contamination, and the nature and extent of the contamination shall be assessed by a qualified environmental professional. The qualified environmental professional shall be retained by the applicant to prepare a report that describes the assessment of apparently contaminated soil and any identified contaminants and their reported</p> | <p>Project Applicant</p> | <p>Santa Clara County Environmental Health Department</p> | <p>If unidentified or suspected contaminated soil or groundwater, as evidenced by stained soil, noxious odors, or other factors, is encountered during site improvements.</p> |

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility ¹ | Timing of Implementation |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>concentrations. The report shall also include a comparison of contaminant concentrations (if any) to applicable health risk-based screening levels and hazardous waste criteria (as appropriate), provide a conclusion stating whether or not the contaminants are present at concentrations that could pose a threat to human health or the environment, and, if so, recommend appropriate handling and/or off-site disposal of the contaminated soil, as appropriate. Site improvement activities shall not recommence within the contaminated areas until any necessary remediation identified in the report is complete. The report and verification of proper remediation and disposal shall be submitted to the Santa Clara County Environmental Health Department for review and approval.</p> | | | |
| <p>IX-3: 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.</p> | <p>Project Applicant</p> | <p>Santa Clara County Environmental Health Department</p> | <p>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.</p> |

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility ¹ | Timing of Implementation |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <p>IX-4: Prior to any renovations to the existing on-site structure, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete a visual inspection/pre-renovation survey, and possible sampling, to determine whether any structures to be renovated contain lead-based paint (LBP), asbestos, mercury, or polychlorinated biphenyl caulk. Sampling shall be conducted in accordance with the California Department of Toxic Substances Control's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead based Paint, Termiticides, and Electrical Transformers. The report shall be submitted for review to the Building Department.</p> <p>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 all building materials containing LBP, asbestos, mercury, or polychlorinated biphenyl caulk shall be removed in accordance with current California Occupational Health and Safety Administration (Cal/OSHA) regulations and disposed of in accordance with all CalEPA regulations, prior to the renovation 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 Cal/OSHA Lead in Construction Standard Title 8, CCR 1529 and Title 8, CCR 1532.1 including employee training, employee air monitoring, and dust control.</p> | Project Applicant | <p>City of Morgan Hill Development Services Department</p> <p>Santa Clara County Department of Environmental Health, if requested by the City of Morgan Hill</p> | Prior to any renovations to the existing on-site structure. |

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility ¹ | Timing of Implementation |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------|---------------------------------------------------|
| <p>If asbestos is found, all construction activities shall comply with all requirements and regulations promulgated through the National Emission Standards for Hazardous Air Pollutants (NESHAP). The contractor shall be informed that all paint on the buildings shall be considered as containing lead and/or asbestos. The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. All potentially friable asbestos-containing materials shall be removed in accordance with NESHAP guidelines prior to any building renovation that may disturb the materials. A registered asbestos abatement contractor shall be retained to remove and dispose of asbestos-containing materials identified in the asbestos survey performed for the site in accordance with the standards stated above. 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 (1) percent asbestos that is friable are also subject to BAAD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAD Section 11-2-303.</p> | | | |
| <p>IX-5: Prior to commencement of construction activities, the project applicant shall hire a licensed contractor to conduct additional testing of the 55-gallon unlabeled drums with an undifferentiable liquid to confirm the contents within. In the event that hazardous materials are found within the drums, the project applicant shall dispose of the materials and drums in accordance with applicable USEPA methods</p> | Project Applicant | City of Morgan Hill Development Services Department | Prior to commencement of construction activities. |

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility ¹ | Timing of Implementation |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------|
| <p>and at the appropriate facility. The results of the testing, as well as verification of proper disposal, shall be submitted to the Morgan Hill Development Services Department.</p> | | | |
| During Construction | | | |
| XIII-1: Noise-generating construction activities associated with the proposed project shall only occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to issuance of a grading permit by the City of Morgan Hill Development Services Department. | Project Applicant | City of Morgan Hill Development Services Department | Prior to issuance of a grading permit, and during construction. |
| XIII-2: The following measures shall be implemented during project construction: | Project Applicant | City of Morgan Hill Development Services Department | Prior to issuance of grading permits and implemented during construction. |
| <ul style="list-style-type: none"> • The proposed project shall incorporate eight-foot-tall temporary sound barriers along the northwestern and southwestern boundaries of the project site, between the existing sensitive receptors and construction activities. The sound barrier fencing shall consist of 0.5-inch plywood or minimum Sound Transmission Class (STC) 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier shall be free from gaps, openings, or penetrations to ensure maximum performance. • All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition; • All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, | | | |

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility ¹ | Timing of Implementation |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------|--------------------------|
| <p>or local agency shall comply with such regulations while in the course of project construction;</p> <ul style="list-style-type: none"> • Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible; • Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors; • Project area and site access road speed limits shall be established and enforced during the construction period; and • Nearby sensitive receptors shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels. <p>The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department prior to issuance of a grading permit.</p> | | | |

¹ The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.

FINDING

The City of Morgan Hill Development Services Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures included above and described in the MND are included in the project.

Jennifer Carman
Development Services Director

Date: 

Approval Certificate

Final Audit Report

2026-01-13

| | |
|-----------------|----------------------------------------------|
| Created: | 2026-01-09 |
| By: | Jenna Luna (jenna.luna@morganhill.ca.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA586DWxWro0CWqo_RP_AF9YVm9ks2t0D- |

"Approval Certificate" History

-  Document created by Jenna Luna (jenna.luna@morganhill.ca.gov)
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-  Document emailed to Jennifer Carman (jennifer.carman@morganhill.ca.gov) for signature
2026-01-09 - 5:08:12 PM GMT
-  Email viewed by Jennifer Carman (jennifer.carman@morganhill.ca.gov)
2026-01-13 - 6:27:42 PM GMT
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