



17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 20-010

APPLICATION NUMBER: Site Review SR2019-0023: Cochrane-Swing

LOCATION: North east quadrant of the intersection of Monterey Road and Cochrane Road. (APNs 726-34-016 & 017)

SITE AREA: 3.34 acres

GENERAL PLAN: Industrial

ZONING: Light Industrial

DESCRIPTION: The proposed project includes development of a 45,000 square foot, two-story commercial office building, construction yard and 8,000 square foot barn. Total building square footage would be approximately 53,000 square feet. The project includes the reconfiguration of the Cochrane Road and Monterey Road intersection to eliminate the high-speed right turn and create a conventional intersection by vacating the 14,619-sf of excess right-of-way on Cochrane Road.

RECITALS

1. On August 15, 2019, the Development Services Department received an application for a 45,000 square foot, two-story commercial office building, construction yard and 8,000 square foot barn. The subject property is 3.34 acres in size, located on the north east quadrant of the intersection of Monterey Road and Cochrane Road. (APNs 726-34-016 & 017) and within the Light Industrial (zoning district).
2. Said application was deemed complete for processing and was considered by the Development Review Committee (DRC) at its regular meeting of September 4, 2019. Final application plans were considered by the Development Review Committee on July 8, 2020, at which time the Committee recommended conditional approval of application **Site Review SR2019-0023: Cochrane-Swing**;
3. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process;
4. On July 8, 2020, the Development Services Department considered said application for approval after the close of four, separate, duly noticed 10-day public comment periods beginning on September 13, 2019, January 22, 2020, January 28, 2020 and March 13, 2020;

- 5. Pursuant to the authority set forth under Section 18.108.040 (Design Permit) of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

- SECTION 1.** The proposed project, together with its provisions for its design and improvements, is consistent with the Zoning Ordinance and the General Plan.
- 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 Development Services Director hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Development Services Director’s independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Approval Certificate. The custodian of the documents or other material which constitute the record shall be the Development Services Department.
- SECTION 4.** The approved project shall be subject to all conditions contained within the attached Exhibit A, incorporated herein by reference.

APPROVED THIS 9th DAY OF JULY 2020.



Jennifer Carman
Development Services Director

A F F I D A V I T

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

Paul Swing

Date

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION: SR2019-0023: Cochrane-Swing

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

PLANNING DIVISION

I. TIME LIMITS

The Design Review approval granted under this Resolution shall remain in effect for two years to July 9, 2022. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date.

II. SITE DEVELOPMENT

- A. **ENCROUCHMENT PERMIT REQUIRED:** A grading or building permit will not be issued until the City Council has concluded its action for the vacation of the excess right of way from Monterey Road and Cochrane Road or an encroachment permit has been issued allowing for construction/grading to occur on City owned property and within the recorded easement and building setback line.
- B. **FINAL SITE DEVELOPMENT PLANS:** Final site development plans shall be reviewed for conformance with Morgan Hill Municipal Code Section 18.108.040 and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
 4. Industrial Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with the architecture of the building(s).

5. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.

III. BUILDING DESIGN

- A. **ROOF MOUNTED MECHANICAL EQUIPMENT:** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 ft. or greater to match the height of any proposed equipment.
- B. **BUILDING MOUNTED LIGHTING:** Lighting fixtures shall not project above the fascia or roofline of the building. Any ground mounted lighting projecting onto the building or site will be subject to the review and approval of the Director of Development Services. Adjustment to the lighting intensity may be required after the commencement of the use.
- C. **ARCHITECTURAL ELEMENTS:**
 1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.
 2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.
- D. **PAINT PALLETE:** Prior to the issuance of a building permit a paint schedule and samples shall be provided to the Planning Division for review and approval. The approved paint schedule shall be included with the building plans on Sheet A2.2 under the Paint/Finish Legend.

IV. PARKING & VEHICULAR ACCESS

- A. **PARKING AREA LANDSCAPING:** The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces. The landscape planter shall contain a 12” strip extension (created as an integral pour) of concrete inside the 6” curb of the planter, to create an 18” concrete strip.
- B. **RECIPROCAL INGRESS/EGRESS EASEMENTS:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the Development Services Director for a reciprocal ingress/egress easement along the common driveway and drive-aisle.

V. LANDSCAPING

- A. **PLANTING AND IRRIGATION WORKING DRAWINGS:** Detailed landscape planting and irrigation working drawings shall be as part of the master building site and improvement plans. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- B. **STREET TREES:** Street trees shall be provided within all planter areas located between the street curb and sidewalk for the entire length of the property frontage on Monterey Rd. and Cochrane Rd.
- C. **TREES AND SHRUBS MINIMUM SIZE:** All trees within approved landscape plans shall be of a minimum fifteen-gallon size. All shrubs shall be minimum 5-gallon size unless otherwise approved by the Development Services Director.
- D. **LIGHTING:** Walkways and pedestrian pathways in landscaped areas or common areas and not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions
- E. **MAINTENANCE OF LANDSCAPING:** The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director or Design Review Board.
- F. **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. It is strongly suggested that the project's landscape designer refer to the City's Ordinance prior to beginning development of the project's landscape plans.

VI. SIGNS

SEPARATE APPLICATION REQUIRED FOR SIGN APPROVAL: All signs visible from the public right of way as indicated on the plan set drawings, are not approved with the subject site review application. Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning prior to installation of any signs.

VII. HABITAT PLAN

- A. The approved project is covered under the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.

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

VIII. OTHER CONDITIONS

- A. **DEFENSE AND INDEMNITY:** Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of this Design Permit approval. In addition, applicant shall pay 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, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted. The undersigned hereby represents that they are fully empowered by the applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.
- B. **MITIGATION FEE ACT:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements, or as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun.
- C. **SIGNED COPIES OF APPROVAL CERTIFICATE:** Submit two (2) signed copies of the approval certificate to the Planning Division prior to issuance of building permits.
- D. **SIGNED DEVELOPMENT AGREEMENT:** Prior to approval of the final map (or issuance of a building permit where no map is required), the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the proposed project.

IX. PROJECT MITIGATION MEASURES

The following mitigation measures shall be included with all building permit, grading, or improvement plans.

A. Noise

1. Noise-generating construction activities associated with the proposed project and intersection improvements shall not 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 approval by the City of Morgan Hill Development Services Department.
2. To the maximum extent practical, the following measures should be implemented during project construction:
 - 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, or local agency shall comply with such regulations while in the course of project construction.
 - 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 residences 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.

The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.

3. During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.

B. Transportation

1. Prior to initiation of construction activities, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:
 - A project staging plan to maximize on-site storage of materials and equipment

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes.
- Provisions for maintaining adequate emergency access to the project site.
- Permitted construction hours
- Designated locations for construction staging areas
- Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and
- Provisions for street sweeping to remove construction-related debris on public streets.

C. Dust, Noise, Vibration, And Materials Management Plan

Prior to the issuance of a grading or building permit, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.

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

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
11. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
12. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
13. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the number of disturbed surfaces at any one time.
14. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
15. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
16. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
17. Minimizing the idling time of diesel-powered construction equipment to two minutes.
18. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
19. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
20. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
21. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

D. CULTURAL RESOURCES

SIGNIFICANT HISTORIC OR ARCHAEOLOGICAL MATERIALS: This project has been determined not to be in a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map, but nonetheless could adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply and should be provided as standard conditions on the building permit, grading permit, or improvement plans. If human remains are discovered, it is probable they are the remains of Native Americans.

- a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- b. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground-stone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
- c. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- d. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- e. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Development Services Director (408) 779-7247

- The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- f. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
- g. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- h. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- i. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
- j. If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

DEVELOPMENT ENGINEERING

I. ENGINEERING PROJECT SPECIFIC CONDITIONS

A. **City-Initiated Intersection Modifications:** The developer/owner has agreed to install intersection modifications initiated by the City at the intersection of Cochrane Road and Monterey Road. The modifications include the removal of the dedicated right-turn lane from westbound Cochrane Road to northbound Monterey Road and conversion to a conventional intersection, and associated traffic signal and striping improvements. The intersection modification will result in a vacation of excess right-of-way by the City.

1. The Cochrane Road/Monterey Road intersection modifications shall be completed prior to the right-of-way vacation by the City.

2. The excess right-of-way shall be vacated through a Summary Vacation to be approved by the City Council. The copy of Resolution to Vacate and conveyance shall be recorded at the County Recorder's Office prior to the first building occupancy.
 - a. At building permit stage, the Developer shall submit a plat and legal description of the right-of-way to be vacated.
 3. The City will reimburse the Developer/Owner for a portion of the costs associated with the completion of the public improvements associated with the redesign of the Monterey Road/Cochrane Road intersection initiated by the City. The reimbursement will be subject to the terms and conditions contained in the project's executed Improvement Agreement.
- B. Parcel Map:** The project has a Parcel Map under City review. The Parcel Map will be approved after completion and acceptance of the Monterey Road/Cochrane Road intersection improvements, and after the right-of-way is vacated and conveyed.
- C. Street Improvements:** The project will be required to install and dedicate street improvements along Monterey Road, Cochrane Road and Cochrane Circle that were not included in the approved improvement plans for the Monterey Road/Cochrane Road intersection modifications. Improvements include, but are not limited to, the extension of the public sidewalk from the easterly property line of Parcel A (APN: 726-34-017) to the intersection with Cochrane Circle, street trees along Monterey Road and Cochrane Road frontages, and new streetlight at Cochrane Circle frontage (if required).
1. An encroachment permit will be required for the installation of additional street improvements that were not included in the approved improvement plans for the Monterey Road/Cochrane Road intersection modifications.
- D. Sewer Test Manhole:** The project shall provide one sewer test manhole per parcel. The test manhole shall be located on private property and shall be easily accessible to the City Pretreatment Inspector.
- E. Drainage:** At building permit stage, revise the design to show the drainage along the shared drive aisle between Parcels A and B does not cross property lines.
- F. Stormwater:** At building permit stage, the proposed landscaping at or adjacent to the proposed private bio-swales shall be coordinated with the Civil/Grading Plans to ensure that the proposed landscaping do not conflict with the function of the bio-swales.

II. GENERAL

- A. Public and Private Improvements:** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. Final Map:** The applicant shall have a Final Map (Parcel Map) prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E,

Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the City Engineer. **(MHMC 17.20.200 A; 17.20.290; 17.24.010)**

- C. **Encroachment Permits:** Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- D. **Improvement Agreement:** The developer/owner has entered into an Improvement Agreement (IA) with the City of Morgan Hill to cover the required improvements for the Monterey Road/Cochrane Road intersection modifications only.
- E. **Reciprocal access easements and maintenance agreements:** Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. **(MHMC 17.20.350 H)**
- F. **Impact Fee Increase:** The City of Morgan Hill, pursuant to City Code Chapter 3.56, has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City Engineering & Utilities Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

III. STREET IMPROVEMENTS

- A. **Public and Private Streets:** The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
- B. **Installation and Dedication of Streets:** The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**

IV. SANITARY SEWER SYSTEM

- A. **Design of Sewer Improvements:** The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed private drive aisle(s). The sanitary collection system shall

include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. **(MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)**

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

V. STORM DRAIN SYSTEM

- A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. **Storm Drainage Design:** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**
- C. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. Items of construction shall include, but not be limited to surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
- D. **Storm Drainage General Requirements:** Prior to issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.
1. Storm drain calculations to determine detention/retention pond sizing and operations.
 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
(CMH Design Standards and Standard Details for Construction)
- E. **NPDES Construction Activity General Permit/SWPPP Requirements:** As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP

Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Land Development Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Land Development Engineering and the Building Division prior to any approval of grading activities (**SWRCB NPDES General Permit CA000002**).

F. NPDES General Permit/Site SWPPP Inspections and Compliance:

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Land Development Engineering Divisions if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Land Development Engineering). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Engineering (public right-of-way issues) inspectors respectively.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately. BMP maintenance/inspections shall include tree protection if applicable.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
8. Other non-compliance issues need to be addressed within a 24-hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

VI. WATER SYSTEM

- A. **Domestic Water System:** The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. (**MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan**)
- B. **Water well abandonment:** Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with SCVWD standards.

- C. **Separate meters:** Provide separate water services and meters for each parcel. These are to be installed by developer. **(MHMC 17.32.020 D)**

VII. OTHER CONDITIONS

- A. **Easement Dedications:** The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- B. **Landscaping and Irrigation Systems:** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the Developer.
- C. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the project's building permit submittal. **(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 Engineering 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

VIII. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **Post Construction Requirements (PCRs):** Project shall comply with the San Bay Francisco Regional Water Board's stormwater requirements.
- 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.
- C. **Provide Storm Drain System Stenciling and Signage** - Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.

- D. Properly Design Trash Enclosure Areas** - All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
1. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
 2. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 3. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
 4. **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.
 5. **Drain Inlet:** Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.
- E. Stormwater BMP operation, maintenance, and replacement responsibility**
1. 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' association or other legal entity approved by the city.
 2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
 3. 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.
- F. 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 treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Land Development Engineering).
- G. 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 **Registered Civil Engineer (RCE)**.
 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 RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
 3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.

- H. **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.
- I. **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.

PRETREATMENT

1. An industrial waste discharge permit is required from the Chemical Control Program prior to any industrial wastewater discharge (non-domestic) to the Sanitary Sewer System. The permit shall be maintained and renewed as required. Please email to Isaias.lona@cityofgilroy.org for a pretreatment application.
2. All new non-residential buildings shall have a sewer test manhole installed on the property (see City Specifications) and in an area that can be readily accessed by an inspector, (minimum of one for each building). Show sewer test manholes on future plans. For tenants with industrial waste treatment systems, a separate sewer test manhole shall be required.
3. Garbage dumpster areas: When Morgan Hill Engineering requires a drain in the trash enclosure for storm water protection the trash enclosure shall have a roof, at a minimum a 40 lb. grease interceptor, a Vandal Proof Floor Drain, and trash enclosure doors be lockable to prevent unauthorized access.

BUILDING DIVISION

1. Project shall be designed to comply with the 2016 California Code of Regulations as amended by Morgan Hill Municipal Code Title 15. Building Permit applications submitted after January 1, 2020 shall be designed to comply with the 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code.
2. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - MHMC 15.65 Sustainable Building Regulations.
 - MHMC 18.72.040 C. Electric Vehicle Charging.
 1. When Required. Electric vehicle charging stations shall be provided:
 - a. For new structures or uses required to provide at least twenty-five parking spaces; and
 - b. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.
 2. Number of Charging Stations. The number of required charging stations shall be as follows:
 - a. Twenty-five to forty-nine parking spaces: One charging station.
 - b. Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.

- MHMC 15.40 Building Security
 - MHMC 15.38 Wage Theft Preventions
 - MHMC 18.148 Water Conservation
3. MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
(Applies to all Building Permit Applications Received on or after March 1, 2020)
15.63.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings
- A. Natural Gas Infrastructure shall be prohibited in Newly Constructed Buildings.
1. Exception: Natural Gas Infrastructure may be permitted in a Newly Constructed Building if the Applicant establishes that it is not physically feasible to construct the building without Natural Gas Infrastructure. For purposes of this exception, “physically feasible” to construct the building means either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance compliance standards under the Energy Code using commercially available technology and an approved calculation method.
- B. To the extent that Natural Gas Infrastructure is permitted, it shall be permitted to extend to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available.
- C. Newly Constructed Buildings shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.
- D. The requirements of this section shall be deemed objective planning standards under Government Code section 65913.4 and objective development standards under Government Code section 65589.5.
4. Morgan Hill Municipal Code 18.108.040 (J) (3) requires all mechanical equipment to be screened from a public view. The public view is anywhere on the Public Way, not just in front of the building.
5. Accessible route to each story level is required per California Building Code 11B-206.2.3
6. Trash Enclosure shall have a solid noncombustible roof structure. To prevent storm water from entering the sanitary sewer system.

FIRE DEPARTMENT

1. Closure of Private Roadways, Driveways, Fire Apparatus Access Roadways. The installation of gates, or other barricades across required fire department access roads or driveways (EVA) shall comply with Standard 11-G. Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be City of Morgan Hill approved. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-G. (CFC section 503 as amended by MHMC 15.44.140)
2. Emergency Gate/Access Gate Requirements. Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be City of Morgan Hill approved. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-G. (CFC section 503 as amended by MHMC 15.44.140)

3. Fire Apparatus (Engine) Access Driveway Required. Provide an access driveway with a paved all weather surface and a minimum unobstructed width of 20 feet, depending on height of building vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. 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)
4. Provide total height of building
5. Provide site plan showing driveway widths, drive aisle widths etc...