



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 23-001

APPLICATION: AAE2022-0006 Cochrane- Holiday Inn Express
LOCATION: Cochrane Road (APN 726-58-006)
SITE AREA: 2.21 acres
GENERAL PLAN: General Commercial
ZONING: PUD
DESCRIPTION: Amendment to a Design Permit (SR2019-0020) for a 5-story hotel on a 97,575 square foot lot. The proposed changes include a revised architectural and landscape design to a previously approved 5-story hotel.

RECITALS

1. On January 5, 2021, the Development Services Department approved a Design Permit (File No. SR2019-0020) for a five-story hotel building.
2. On September 13, 2022 the Development Services Department received an application requesting administrative approval for an Amendment to the Design Permit (File No. SR2019-0020) proposing minor revisions to the approved project including to the architectural design, landscaping, and stormwater treatment.
3. Under Section 18.104.200 of the Municipal Code, the Community Development Director may authorize minor changes to an approved project.
4. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process;
5. Pursuant to the authority set forth under Section 18.104.200 (Changes to an approved project) the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the following conditions incorporated herein and as attached as exhibit "A".

FINDINGS

SECTION 1. The following findings are made for the purposes of approving minor changes to an approved project in accordance with Section 18.104.200 of the Morgan Hill

Municipal Code:

- a) The requested changes are consistent with the zoning code as the proposed project as modified conforms with the allowed uses and development standards of the Planned Development (PD) combining district.
- b) The requested changes are consistent with the spirit and intent of the original approval as the modified project remains a 5-story hotel in the same location as originally approved.
- c) The requested changes do not involve a feature of the project that was a basis for findings in a negative declaration, mitigated negative declaration, or environmental impact report for the project, as the modified project is a 5-story hotel in the same location as originally approved.
- d) The requested changes do not involve a feature of the project that was a specific consideration by the review authority in granting the approval as the modified project is a 5-story hotel in the same location as originally approved.
- e) The requested changes do not involve any expansion, intensification, or increase in size of the land use or structure as the square footage and number of rooms is less than originally approved. The building remains to be 5-story at a height consistent with the PD zoning height restrictions.

SECTION 2. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). An Addendum to the previously approved Mitigated Negative Declaration for the Planned Development district was approved by the City on July 24, 2018.

Consistent with CEQA Guidelines Section 15183, the City shall not undertake additional environmental review unless required to do so by CEQA. The project as revised is designed to be consistent with the development standards in the General Plan and Zoning Code. As the requested changes do not involve any expansion, intensification, or increase in size of the proposed hotel as allowed by the Planned Development District, no further environmental assessment is required.

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


APPROVED THIS 25th DAY OF APRIL, 2023.



Jennifer Carman
Development Services Director

AFFIDAVIT

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


Michelle Della Penna (Apr 27, 2023 14:30 PDT)

Apr 27, 2023

Date

**EXHIBIT "A"
CONDITIONS**

APPLICATION NO: AAE2022-0006 (SR-2019-0020): Cochrane-Holiday Inn Express

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

Legend

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

I. PROJECT DESCRIPTION

The project includes Amendment to a Design Permit (SR2019-0020) for a 5-story, 114-room hotel.

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

- A. SR2019-0020
- B. AAE2017-00034
- C. AAE2017-0035

II. PROJECT CONDITIONS OF APPROVAL

This Design Permit Amendment approval is limited to the plan set on file (File Number AAE2022-0006) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit Amendment plans as determined by the Development Services Director. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

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

PLANNING DIVISION

DEFENSE AND INDEMNITY

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

TIME LIMITS

- A. **Term:** The Design Permit amendment approval granted pursuant to this Resolution shall remain in effect for two years to April 25, 2024. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with AAE2022-0006 and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.

2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
4. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.

BUILDING DESIGN

- A. **Roof-mounted mechanical equipment:** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 feet or greater to match the height of any proposed equipment. **(MHARH p.48, 65, 87, 106)**
- B. **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 shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. **(MHARH p. 67, 109)**

LANDSCAPING

- A. **Landscape Installation.** Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.
- B. **Landscape Maintenance Agreement** The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.64.070 (Landscaping maintenance and enforcement) of the Municipal Code. Bond amount

shall be equal to 100 percent of the value of the landscaping and irrigation improvements for the development project. Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

- C. **Planting and Irrigation Working Drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

- D. **Lighting:** Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. **(MHARH p.30, 67, 108)**
 - 1. A final photometric plan shall be provided for review and approval to the Development Services Director prior to issuance of a building permit.

- E. **Maintenance of Landscaping:** The landscaping installed and accepted with this project shall be maintained on the site as stated within the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director.

- 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. (MHMC 18.64) Submit the ESD Landscape Review checklist in conjunction with the Building Permit application. and submit the associated supporting documents (listed below) in your application. (MH MuniCode 180.148 and 18.64)
 - a. Landscape Design Plans
 - b. Irrigation Plans
 - c. Soil Management Report/Survey
 - d. Grading Design/Survey
 - e. Hydrozone Map (color coded)
 - f. Water Budget Calculation**(MHMC 18.64)**

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

SIGNS

- A. **Separate Application Required for Sign Approval:** Signs proposed for this development shall be designed in conformance with the Evergreen Village Sign Program and shall require separate application and approval by the Planning Division prior to installation of any signs.

HABITAT PLAN

- A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**
- C. **Conditions:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). **(MHMC 18.132)**

AIR QUALITY

- A. **Dust, Noise, Vibration and Materials Management Plan:** A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be submitted for review prior issuance of a grading permit and requirements shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**
1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
 4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
 5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited.

- Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
 8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 9. Minimizing the idling time of diesel-powered construction equipment to two minutes.
 10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
 11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
 12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
 13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

CULTURAL RESOURCES

- A. **Significant historic or archaeological materials:** A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:
1. Prior to start of grading or earthmoving activity on the "first day of construction", the archaeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.

2. A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a. Work at the location of the find will halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
 - c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. 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.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

4. 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 exclusion zone as defined below.
5. 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 and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. 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.
7. 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)
 - The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)
8. 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.
9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
11. 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 appropriate tribe may be considered and carried out.

12. 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.

NOISE

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

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- B. **Signed copies of Approval Certificate:** Submit a signed copy of the **Approval Certificate** to the Planning Division prior to issuance of a building permit.

LAND DEVELOPMENT ENGINEERING - PROJECT SPECIFIC CONDITIONS

A. General:

1. **Impact Fees & 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. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance. The fees shall be based on the following:
 - a. If after project entitlement approval, the developer/owner submits a building permit application and pays all applicable impact fees and other engineering review fees **prior to June 30, 2023**, the project's impact fees will be based on the Impact Fee

Freeze Agreement approved by the City Council on October 17, 2018, which was approved per City Council Resolution 21-004, and amended and extended until June 30, 2023. Based on preliminary calculations, the project's impact fees and other engineering review fees will total approximately \$650,000.

- b. If after project entitlement approval, the developer/owner submits a building permit application and pays all applicable impact fees and other engineering review fees **after June 30, 2023**, and the Impact Fee Freeze Agreement is not extended past June 30, 2023, the project's impact fees will be based on the effective Public Works Fee Schedule at the time of building permit issuance which will include the new Water Capacity/Impact fees that become effective on May 15, 2023. Based on preliminary estimates, the project's impact fees and other engineering review fees will total approximately \$1,050,000.

B. **Stormwater:** The project is required to comply with the requirements of the California Regional Water Quality Control Board Central Coast Region (Region 3) Resolution No. R3-2013-0032 as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements ("Guidance Manual"). A copy of the Guidance Manual can be obtained through the following link: <https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=>

1. At the building permit stage, the project shall address the following:
 - a. Flood Control Requirements: The project is required to provide an on-site detention facility designed to hold the 25-year, 24-hour design storm event with an additional 25% detention basin volume for freeboard. The 25-year, 24-hour design storm event is 5.24" rainfall if downstream conveyance is capable of conveying excess flows up to the 100-year 24-hour of 6.50" rainfall design storm.
 - b. The project is subject to Post-Construction Performance Requirements (PCR) 1 through 4. Revise Table 1 in the Stormwater Control Plan/Report (SWCP) to show the PCR 2 design storm of 1.1" per the 85th percentile storm event map and show the PCR 3 design storm of 1.7" per the 95th percentile storm event map.
 - c. Revise the plans to label the bioretention basins that are proposed to be lined.
 - d. Revise Drainage Management Area (DMA) #6 to meet the criteria for "self-treating area" or "self-retaining area" or include an existing bioretention basin.
 - e. Revise the Utility Plan to show the underdrain for the pervious pavement and connection to the onsite storm system.
 - f. Submit a letter from the project's Geotechnical Engineer specifying the use of an unfactored infiltration rate 0.72 inches per hour, taken from the May 2018 Evergreen Village Geotechnical Report, is acceptable or perform site specific infiltration tests at the proposed location of the stormwater control measures and at the depth of the

proposed stormwater control measure's invert elevation. Attach the site-specific test results to the SWCP/Report.

- g. Revise the SWCP/Report to include a discussion of the utilization of the existing bioretention swales adjacent to the project site at Cochrane Road, Skipper Lane, and Checkerspot Lane. Also state that the existing capacity will not be exceeded.
- h. Revise the design of the stormwater control measures to show drawdown times between 48 to 72 hours during each design storm event.
- i. The Evergreen Village Project's Master Improvement Plans approved by the City on August 2019, built a temporary basin at the southwest corner of the proposed Holiday Inn Express site. The temporary basin captured drainage from the proposed site and portions of Skipper Lane and Checkerspot Lane. Identify the areas and volumes, previously treated by the temporary basin, that are proposed to be treated by the onsite stormwater control measures.
- j. Provide appropriate landscaping for all proposed bioretention facilities and flow-through planters.
- k. Underground Detention Facility:
 - i. The proposed underground detention facility shall include adequate manholes for visual inspection and maintenance. Revise the plans to show the location of the manholes.
 - ii. Provide the manufacturer's information and details of the proposed underground detention facility.
 - iii. If the underground detention facility will also be used as a stormwater treatment facility, identify the facility on the plans under the "Treatment Control Measure Summary Table" and "Treatment Control Measure Sizing Table".
- l. The project is proposing a land use that is considered a priority by the City to implement trash full capture. At 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

C. Utilities:

- 1. The project is proposing private improvements such as a portion of the parking drive aisle, parking spaces, small pervious pavement area and other improvements within the existing Public Utility Easement (PUE) and over a portion of an existing 30" public storm drain line. Private encroachments within the PUE and over the public storm drain line require the approval of the City Engineer.

- a. The City Engineer may allow some of the other private improvements and private utility laterals/pipes (with adequate vertical separation from existing/other proposed utilities) to encroach into the existing PUE and over the existing public storm drain line.
 - b. If private improvements will be allowed to encroach into the PUE, the Owner(s) will be required to acknowledge at building permit stage that there may be impacts to hotel operations when the City performs maintenance on the public storm drain line. The Owner(s) will also be responsible for re-installation/reconstruction of the private improvements in the event the City has to remove them to perform maintenance on the public storm drain line.
2. At building permit stage, confirm if the water meters for domestic and irrigation, backflow preventers, and fire services that will serve the project are existing or are required to be installed by the project. Revise the Utility Plans as needed. The Evergreen Village Project did not pay for the water meters for the Holiday Inn Express parcel. Meter fees will be collected at building permit stage.
 3. A sanitary sewer test manhole shall be provided and shall be accessible to the Pretreatment Inspector. The sanitary sewer test manhole(s) 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.
 4. All new water main installations (public and private) shall adhere to the separation criteria established by the California Waterworks Standards (California Code of Regulations (CCR), Title 22, Division 4, Chapter 16, Section 64572). Any proposal for alternative compliance to these requirements shall be submitted to the State Water Resources Control Board' Division of Drinking Water, pursuant to CCR, Title 22, Section 64551.100.

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. **Encroachment Permit:** Obtain necessary encroachment permit from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**

II. SANITARY SEWER SYSTEM

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

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

III. STORM DRAIN SYSTEM

- A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. **Storm Drainage Design:** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**
- C. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
- D. **Storm Drainage General Requirements:** Prior to issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.
1. Storm drain calculations to determine detention/retention pond sizing and operations.
 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
- (CMH Design Standards and Standard Details for Construction)**
- E. **NPDES 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 Public Works 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 Public Works and the Building Department 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, SWPPP inspection reports, and when applicable, Rain Event Action Plans (REAPS) shall be e-mailed to: sw.construction@morganhill.ca.gov no later than 12:00 PM each Monday for the previous week's inspections with a brief statement whether the site is in compliance or non-compliant.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right-of-way shall be addressed 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.
10. BMP maintenance/inspections shall include tree protection, if applicable.

IV. WATER SYSTEM

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

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 and 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_hydromod_charette_index.shtml). A copy of the Guidance Manual can be obtained from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable Post-Construction Requirements:
1. Performance Requirement 1: Site Design and Runoff Reduction
 2. Performance Requirement 2: Water Quality Treatment
 3. Performance Requirement 3: Runoff Retention
 4. Performance Requirement 4: Peak Management
- B. **Peak Storm Water Runoff Discharge Rates:** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- C. **Storm Drain System Stenciling and Signage:** All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Legibility of stencils and signs must be maintained.

- D. Trash Enclosure Areas:** In addition to compliance with the requirements under Municipal Code Section 18.92.155 (Refuse and Recycling Enclosures), all trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
1. **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. Design Standards for Structural or Treatment Control BMPs:** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow-based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:
1. **Volumetric Treatment Control BMP**
 - a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
 - b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
 - c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.
 2. **Flow Based Treatment Control BMP**
 - a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
 - b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.
- F. Stormwater Runoff Management Plan (SWRMP):** The Stormwater Runoff Management Plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.
1. The Stormwater Runoff Management Plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible

professional civil engineer shall stamp and sign the approved Stormwater Runoff Management Plan.

2. The developer shall provide a signed certification from the civil engineer responsible for preparing the Stormwater Runoff Management Plan that all stormwater best management practices have been designed to meet the post-construction requirements.

G. Stormwater BMP Operation, Maintenance, and Replacement Responsibility

1. Prior to building final, the property owner shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), 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.

H. 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.

I. Stormwater BMP Inspection Responsibility

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **certified Qualified Stormwater Practitioner (QSP)**.
2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the QSP. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;

- f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.
- J. **Records of Maintenance and Inspection Activities:** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP Operation and Maintenance Agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.
- K. **Annual Certification of SWRMP:** On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the project's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

BUILDING DIVISION

The following items need to be incorporated into the design and will be verified at Building Permit application plan review:

1. Project shall be designed to comply with the current edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15. (New 2022 edition of the California Building Standards Code will be effective January 1, 2023. The building permit application submitted on or after this date must comply with new codes and the updated Morgan Hill Municipal Code.)
2. The total number of accessible parking spaces and EVCS spaces must be independent; and not combined. For building permit submittal to reflect the adequate accessible parking spaces on the plan
3. Parking calculations shown in G0.02 shall match the parking summary table shown in C2.0.
4. For R-1 occupancy total area shall not exceed equation CBC Ch5: 5-2 and any individual floor shall not exceed equation CBC Ch5: 5-1.
5. Sanitary sewer shall have a 1% of minimum slope.
6. Construction Waste management form would be required during the Building permit application. <https://www.morgan-hill.ca.gov/DocumentCenter/View/21377/Construction-Waste-Management-Plan?bidId=>
7. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - MHMC 15.65 Sustainable Building Regulations. Recommend a qualified sustainable building professional to review this requirement:

https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.65SUBURE

- MHMC 18.72.040 C. Electric Vehicle Charging Stations. Chapter 18.72 - PARKING AND LOADING | Code of Ordinances | Morgan Hill, CA | Municode Library
- MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.40BUSE
- MHMC 15.38 Wage Theft Preventions. Submit a signed form for review.
<https://www.morgan-hill.ca.gov/DocumentCenter/View/41519/Wage-Theft-Prev-Ack-of-Responsibility>
- MHMC 18.148 Water Conservation. See Environmental Programs review comments.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDECO_CH18.148WACO
- MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings. Add a note on the cover sheet that there is no gas infrastructure provided to this site.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR

8. Special Inspection form: Complete all required signatures and firms names in pg. 5 including the soils inspections/geotechnical requirements: <https://www.morgan-hill.ca.gov/DocumentCenter/View/17275/Statement-of-Special-Inspections?bidId=>
9. An acoustical analysis report shall be submitted with the building permit documents showing interior and exterior noise mitigations for compliance to the MHMC, California Building Code and CALGreen Code.
10. MHMC 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.
11. C3.0- Accessible parking spaces including access aisle and around accessible EV spaces shall be limited to maximum of 2% slope.
12. A separate Building Permit will be required for grading and on-site development.
13. Santa Clara County Environmental Health Department approval is needed for food service including food prep, breakfast, lounge areas, and pool prior to project approval.
14. A geotechnical report based on the current California Building Code is required at the time of Building permit submittal.

FIRE DIVISION

- A. **Preliminary Review Only:** The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete plan

submittal application that clearly shows all intended grading, demolition, construction or building modifications.

- B. **Proposal limited to:** Review of this Development proposal is limited to acceptability of site access as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
- C. **Timing of Required Water Supply Installations:** Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- D. **Fire Lane Marking Required:** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F. (CFC Section 503)
- E. **Automatic Fire Sprinkler System Required:** Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. **(CFC Chapter 9 as amended by MHMC 15.44.170)**
- F. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.

POLICE DEPARTMENT

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










City of Morgan Hill Approval Certificate No. 23-01: Holiday Inn Express is Ready for Signatures

Final Audit Report

2023-04-27

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