

EXHIBIT A

CONDITIONS OF APPROVAL

Project/Application: UP2016-0002: Cochrane-Browman

The following conditions shall be met prior to the issuance of building and/or site development permits and shall continue for the life of the conditional use permit except as otherwise specified in the conditions.

ACRONYMS:

MHMC – Morgan Hill Municipal Code

MHARH – Morgan Hill Architectural Review Handbook

PLANNING DIVISION

I. TIME LIMITS

- A. The Conditional Use Permit approval granted under this Resolution shall remain in effect for 24 months to September 27, 2018. Failure to commence the use within this term shall result in termination of approval unless an extension of time is granted prior to the expiration date. **(MHMC 18.54.070 A)**
- B. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the aforementioned Code Section if necessary to ensure compliance with said conditions. **(MHMC 18.54.090)**

II. OTHER CONDITIONS

- A. The Conditional Use Permit is approved solely for the operation of a fueling station, convenience market and carwash as described in the applicants proposed statement of operations (except as otherwise conditioned contained herein) on file with the Planning Division dated September 20, 2016 (application UP2016-0002: Cochrane-Browman) and as shown in the area depicted on the illustrations in the set of plans date stamped August 30, 2016. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
- B. The Applicant shall obtain a Design Review Permit prior to applying for building permits for the project. The site plan for the Design Review permit shall be in substantial compliance with the site plan approved through the conditional use permit and shall incorporate applicable conditions of approval contained herein.

- C. The fueling station and convenience market shall operate in compliance with the definition of Convenience Markets found in Section 18.48.035.
- D. That the site access from Depaul Drive be right-in only.
- E. That the nose of the Depaul Drive median, on the north side of Cochrane Drive, be reduced to allow for better traffic movements.
- F. That the curb cut east of the site, on Cochrane Road, be fully improved prior to the final planning inspection on the site.
- G. **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 Conditional Use 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.
- H. **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.
- I. **SIGNED COPIES OF RESOLUTION:** Submit two (2) signed copies of Resolution _____ to the Planning Division prior to issuance of building permits.

PUBLIC WORKS

- A. The De Paul Drive entry northwest of the lot shall be narrowed for one way entry

(ingress) into the easterly lots.

- B. The driveway approach on Cochrane Road northeast of the lot shall serve as ingress and egress for the lot; therefore, the drive aisle in line with said driveway shall be paved from the back of the driveway approach into the site for a distance of approximately 120 feet.
- C. The median island on De Paul Drive at Cochrane Road shall be reduced by approximately 6 feet. Exact length of reduction shall be determined at design review.
- D. At Design Review, project shall be subject to current NPDES water quality standards for construction and post construction.
- E. Public Works Impact Fees will be required for this project; applicant should obtain a cost estimate for Public Works Impact Fees by contacting Mario Jimenez at 408-778-6480.

PRETREATMENT

Industrial Waste/Pretreatment:

- A. Building 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).
- B. Kitchens/Cooking facilities: All cooking and food preparation facilities shall provide with a grease trap or clarifier, sized for the anticipated flows. No garbage disposals are allowed in commercial food preparation operations. Follow the Pretreatment Program Grease Interceptor Policy Documents for sizing and type of interceptor required.
- C. Vehicle washing shall be drained to an oil water separator that is connected to the Sanitary Sewer System. Car washes are to use water recycling technology. The Oil Water Separator shall be provided with a sample box and each compartment provided with a traffic-rated cover.
- D. Vehicle parking and storage areas shall be maintained so that pollutants such as trash and food waste are kept out of the storm drain system. The drainage shall be subject to the City of Morgan Hill Storm Water Program. Any filters or swales for treating storm water shall be maintained.
- E. An industrial waste discharge permit is required from the SCRWA Pretreatment Program prior to any industrial waste water discharge to the Sanitary Sewer System. The permit shall be maintained and renewed as required. Complete a permit application 90 days prior to opening for business. A pretreatment inspection shall be called prior to building final.

- F. Trach Enclosures for food serving operations shall be enclosed with rain cover and not drain to the storm drain system. Trach Enclosures shall be maintained using BMPs (Best Management Practices) to keep pollutants out of the storm drain system.

Policy:

- Item 1. Pursuant to SCRWA Ordinance 92-1 restaurants and other establishments that handle, prepare or serve food have the potential to discharge oil and grease to the Sanitary Sewer System. All such operations shall have a Grease Interceptor installed to serve that business. Installation of the interceptor shall meet the Uniform Plumbing Code and meet standards approved by the Chemical Control Program.
- Item 2. Grease interceptors may be of two kinds, one installed inside the food service area commonly called a grease trap, or large unit installed outside, underground, that is commonly called a clarifier. The UPC Section 1014.0 provides standards for the installation of grease traps and interceptors. Small under-counter units are suitable for small food preparation, handling or serving establishments (seating under 50). The size of unit is determined by the number of fixtures (drains) connected to it. For large restaurants or fast food facilities, an underground, out door unit is required. In this case all kitchen drains including floor sinks and mop sinks are plumbed to the grease interceptor. Food prep sinks and domestic sewage shall not be plumbed into the interceptor. In any facility required to have an interceptor, the dish washer shall be plumbed to the interceptor as a fixture, but the wash temperature cannot exceed 140 degrees. In addition, no food waste of food grinders may be discharged to the interceptor. Garbage disposal units are not permitted. Sinks shall have screens installed and the solids periodically collected and placed in garbage containers
- Item 3. For sizing the following may be used:

Minimum Size	Description of Food Facility
40 lb trap	Small food establishment that do not serve meals or have less than 20 seats, single food type service or have only 1 fixture.
50 to 70 lb trap	Small restaurant, with a seating area, serving meals. 20-50 seats No more than 3 fixtures.
90-100 lb trap	Small restaurant, with deep or wok frying, 20-50 seats. Other restaurants up to 100 seats. No more than four fixtures.
1500 gallon clarifier	Food Preparations and Manufacturing Facilities (other than a restaurant).
1500 gallon clarifier	Fast Food restaurants, Other restaurants up to 150 seats.
2000 gallon clarifier	150-200 seats
3000 gallon clarifier	200+ seats

Fire Department

- A. Fire Apparatus (Engine) Access Roads Required – Prior to the commencement of combustible construction, an access roadway with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-B. (CFC section 503 as amended by MHMC 15.44.140)
- B. Public Fire Hydrant(s) required – Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the City of Morgan Hill Public Works Department. Maximum hydrant spacing shall be 250 feet and the minimum single flow hydrant shall be 1500 GPM at 20 psi residual pressure. If fire hydrants are already in place, include civil drawings showing location of all hydrants with the building permit submittal. (CFC 507)
- C. Fire Hydrant Location Identifier – Prior to project final inspection, the general contractor shall ensure that an approved (“Blue Dot”) fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
- D. Premises Identification – Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (CFC section 505)
- E. 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)
- F. Required Fire Flow – Required fire flow for this project is 1500 GPM at 20 psi residual pressure. The required fire flow (is / is not) available from area water mains and fire hydrant(s) which are spaced at the required spacing. (CFC Appendix B)
- G. Final Required Fire Flow – Required fire flow may be reduced up to 50% in buildings equipped with automatic fire sprinkler systems but, can be no less than 1,500 GPM. Therefore, the final required fire flow is 1500 GPM at 20 psi residual pressure. This flow shall be taken from any two fire hydrants, on or near the site spaced at a maximum spacing of 250 feet. (CFC Appendix B)

- H. Fire Department Key Box Required – The building shall be equipped with a permanently installed emergency access key lock box (Knox), conforming to the City of Morgan Hill Standard Detail and Specification sheet 11-I. At time of final inspection, access keys shall be provided to the fire department. (CFC section 506)
- I. 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) To include pump isle, canopy & car wash
- J. 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)