



## **Frequently Asked Questions (FAQ) about the Morgan Hill Technology Park and Residential Mixed-Use Development EIR (Trammell Crow Project)**

May 18, 2020

The City has received many questions regarding the Morgan Hill Technology Park and Residential Mixed-Use Development Environmental Impact Report (EIR) for a proposed General Plan Amendment and Zoning Amendment project filed under application EA2019-0009, GPA2019-0002, and ZA2019-0005: De Paul – TC Morgan Hill Ventures. To keep the community informed, we have created this FAQ which includes common questions about the project and answers from the City.

**Q: What is the Morgan Hill Technology Park and Residential Mixed-Use Development project?**

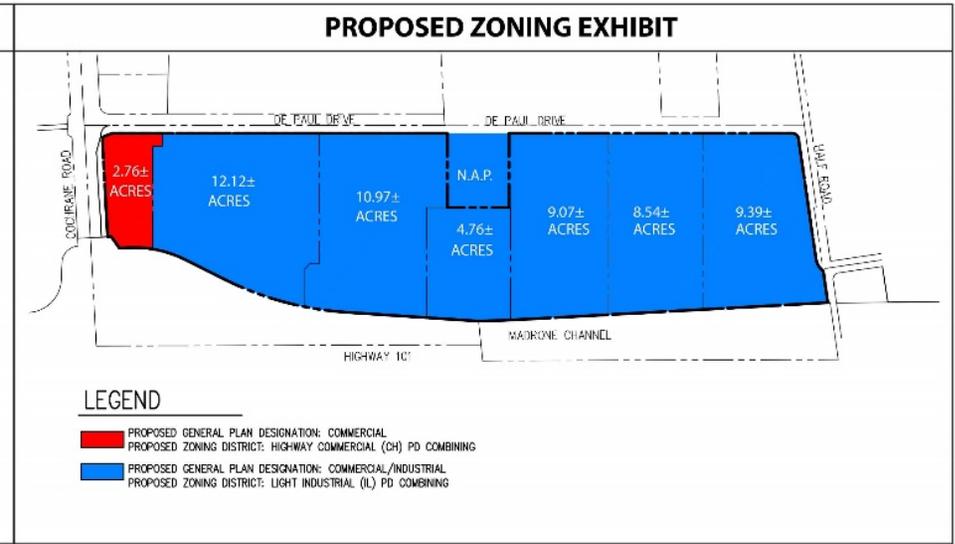
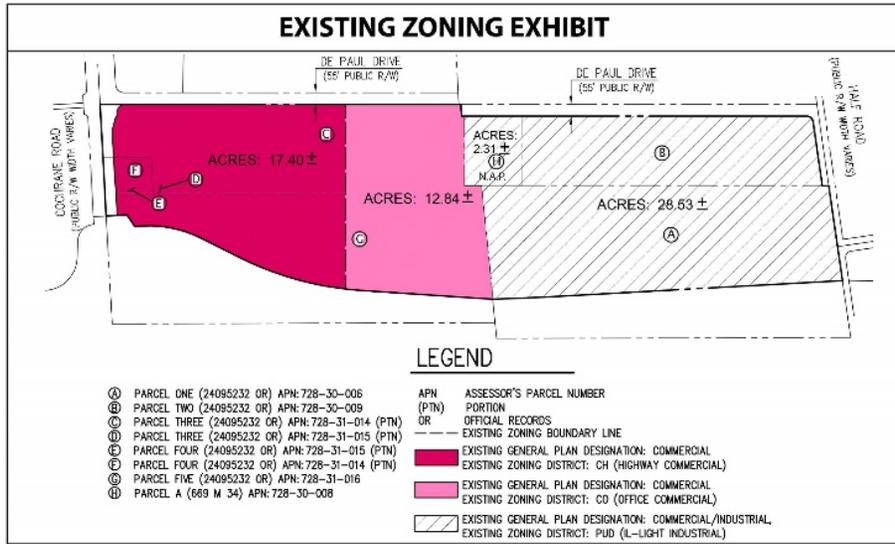
**A:** The commercial and industrial components of the project are currently configured in six parcels totaling approximately 61 acres, with Commercial and Commercial/Industrial General Plan designations, and located within three zoning districts: PUD Highway Commercial (CH), Administrative Office (CO), and PUD Light Industrial (IL). The applicant proposes to reconfigure the property into eight legal lots (one commercial, six commercial/industrial parcels controlled by the applicant, and one existing commercial/industrial parcel not controlled by the applicant); reduce the Commercial General Plan designation area and increase the Commercial/Industrial General Plan designation area through a General Plan Amendment (File No. GPA2019-0002); and establish a Planned Development (PD) Combining District over the commercial and industrial project area through a Zoning Amendment (File No. ZA2019-0005).

The residential component of the project is approximately 28 acres with an existing General Plan designation of Residential Attached Low (6-16 du/ac). No formal land use entitlement applications are currently on file, and this portion of the project is being evaluated at a programmatic level for a maximum of 319 single-family detached and attached units. The future development of this land is reasonably foreseeable given the existing land use designation and zoning, and the proposed roadway and other infrastructure improvements discussed below would be available to serve this property, and therefore this EIR analyzes and discloses the effects of the whole project (i.e. industrial, commercial, and residential).

	GATEWAY PARCEL	BLDG.A	BLDG.B	BLDG.C	BLDG.D	BLDG.E	BLDG.F	IL TOTAL
<b>SITE AREA</b>								
In s.f.	134,246	531,208	474,599	209,280	399,072	371,997	399,108	2,519,510
In acres	2.92	12.19	10.89	4.80	9.16	8.53	9.16	57.84
<b>ZONING</b>	CH	IL	IL	IL	IL	IL	IL	IL
<b>BUILDING AREA</b>		<b>212,100</b>	<b>219,600</b>	<b>79,900</b>	<b>193,000</b>	<b>173,000</b>	<b>167,000</b>	<b>1,044,600 s.f.</b>
<b>COVERAGE</b>		39.9%	46.3%	38.2%	48.4%	46.5%	41.8%	41.4%
<b>AUTO PARKING PROVIDED</b>								
Standard (9' x 18')		376	306	130	195	207	206	1420 stalls
<b>NUMBER OF SERVICE DOOR</b>		22	25	9	24	22	22	124

**CH (HIGHWAY COMMERCIAL) ZONING REQUIREMENTS:**  
current CH area ( including CO) 17.4 acres + 12.84 acres = 30.24 acres  
**proposed CH area : 2.92 acres**  
Maximum Building Coverage - 40%  
Maximum Height Allowed - 4 Stories or 55' whichever is less  
Setback Minimum Allowed  
Front - 40'  
Rear - 20'  
Interior Side - 0'  
Street Side - 15'  
Landscape requirements - 10%

**IL (LIGHT INDUSTRIAL) ZONING REQUIREMENTS**  
current IL area ( including Lee parcel) 28.53 acres + 2.31 acres = 30.84 acres  
**proposed CH area : 54.7 acres**  
Maximum Building Coverage - 60%  
Maximum Height Allowed - 50'  
Setback Minimum Allowed  
Front - 30'  
Street Side - 15'  
Side - 10'  
Rear - 20'  
Abuts R Zone - 30'  
Landscape requirements - 20%



**Morgan Hill Technology Center**  
Morgan Hill, CA





MORGAN HILL TECHNOLOGY CENTER SITE PLAN

FIGURE 2.2-3

### ***Commercial***

The property immediately fronting Cochrane Road would be reconfigured to one legal lot of approximately 2.92 acres. The proposed rezoning will reduce the existing Commercial zoned acreage from +/-30 acres to 2.92 acres for uses consistent with the traditional CH - Highway Commercial Zoning District, allowing a range of retail, administrative, professional services and functions supporting freeway access at major intersections. The maximum floor area ratio (FAR) is 0.6. While no specific development project application is currently pending with the City, the development of this portion of the site is reasonably foreseeable, and this EIR evaluates a development scenario with 50,000 square feet of commercial uses at a project-level. There is no current site plan, however, this parcel is anticipated to be developed ultimately with several commercial structures, most likely single-story. The proposed uses are anticipated to be retail, administrative and professional services, with parking and landscaping provided on-site. The proposed zoning would allow for buildings up to four stories or 55 feet in height, whichever is less.

The east bound frontage of Cochrane Road would be improved for the benefit of the commercial property. Access off Cochrane Road would be provided via a right-turn in only driveway, with a full access driveway entry/exit at the southwest corner of the property off DePaul Drive.

### ***Industrial***

This portion of the property would be reconfigured into seven legal lots designated for flexible industrial and commercial uses, including advanced manufacturing, warehouse distribution, supporting office, and similar light industrial and commercial uses totaling up to 1.04 million square feet on approximately 58 acres. The Industrial designation allows for a maximum FAR of 0.6. The current proposal shows a FAR below 0.45.

The industrial component of the project is comprised of six buildings located on the western half of the project site adjacent to U.S. 101. The proposed buildings would have maximum heights of 50 feet. The proposed industrial buildings will include emergency generators powered by diesel engines to provide backup power for fire pumps located within each building. The industrial buildings will include a total of 124 loading dock doors; the dock doors will be distributed between the six buildings, with a minimum of nine dock doors per building and a maximum of 25 doors per building.

The remainder of the project site would be parking and landscaping/stormwater treatment as common open space for the benefit of employees and visitors. The industrial component of the project would provide 1,435 standard vehicle parking stalls. Access to the Industrial zoned property would be provided exclusively via full-access driveways off the west side of DePaul Drive.

A 2.31-acre parcel, marked "Not A Part", under separate private ownership, would be evaluated at a programmatic level for future industrial uses, although no specific development application is proposed at this time.

### ***Residential Component East of DePaul Drive***

The DEIR evaluates a residential scenario of up to 319 units between DePaul Drive and Mission View Drive, north of Half Road, which is approximately 75 percent of the maximum development allowed under the General Plan (i.e., 16 dwelling units/acre). Properties do not typically develop at the maximum allowable density due to site constraints, land

dedication, and other factors, and the City does not assume 100 percent of the allowed density when identifying anticipated residential yield for purposes of demonstrating Regional Housing Needs Allocation compliance, for instance. For these reasons, assuming future development at 75 percent of the allowed density is a reasonable assumption. Residential development would occur on a 28-acre area of the site. No formal land use entitlement applications are currently on file, and this portion of the project is being evaluated at a programmatic level. The future development of this land is reasonably foreseeable given the existing land use designation and zoning, and the proposed roadway and other infrastructure improvements would be available to serve this property, and therefore the EIR discloses the combined effects of the various components of future development on the three distinct areas, i.e. industrial, commercial, and residential.

The residential project's proposed site improvements could include visitor and on-street parking, small neighborhood park areas, sidewalks or pedestrian paths, landscape areas, drive aisles, screen walls, lighting, BBQ/picnic area, and common park areas.

**Q: What can be built on the property with the current Zoning and General Plan?**

**A:** The commercial and industrial components of the project are currently configured in six parcels totaling approximately 61 acres, with Commercial (on approximately 30.08 acres) and Commercial/Industrial (on approximately 30.74 acres) General Plan designations, and located within three zoning districts: PUD Highway Commercial (CH) on approximately 12 acres, Administrative Office (CO) on approximately 18.08 acres, and PUD Light Industrial (IL) on approximately 30.74 acres. The applicant would be able to build any Permitted uses within the CH, CO, and/or IL zoning districts as specified in the Municipal Code with a Design Review Permit, or any of the Conditional Uses listed subject to approval of a Conditional Use Permit. These actions would not require City Council approval.

For a list of uses allowed within Commercial Zoning Districts please click here:[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodetid=T118ZO\\_DIVIZOCO\\_CH18.24COZODI\\_18.24.020LAUSRE](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=T118ZO_DIVIZOCO_CH18.24COZODI_18.24.020LAUSRE)

For a list of uses allowed within the IL Zoning District please click here:[https://library.municode.com/ca/morgan\\_hill/codes/code\\_of\\_ordinances?nodetid=TIT18ZO\\_DIVIZOCO\\_CH18.26INZODI\\_18.26.020LAUSRE](https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodetid=TIT18ZO_DIVIZOCO_CH18.26INZODI_18.26.020LAUSRE)

**Q: What is the purpose of an Environmental Impact Report (EIR)?**

**A:** The purpose of an Environmental Impact Report is to inform decision-makers and the general public of the environmental impacts of a proposed project that an agency (in this case, the City of Morgan Hill) may implement or approve. The EIR process is intended to: (1) provide information sufficient to evaluate a project and its potential for significant impacts on the environment; (2) examine methods (e.g., project-specific mitigations, uniformly applied development regulations) for avoiding or reducing significant impacts; and (3) consider alternatives to the proposed project.

**Q: What is a Draft EIR?**

**A:** When an Initial Study indicates that a project has the potential to "significantly" damage the environment, the California Environmental Quality Act (CEQA) requires that an EIR be

prepared. An EIR is an informational document to be used by the public and by decision makers when making choices about projects. CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good faith effort at full disclosure. In an EIR, significant environmental damages (also called effects or impacts) are identified; methods (mitigation measures) for reducing or avoiding damage are identified; and project alternatives are developed which seek to reduce or avoid environmental damage. The EIR process has many steps or procedures. Some of them, in order of occurrence, are:

1. Distribution of a Notice of Preparation of an EIR (NOP) which describes the proposal and some of its anticipated impacts, requests comments on what issues the EIR should address, and begins a 30-day public response period;
2. Research and analysis including review of comments received during the NOP review period;
3. Preparation and issuance of a Draft EIR which discloses expected environmental damage, mitigations and alternatives;
4. Submission of the DEIR and Notice of Completion to the State Clearinghouse;
5. A 30- to 45-day public review period during which written comments are received (for the Trammell Crow project the City has extended the public review period to 60-days);
6. Preparation and certification of a Final EIR which incorporates responses received during the public review period of the Draft EIR (if any);
7. Filing of a Notice of Determination (NOD) at the County Clerk's office if the project is approved.

**Q: How can residents participate in the process?**

**A:** Residents' comments and opinions are invited and sought throughout the proposal process. A development proposal process includes multiple time periods for public input. Currently, the proposed project is within the 60-day Public Review Period of the Draft EIR, which started on May 15, 2020 and Ends on July 14, 2020. The Public and other Agencies may comment on the Draft EIR during this period. All comments received by the City (which is referred to as the Lead Agency in CEQA) during this time will be addressed in the Final EIR. Written comments may be submitted in the following ways:

- By mail to Attn: Adam Paszkowski, Development Services, 17575 Peak Avenue, Morgan Hill, CA 95037;
- By email to [adam.paszowski@morganhill.ca.gov](mailto:adam.paszowski@morganhill.ca.gov) with the subject line "Draft EIR Comment"; or
- Through the online [form](#).

**Q: Why is the City holding a virtual Public Hearing on June 30, 2020 during the Shelter-In-Place orders?**

**A:** The Community Meeting on June 30, 2020 is not a public hearing. This Community Meeting is not a City Council or Planning Commission meeting. The Community Meeting is being held for the benefit of the public for anyone who does not want to submit written comments on the Draft EIR and prefers to submit their comments verbally. Verbal Comments received during this Community Meeting will be addressed in the Final EIR. Information for the Community Meeting is as follows:

DATE: Tuesday, June 30, 2020

TIME: 7:00 p.m.

LOCATION: Virtual Meeting

<https://bit.ly/DePaulTC-EIRCommunityMeeting>

or by calling in to: 1-669-900-9128 then enter the meeting id: 891 5582 5963#

**Q: What is the required content for a Final EIR?**

**A:** The required contents of a Final EIR are described in [Section 15132 of the State CEQA Guidelines](#). An overview of the contents of a Final EIR is presented below.

- The Draft EIR or a revision of the Draft.
- Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- A list of persons, organizations, and public agencies that commented on the Draft EIR.
- The responses of the Lead Agency (City) to significant environmental points raised in the review and consultation process.
- Any other information added by the Lead Agency.

**Q: What type of Notice is required for a Final EIR?**

**A:** No specific public notice is required when a Final EIR is published, but the possible certification of a Final EIR is typically announced as part of the public hearing notice provided for the discretionary action(s) required for project approval. California Public Resources Code PRC § 21092.5 requires that written responses to the comments submitted by public agencies be provided to those agencies at least 10 days prior to certification of the Final EIR. This requirement can be satisfied by providing a copy of the Final EIR that includes the responses to public agency comments on the Draft EIR.

**Q: What does it mean to Certify a Final EIR?**

**A:** Certification is an action taken by Lead Agency decision makers indicating that the Final EIR has satisfied CEQA requirements.

**Q: When does a Final EIR get Certified?**

**A:** The Lead Agency must certify the Final EIR before approving the project for which the EIR was prepared. The Final EIR does not need to be certified prior to taking action to deny the project. (State CEQA Guidelines § 15090)

After considering the Final EIR, the Lead Agency may decide whether or how to approve or carry out a project. A Lead Agency may approve a project with significant environmental effects based on a fully informed and publicly disclosed decision that:

- There is no feasible way to lessen or avoid the significant effects according to the Lead Agency's findings prepared according to State CEQA Guidelines § 15091; and
- The specifically identified benefits of the project outweigh the benefits of reducing or avoiding such environmental impacts as described in the statement of overriding considerations required by State CEQA Guidelines § 15093.

**Q: Who must certify the Final EIR?**

**A:** The Final EIR must be certified by Lead Agency decision makers before taking any action to approve the proposed project.

**Q: Does a Final EIR Need to be Certified at a Public Hearing?**

**A:** No. The Lead Agency must certify the Final EIR before approving the project, but there is no requirement that certification occur during a public hearing.

**Q: If the EIR is certified, can the project be denied?**

**A:** Yes, the EIR is an independent document and certification is not project approval nor does certification require project approval.

**Q: Is the Lead Agency required to adopt the Environmentally Superior Alternative?**

**A:** No, but an explanation of the rationale for not selecting this alternative should be described in the EIR findings prepared for project approval. (State CEQA Guidelines § 15091(a))

**Q: Can a project be approved if the Final EIR indicates that it would have Significant and Unavoidable Impacts?**

**A:** Yes, but the Lead Agency must prepare a statement of overriding considerations stating the reasons for approving the project despite its significant and unavoidable impacts. The statement of overriding considerations reflects the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors). The statement must:

- Be in writing,
- State specific reasons supporting agency actions based on the Final EIR or other substantial evidence in the record, and
- Be mentioned in the Notice of Determination (NOD).

### **What is the local government's role?**

The City is committed to a proposal process that is thorough, upholds all parties' legal rights, adheres strictly to local and state laws and requirements, and includes frequent and wide-spread public communication.

**Q: Can elected officials vote however they want – for or against – after all proposal processes are completed?**

**A:** At the appropriate time in the proposal process, City Council members will be asked to make an informed decision about the project. They may not comment on or participate in discussions that make clear their own personal opinions without running the risk of requiring recusal at the time of the Council hearing and final determination.

In order to vote for or against any proposed project, the Council members need to provide reasons why a choice is made. The reason(s) given are called the findings. Findings need

to be stated by the body when taking action on the application. Findings are listed below for General Plan and Planned Development amendments.

1. General Plan Amendments require a consistency finding that the proposed change to text or graphic is consistent with the other elements of the General Plan.
2. 18.30.050 Planned Development Combining Districts Findings. The City Council may approve an application for a proposed development master plan if all the following findings are made:
  - a. The proposed development is consistent with the general plan, zoning code and any applicable specific plan or area plan adopted by the City Council.
  - b. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning districts.
  - c. The proposed project will provide a substantial public benefit as defined in Paragraph 8 (Substantial Public Benefit Defined) below. The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.
  - d. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
  - e. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.
  - f. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
  - g. Findings required for the concurrent approval of a zoning map amendment can be made.

**Q: Who approves re-zoning?**

**A:** For any zoning request, the City of Morgan Hill's Planning Commission makes a recommendation to the City Council at a public hearing that will be noticed through multiple communication vehicles. Subsequently, the City Council is the final decision maker.

**Q: I have additional questions, who may I contact regarding this project?**

**A:** Please direct your correspondence to Adam Paszkowski, Principal Planner at 17575 Peak Avenue, Morgan Hill, CA 95037, by phone at (408) 310-4635 or by email at [adam.paszkowski@morganhill.ca.gov](mailto:adam.paszkowski@morganhill.ca.gov).