



PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 25, 2021

PREPARED BY: Adam Paszkowski, Principal Planner

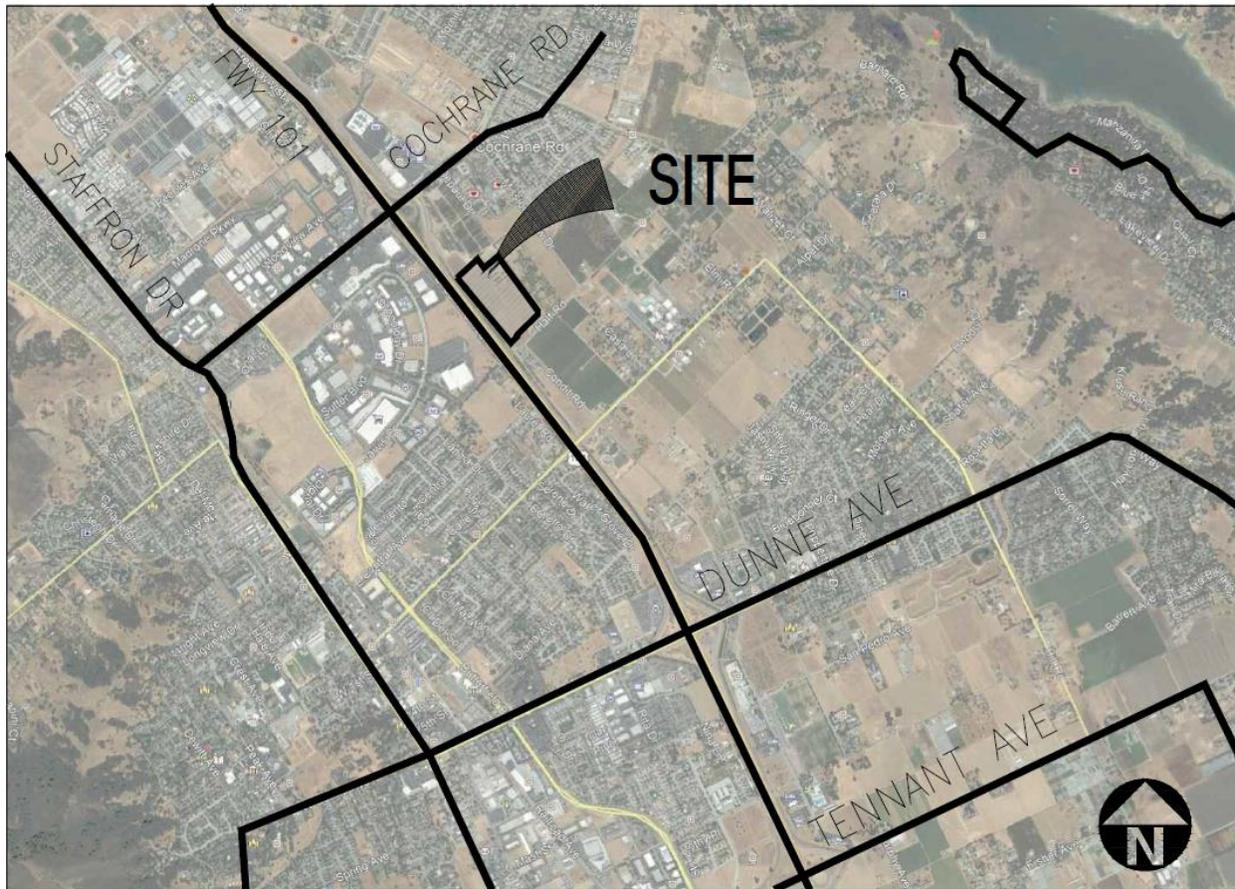
APPROVED BY: Jennifer Carman, Community Development Director

**SD2020-0011/SR2020-0029 THROUGH SR2020-0033 DE PAUL - TC
MORGAN HILL VENTURE: REQUEST FOR A TENTATIVE PARCEL
MAP AND DESIGN PERMITS FOR THE REDWOOD TECH AT 101, A
FIVE BUILDING INDUSTRIAL PARK, ON A 29± ACRE SITE (APNS 728-
30-006 AND 728-30-009)**

RECOMMENDATION(S)

1. Open/close the public hearing;
2. Adopt a resolution approving a Vesting Tentative Parcel Map; and
3. Adopt a Resolution approving Design Permits for an industrial park consisting of five separate buildings.

LOCATION:



PROJECT SUMMARY:

1. Location: 1065 Half Road, on the north side of the intersection of Condit Road and Half Road (APN728-30-006 and 728-30-009)
2. Site Area: 29± Acres
3. General Plan: Commercial/Industrial
4. Zoning: Light Industrial (IL) and Planned Development (PD)
5. Request: Request for a Design Review for five buildings ranging in size from 73,828± square feet to 138,714± square feet and a Vesting Tentative Parcel Map application to subdivide the 29± acre project site into four parcels ranging in size from 4.18± acres to 9.16± acres.

BACKGROUND:

On July 27, 2016, the City Council approved Resolution No. 16-128, approving the Morgan Hill 2035 General Plan and certifying the 2035 General Plan Environmental Impact Report (EIR), thereby designating the project site Commercial/Industrial.

On July 25, 2001, the City Council adopted Ordinance No. 1521, N.S., establishing the zoning for the project site as Light Industrial with a Planned Unit Development (PUD) overlay. (The terms Planned Unit Development and Planned Development are used interchangeably in the City's Zoning Code). Pursuant to Section 18.30.050.A of the Morgan Hill Municipal Code, "the purpose of the Planned Development (PD) combining district is to allow for high quality development that deviates from standards and

regulations applicable to base zoning districts in Morgan Hill. The PD combining district is intended to promote creativity in building design, flexibility in permitted uses, and innovation in development concepts. The PD combining district provides landowners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors.”

A PD allows a project to deviate from development standards in the base zoning district, however, the applicant for the Redwood Tech at 101 project is choosing to stay within the development standards and instead of taking advantage of a PD is proposing a development consistent with the Light Industrial (IL) base zoning district and Title 18 (Zoning) of the Municipal Code; therefore a PD application and Master Plan was not required or submitted.

The subject property is predominately covered by fallowed agricultural fields, non-native grassland, and a previous tree nursery. While the site is largely undeveloped, it has been historically disturbed by agricultural activities. The previous tree nursery was not considered a forestry resource, as the trees were boxed and intended to be sold or otherwise removed from the site.

Morgan Hill Technology Park:

The applicant, Trammell Crow Morgan Hill Ventures, previously submitted for a different project titled the *Morgan Hill Technology Park* which was withdrawn by the applicant on September 18, 2020. That previous project encompassed the proposed Redwood Tech at 101 project site and the parcels to the north.

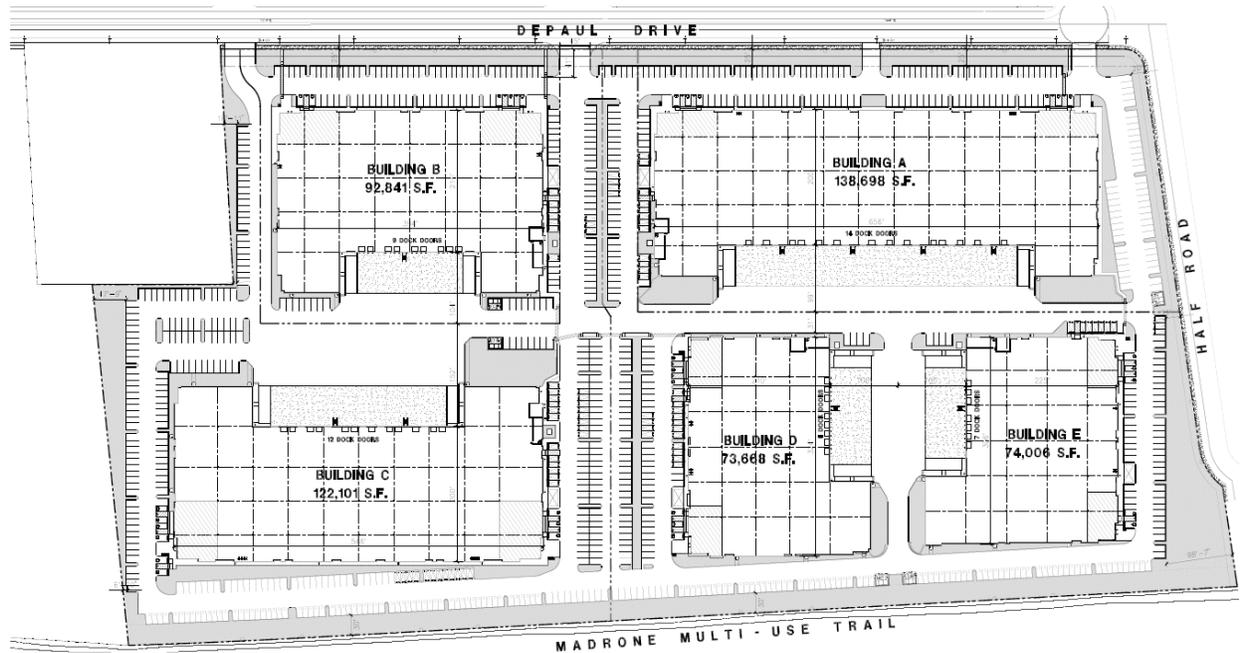
The original *Morgan Hill Technology Park* proposed a mix of industrial, commercial, and residential uses on an 89-acre site (Residential portion to be built by Dividend Homes). The industrial and commercial portions of the project was proposed on approximately 61 acres. That project proposed to develop 1.04 million square feet of light industrial uses contained in six buildings on a 57.8-acre area of the site west of De Paul Drive, 45,000 square feet of industrial office in one building situated between the industrial buildings on a 2.31-acre parcel, and 50,000 square feet of retail/commercial on a 2.92-acre parcel fronting on Cochrane Road. The Trammell Crow part of the *Morgan Hill Technology Park* project proposed to reconfigure 61-acres 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); amend the General Plan land use designation of the site to consist of 2.9± acres of Commercial and 57± acres of Commercial/Industrial 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 portion of the project east of De Paul Drive was proposed to consist of approximately 319 residential units on 28 acres. The residential project is now 269 units and is being developed by Dividend Homes under a separate application.

The current Redwood Tech at 101 project application was accepted by the City of Morgan Hill on December 15, 2020 and is different than the *Morgan Hill Technology Park* in that it only encompasses 29-acres of the 61-acre site and there are no proposed changes to the General Plan or zoning designation. The Redwood Tech at 101 project application was deemed complete by the City of Morgan Hill on February 16, 2021.

PROJECT DESCRIPTION:

The Redwood Tech at 101 project proposes approximately 501,000 square feet of flexible industrial space spread across 5 separate concrete tilt-up buildings on four separate lots totaling approximately 29 acres. As with all other development, this project requires a Design Permit as well as Tentative Parcel Map. No other approvals are required at this time. In accordance with Section 18.108.040.D, the size of this project is considered significant and as such, the Development Services Director has elevated this project to the Planning Commission for Design Permit review and consideration. All five buildings are designed to be divisible into two or three tenant spaces with a maximum exterior height of 43 feet.



Building #	Square feet	Parcel #	Acres
A	138,698	A	6.89
B	92,841	B	4.18
C	122,101	C	9.00
D	73,668	D*	9.16
E	74,006		

* Buildings D and E are both proposed to be located on Parcel D.

Access to the property will be provided via four driveways from the extension of De Paul Drive to the south from Cochrane Road. There will be a blanket reciprocal access and maintenance easement that will allow for access to all access points to all properties. All street frontages will be improved to City Standards with sidewalk and landscaping.

Building design presents an accent wall and frame element projecting from the building face to emphasize the main entry. The entry design is featured on two sides of the building, wrapping the corner and is used to emphasize the logical employee entrance at each of the most prominent building corners of each building. It also includes elements such as two-story glass at the two primary corner locations for all buildings and concentrates additional glazing and varying parapet heights and plan articulation along with paint accents including blocks with continuous banding that break up the mass of the buildings along the more prominent De Paul Drive, Half Road and Highway 101 frontages. The use of parapet height articulation, accent tile, glass glazing, and varying color reduce the overall look of the buildings in a clean and modern style. Colored elevations for all five buildings and a materials board have been provided (Attachments 4 to 7).



The parapet heights have been established using the roof heights to screen all future roof top mounted mechanical equipment. The provided site lines in the Project Plans show that parapet screening is adequate. Roof top units will be set in a minimum of 15 feet from all parapet walls. Roof top screens may be necessary where the shorter 37-foot parapets are proposed as the shorter parapet may not provide adequate screening. Where the taller, 43-foot parapets, are proposed, roof top screens will not be required. For the shorter parapets, a roof top screen with a prefinished metal rib panel colored to match the building is proposed with the bottom of the screen to be aligned with the lowest parapet (37 feet) and the top of the screen to be aligned with the highest parapet (43 feet). The parapets used are permanent and continuous with the main wall. The interior side of the parapet will not be visible. Page X-A4.1 (Page 23 of Attachment 3) of the project plans show the sight lines of Buildings A, C, and E from surrounding streets.



The loading areas are internally oriented for all buildings facing inwards away from public streets and access points. Loading areas are set back from the perimeter of the buildings to screen and reduce visual impact from public vistas. Buildings A will contain 14 dock high loading doors; Building B will contain 9 dock high loading doors; Building C will contain 12 dock high loading doors; Building D will contain 8 dock high loading doors; and Building E will contain 7 dock high loading doors. There are also punch outs identified for future expansion or reconfiguration as needed. Drive through doors or punch outs for future doors are also included in the project plans.

Architectural site plans and landscape plans have been provided (Attachments 3 and 9).

Site Description

The 29± acre project site is located at 1065 Half Road, on the north side of the intersection of Condit Road and Half Road in the City of Morgan Hill. The project site consists of two existing parcels, Assessor's Parcel Number (APN) 728-30-006 (18.14± acres) and APN 728-30-009 (10.42± acres).

Surrounding Zoning/Land Use

The project site is generally bounded by the Madrone Channel and Highway 101 to the west and Half Road to the south. An extension of De Paul Drive will be constructed along the eastern edge of the project site. Immediate surrounding uses include vacant land, and to the south, single-family residences; to the east is a proposed 269-unit residential project known as Crosswinds by Dividend Homes; and Shoe Palace's headquarters are located opposite of Highway 101 to the west. Surrounding uses further from the site include the De Paul Health Center and a senior living center to the northeast, a single-family residential subdivision to the east, opposite of Mission View Drive, various commercial uses to the north opposite Cochrane Road, and Live Oak High School southeast opposite Half Road and Mission View Drive.

ANALYSIS:

The proposed project was analyzed with respect to consistency with the: 1) Design Permit Requirements; 2) Vesting Tentative Parcel Map; and 3) California Environmental Quality Act (CEQA).

1. Design Permit Requirements

A Design Permit enables the City to ensure that proposed development has high quality design consistent with the General Plan and any other applicable specific plan or area plan adopted by the City Council. The Design Permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties.

The Design Permit considers the design of the building and the site the building is located upon and not the use within the building. If a future use is permitted by right, it will go through the Business Licensing and Zoning Certification process. If a future use is a conditional use under the Zoning Code, it will require a Conditional Use Permit that will follow the standard review process in Section 18.108.030 of the Zoning Code.

In accordance with Section 18.108.040.B (Reviewing Authority), the Development Services Director is the reviewing body to act on all Design Permit applications unless the project falls under the Significant Projects designation or if the Director finds that project to be significant enough to elevate to the Planning Commission.

To approve a Design Permit, the reviewing authority shall make the following findings:

- a. **The proposed project is consistent with the General Plan and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.**

The site has a Commercial/Industrial General Plan designation in the Morgan Hill 2035 General Plan. The General Plan specifies a maximum floor area ratio of 60 percent for industrial uses within the Commercial/Industrial land use designation. In addition, there is a maximum height limitation of 50 feet. The project proposes building coverage's ranging from 31 to 51 percent which complies with the maximum development standards in the General Plan. The proposed industrial development of the site is consistent with General Plan policies that encourage additional job opportunities for residents.

General Plan:

The project is consistent with the General Plan and specifically but not limited to the Policies listed below:

Policy CNF-2.1 Orderly Development. Promote the orderly development of the City, with concentric growth and infill of existing developed areas.

The project site is bound to the west by the Madrone Channel and Highway 101 to the west and additional industrial development opposite of Highway 101; and a proposed residential development to the east.

Policy CNF-2.2 A Balanced Community. Plan for the needs of all socioeconomic segments of the community, encouraging a balance and match in jobs and housing within the City.

The project will create new building space providing for location of new businesses adding to the City's jobs/housing balance. With the devisable (capable of being split) buildings, there are potentially 10 separate businesses that could locate in this industrial park.

Policy CNF-6.1 Services to Serve Growth. Manage and schedule urban growth consistent with the ability to provide a full array of urban services and facilities, such as sewer capacity, water, transportation, schools, public safety and other urban services.

The General Plan land use designation is Commercial/Industrial and the infrastructure required for an industrial development was anticipated within the adopted General Plan Project EIR.

Policy CNF-8.1 High Quality Design. Require all development to feature high quality design that enhances the visual character of Morgan Hill.

The building design utilizes two story glass at primary corner locations for all buildings and concentrates additional glazing along the more prominent frontages. 360-degree design is provided using glass, steel treatments, varying color and plan and height articulation on all sides. Landscaping is designed to complement the building design, providing additional visual interest and screening.

Policy CNF-8.4 Architectural Quality. Optimize architectural quality by encouraging the use of quality materials, particularly as accents and authentic detailing, such as balconies and window trims.

The proposed development features an architectural style that is compatible with the surrounding developments and natural features with a design that is original for this park.

Policy CNF-8.5 Building Façade. On all sides of buildings, require the incorporation of quality architectural design elements for all building facades and stepping back upper floors in order to reduce bulk and mass and to break up monotonous wall lines.

Quality materials and elements are included on all four sides of each building. Building façade articulation is included to break up building monotonous wall lines. The proposed buildings are stepped back from adjacent roads which reduces the bulk and massing.

Policy CNF-8.7 Design Sensitivity. Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.

The proposed architecture complements the adjacent industrial development to the west and provides an office look to the residential uses to the east and south. It also includes elements such as two-story glass at primary corner locations for all buildings and concentrates additional glazing along the more prominent frontages. Landscaping is designed to complement the building design, providing additional visual interest and screening.

Policy CNF-17.5 Industrial Design Standards. Require all new industrial development to be consistent with the design and landscaping standards set forth in the Architectural Review Handbook.

The proposed design is consistent with the Architectural Review Handbook. The building design across the five buildings presents an accent wall and frame element projecting from the building face. The buildings also employ varying parapet heights and plan articulation along with paint accents including blocks with continuous banding that break up the mass of the buildings.

b. **The proposed project will comply with all applicable provisions of the Zoning Code and Municipal Code.**

The proposal will be consistent with all provisions in the Zoning Code as demonstrated in the consistency tables provided below.

Height and Lot Coverages

	Required	Building A	Building B	Building C	Building D & E
Max Height	50 feet	43	43	43	39
Max Lot Coverage	50%	46.3%	51.4%*	31.1%	36.9%

* Building B will be conditioned to meet the 50% Max Lot Coverage

Setbacks

	Required	Building A	Building B	Building C	Building D & E

Front	30	90.25	85	92	37
Rear	20	48	45	90	89
Street Side	15	86.25	n/a	n/a	91.75
Internal Side	10	24	24	75	112.25

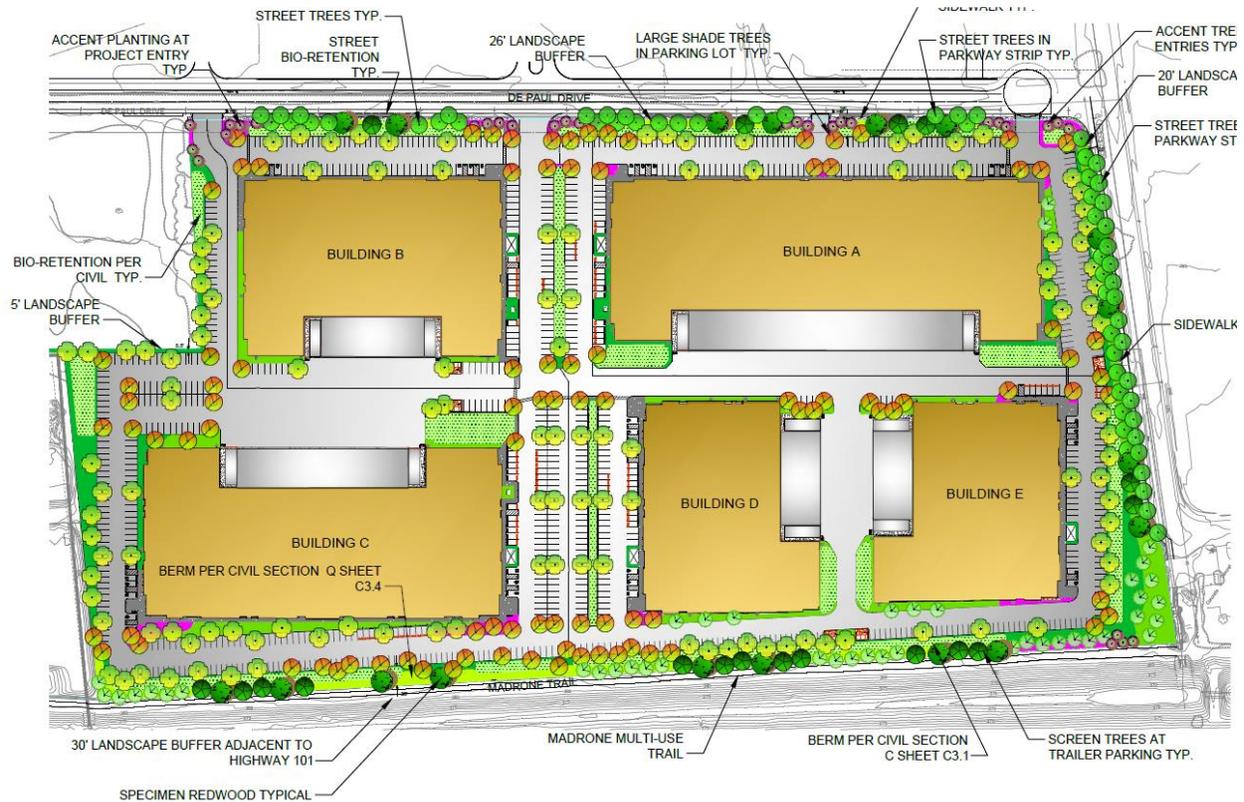
Parking

	Square footage & Required Ratio	Building A	Building B	Building C	Building D	Building E
Office	Sq Ft	8,000	5,500	30,000	10,000	10,000
	1/300	27	18	100	33	33
Warehouse	Sq Ft	100,000	80,000	0	0	52,000
	1/1000	100	80	0	0	52
Manufacturing	Sq Ft	30,698	7,341	92,101	63,668	12,006
	1/500	61	15	184	127	24
TOTAL	Spaces	188	113	284	161	109
Bike Pkg - Long Term	1/20 spaces	10	6	15	9	6
Bike Pkg - Short Term	10% of spaces	19	12	29	17	11

Landscaping

	Building A	Building B	Building C	Building D	Building E
Landscaped Setback Minimum					
Front	30	30	30	30	30
Side	30	30	30	30	30
Rear	20	20	20	20	20
Pkg Lot Trees Required	38	23	77	34	22
Pkg Lot Trees Provided	38	23	82	35	25
Pkg Lot Landscaping Required (Sq Ft)	14,183	8,518	27,213	9,558	8,050

Pkg Lot Landscaping Provided (Sq. Ft)	17,142	12,634	27,251	13,475	11,673
---------------------------------------	--------	--------	--------	--------	--------



c. **The proposed project substantially complies with all applicable design standards and guidelines contained in the Design Review Handbook.**

The proposed project complies with all applicable design standards and guidelines contained in the Design Review Handbook; including, but not limited to, the following:

- Building entrances should be emphasized using lighting, landscaping, and architecture.
- Buildings with flat or low-pitched roofs shall incorporate architectural elements to break up long horizontal rooflines.
- Parapets should be designed to screen mechanical equipment without requiring the use of an additional roof screen. Height and method of screening should be clearly defined.
- If additional roof screening is required, the design of the roof screen should be architecturally compatible with its building.
- Parapets should not appear “tacked on” and should convey a sense of permanence.

- Industrial and office developments are encouraged to provide outdoor employee break areas where appropriate.
- Plazas, employee break areas and outdoor use areas should be designed to provide shade trees or shade structures, and pedestrian amenities such as benches, fountains, landscaping, and public art.
- Landscaping should be used to screen above ground utility transformers, pull boxes, and termination cabinets where allowed by utility providers.
- When a parking area is located within a commercial or industrial district there should be a landscaped area at least 15' in width between the parking area and the public right-of-way or private street.
- When a parking area is located adjacent to an arterial street, there should be a landscaped area at least 30' in width between the parking area and the public right-of-way.
- Where a parking area is across the street from a residential district, or adjoins a residential district on the same side of the street, there should be a landscaped area 25' wide between the parking area and the front property line.
- The interior of any parking area should be landscaped, with planter areas measuring a minimum 5' in width, minimum inside dimension, at both ends of each row of spaces, with the planter area length to be equal to adjoining parking spaces.
- Landscaped finger islands should be provided one per every ten spaces.
- Screening should minimize view of parking lots while allowing public & police surveillance for safety. Effective screening is generally 3-4' in height.
- Loading, storage, and service facilities should be screened from view.

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

The proposed project entails dividing the subject property and constructing buildings consistent with the General Plan. The division and development of parcels consistent with the General Plan was addressed in the program EIR for the 2035 General Plan and, therefore, pursuant to Section 15162 and Section 15183 of the *State CEQA Guidelines*, no additional review under the California Environmental Quality Act is required for the proposed project. This will be further discussed in the CEQA section of this report.

e. **The proposed project development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

The proposed development of this site is consistent with the 2035 General Plan and associated EIR. The proposed project is an infill development and would not be located

adjacent to any wildlands that could expose people or structures to wildfire risks. The project site is not located within an earthquake fault zone. In addition, the project will comply with stormwater and building code requirements. The project will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to the properties or improvements in the vicinity.

f. **The proposed project complies with all Design Review criteria in subsection H. of Section 18.108.040 of the municipal code.**

The project as proposed complies with all criteria in subsection H of Section 18.108.040 (Design Review Criteria) of the Morgan Hill Municipal Code.

1. **Community Character.** The proposed development is compatible with and preserves the character and distinctive sense of place for Morgan Hill. The site plan orients industrial dock doors towards the interior of the sites minimizing public view of industrial areas. The building design utilizes two story glass at primary corner locations for all buildings and concentrates additional glazing along the more prominent frontages. 360-degree design is provided using glass, steel treatments, varying color and plan and height articulation on all sides. Landscaping is designed to complement the building design providing additional visual interest and screening.

2. **Neighborhood Compatibility.** The proposed development incorporates appropriate height, massing, and intensity compatible with adjacent buildings. Driveway locations, access restrictions to control traffic flow or divert traffic along with interior facing truck courts, and adequate on-site parking will minimize traffic, parking, noise, and odor impacts on nearby properties. The project height, massing and intensity is consistent with the adjacent properties.

3. **Pedestrian Environment.** The proposed development incorporates sidewalks, connections to public way and plaza features at each main entrance to support an active public realm and inviting pedestrian environment.

4. **Privacy.** The proposed development locates buildings and building entrances windows and doors with an adequate buffer including landscaping for privacy from adjacent properties and for project occupants.

5. **Safety.** The proposed development promotes safety and minimizes opportunities for crime by locating main entrances visible from adjacent main roads and provides open plazas at each main entry location to provide clear views and sense of ownership.

6. **Massing and Scale.** The proposed development architecture complements and respects the neighboring structures. Main entries are provided with lower steel canopy framing and cover to bring down the scale to provide for human scale design. Large volumes are divided into small components with varying wall planes, material, color, and vertical articulation. Buildings are

setback from each property line to minimize impacts to public views. Building design promotes future solar access on the roof. Building sizes and scale are comparable with other industrial buildings in Morgan Hill.

7. **Architectural Style.** The proposed development features an architectural style that is compatible with the surrounding developments and natural features with a design that is original for this park.

8. **Articulation and Visual Interest.** The proposed development uses vertical and horizontal articulation appropriately to add visual interest, distinctiveness, and human scale. Doors, windows, canopies and building projections are integrated with the design to relate to human scale. Storefront trim, banding, and mullion design contribute to the visual interest of the building.

9. **Materials.** The building facades include a mix of materials including glass, tile, concrete, steel and aluminum all high-quality and durable and appropriately designed for this architectural style and compatible with the surrounding development.

10. **Parking and Access.** The proposed development locates parking on the perimeter of the buildings with landscape screening at the streets to minimize visual impact and sidewalks adjacent to the building to support a pedestrian-friendly environment. Safe and convenient crossings are provided for pedestrians and bicyclists connecting to each main entrance to the adjacent street.

11. **Landscaping.** The proposed landscape planting provides new trees, including a colonnade of 30'- 40' tall, matured redwood trees, screen planting, and shrubs that will enhance the surrounding area and are appropriate to the site. Along the western portion of the site a 30-foot-wide landscape buffer is proposed adjacent to Highway 101 and the Madrone Channel, and a 25-foot-wide landscape buffer is proposed along the eastern portion of the site adjacent to De Paul Drive, consistent with the Design Review Handbook. A 20-foot-wide landscape buffer is proposed along the southern portion of the site adjacent to Half Road.

12. **Open Space and Public Places.** The proposed development provides for semi-public outdoors spaces with plaza entries at each main building entry and outdoor covered break areas for employees.

13. **Signs.** A separate sign application will be submitted for project signage.

14. **Lighting.** The proposed exterior lighting is designed and located to minimize illumination of the sky and adjacent properties.

15. **Accessory Structures.** The proposed development provides for enclosed trash collection, these accessory structures utilize the same material,

color and design as the primary structure and will be conditioned to be roofed with similar colors and design as the primary structure.

16. **Mechanical Equipment, Trash Receptacles, and Utilities.** The proposed development provides enclosures for trash receptacles and utilities are screened by landscaping.

- g. **For new residential development, the project complies with commitments made through the Residential Development Control System (RDCS).**

This finding is not applicable to an industrial development.

2. Vesting Tentative Parcel Map

Pursuant to Section 17.50.040 of the Morgan Hill Municipal Code, a "Vesting tentative map" means a tentative map that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with [Section 17.50.060](#) and is thereafter processed in accordance with the provisions of this chapter. Furthermore, "vesting tentative map" refers to a map which meets the requirements of subdivision (a) of Section 66424.5 and Section 66452 of the Subdivision Map Act. When the city approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect on the date the city has determined that the application for approval of the vesting tentative map is complete pursuant to Section 65943 of the Government Code.

In addition, the proposed Vesting Tentative Map is in compliance with the General Plan, Zoning Code and other City Codes as required by Section 17.50.030 of the Municipal Code.

Morgan Hill Municipal Code Section 17.24.070, Tentative Parcel Map – Approval or Denial, requires that the following finding to be made by the City to adopt the Vesting Tentative Parcel Map:

- A. The Tentative Parcel Map, together with its provisions for its design and improvements, is consistent with the General Plan.**

The Vesting Tentative Map (Attachment 11) has been designed consistent with the City's General Plan, considering neighborhood circulation patterns, and providing future connections.

Alternatively, the Tentative Parcel Map may be denied if any of the findings contained in Section 17.20.100 of the Municipal Code applies. The Planning Commission shall deny approval of the Tentative Map if it makes any of the following findings:

- That the proposed map is not consistent with applicable general and specific plans;
- That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- That the site is not physically suitable for the type of development;
- That the site is not physically suitable for the proposed density of development;
- That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

3. California Environmental Quality Act (CEQA):

On July 27, 2016, the City Council certified an environmental impact report (EIR) for the Morgan Hill 2035 General Plan. The EIR for the General Plan was prepared as a program EIR under the provisions of Section 15168 of the *State CEQA Guidelines*. As a program EIR, the document adopted by the City Council adequately addressed the potential environmental impacts associated with the comprehensive update of the City's constitution for growth including certain implementation activities and provided for streamlining of the environmental review process for projects proposed subsequent to the certification of the EIR. The proposed project entails dividing the subject property and constructing buildings consistent with the General Plan. The division and development of parcels consistent with the General Plan was addressed in the program EIR for the 2035 General Plan and, therefore, pursuant to Section 15162 and Section 15183 of the *State CEQA Guidelines*, no additional review under the California Environmental Quality Act is required for the proposed project.

The Project also is designed to be consistent with the development standards in the Zoning Code. No further environmental assessment is required. The project shall comply with the mitigation measures of the Morgan Hill 2035 General Plan EIR. A traffic analysis will be required for future uses per General Plan Action TR-3.D prior to occupancy. Should a future use on the site require a conditional use permit, that user will be responsible for conducting environmental review for the proposed use as required under CEQA.

It should be noted that the City of Morgan Hill received a letter from Allen Matkins Attorneys at Law on behalf of the applicant regarding the Planning Commission's scope of design review and its relation to CEQA. The letter points to two cases, *Protecting Our Water & Environmental Resources v. Count of Stanislaus* and *McCorkle Eastside Neighborhood Group v. City of St. Helena*. The letter states the Planning Commission lacks discretion to address potential environmental effects, making the Project ministerial for CEQA purposes, and therefore, should the Planning Commission exempt

the proposed project from CEQA the Commission should also make the findings that the exemption is not required due to the ministerial nature of the City's design review procedures. The letter has been provided (Attachment 12).

CONCLUSION:

The project has been found to be consistent with the General Plan, Zoning Code, and the City Architectural/Design Review Handbook. Staff recommends that the Planning Commission approve the Design Permit and Vesting Tentative Parcel Map subject to the Conditions of Approval.

COMMUNITY ENGAGEMENT

The proposed project was publicly noticed including a mailing to property owners within 600 feet of the project, as well as all property owners within the northeastern portion of the City including the Borello Ranch Estates, Mission Ranch, Coyote Estates, Alicante, and San Sabastian, and a display ad in the newspaper for the minimum 10-day period, a project webpage and a sign was posted on the project site. Residents on the Planning Commission notify me email list were notified of the proposed project on Friday, May 14, 2021 and included in the 411 Newsletter.

LINKS/ATTACHMENTS:

1. Design Permit Resolution
2. Vesting Tentative Parcel Map Resolution
3. Architectural and Site Plans (Weblink)
4. Building Elevations and Materials Board - Lot A (Weblink)
5. Building Elevations and Materials Board - Lot B (Weblink)
6. Building Elevations and Materials Board - Lot C (Weblink)
7. Building Elevations and Materials Board - Lot D (Weblink)
8. Civil Plans (Web link)
9. Landscape Plans (Web link)
10. Photometric Plans (Web link)
11. Vesting Tentative Parcel Map (Web link)
12. Allen Matkins Attorneys at Law letter
13. Staff Presentation (Redwood Tech at 101)
14. Item 1 - Supplement 1 (Public Comment)
15. Item 1 - Supplement 2 (Public Comment)
16. Item 1 - Supplement 3 (Public Comment)