CITY OF MORGAN HILL

Regular Meeting Agenda

Planning Commission

Mohammad Habib - Chair
Malisha Kumar - Vice-Chair
Joseph Mueller - Planning Commissioner
Wayne Tanda - Planning Commissioner
Laura Gonzalez-Escoto - Planning Commissioner
Liam Downey - Planning Commissioner
Juan Miguel Munoz-Morris - Planning Commissioner

Tuesday, December 8, 2020 7:00 pm

Virtual Zoom Meeting

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The Planning Commission meeting will be live streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at: https://bit.ly/12820PlanningCommissionMtg or by calling in to: (669) 900-9128, then enter the meeting ID 897 9313 4726.

Public comment for Planning Commission meetings will be accepted via email to pcpubliccomment@morganhill.ca.gov. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

OPEN PUBLIC COMMENT PERIOD

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Planning Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

CONSENT AGENDA

1. APPROVE THE NOVEMBER 10, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE NOVEMBER 24, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARING

3. SR2020-0018 THROUGH SR2020-0022 BUTTERFIELD – TRAMMELL CROW: REQUEST FOR A DESIGN PERMIT FOR THE BUTTERFIELD TECHNOLOGY PARK - A FIVE BUILDING INDUSTRIAL PARK LOCATED BETWEEN BUTTERFIELD BOULEVARD, DIGITAL DRIVE, MONTEREY ROAD AND SUTTER ROAD WITHIN THE MORGAN HILL RANCH BUSINESS PARK. APNS 726-25-046, -047, -059, AND -068 THROUGH -073

Recommendation:

1. Open/close the public hearing; and,
2. Adopt a Resolution approving a Design Permit for an industrial park consisting of five separate demisable buildings.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Commission Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Commission.

Persons interested in proposing an item for the Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Commission action, your request may be placed on the next appropriate agenda. Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

DRAFT

CITY OF MORGAN HILL

Meeting Minutes
Planning Commission

Mohammad Habib	-	*Chair*
Malisha Kumar	-	*Vice-Chair*
Joseph Mueller	-	*Planning Commissioner*
Wayne Tanda	-	*Planning Commissioner*
Laura Gonzalez-Escoto	-	*Planning Commissioner*
Liam Downey	-	*Planning Commissioner*
Juan Miguel Munoz-Morris	-	*Planning Commissioner*

Tuesday, November 10, 2020 7:00 pm

Virtual Zoom Meeting

Minutes Acceptance: Minutes of Nov 10, 2020 7:00 PM (Consent Agenda)

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

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Public comment for Planning Commission meetings will be accepted via email to pcpubliccomment@morganhill.ca.gov. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

CALL TO ORDER

Chair Habib called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Mohammad Habib	Chair	Present	
Malisha Kumar	Vice-Chair	Present	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Laura Gonzalez-Escoto	Planning Commissioner	Present	
Liam Downey	Planning Commissioner	Present	
Juan Miguel Munoz-Morris	Planning Commissioner	Late	7:21 PM

Planning Commissioner Munoz-Morris notified Chair Habib of his late arrival prior to the meeting.

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the Posting of the Agenda.

PLEDGE OF ALLEGIANCE

Planning Commissioner Kumar led the Pledge of Allegiance.

OPEN PUBLIC COMMENT PERIOD

Chair Habib opened the Public Comment Period at 7:02 p.m. The following individual addressed the Planning Commission:

- Joe Baranowski - Mr. Baranowski also spoke on the behalf of:
  - Gail McCloskey
  - Miguel Jimenez
  - Susie Jimenez
  - Kathy Baranowski

Hearing no further requests to speak, the Public Comment Period was closed.

PUBLIC COMMENT - SUPPLEMENTAL ITEM

Joe Baranowski submitted a supplemental item that was shared with the Planning Commission.

ORDERS OF THE DAY

No changes made.

CONSENT AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Malisha Kumar, Vice-Chair
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey
ABSENT:	Munoz-Morris

1. APPROVE THE OCTOBER 13, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE OCTOBER 27, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

3. UP2020-0005: CONDIT-AT&T: CONDITIONAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A NEW 71-FOOT LIGHT POLE WITH NINE PANEL ANTENNAS, 18 REMOTE RADIO UNITS, FOUR DC-9 SURGE SUPPRESSORS, EQUIPMENT CABINETS AND A 30KW GENERATOR. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-13-001, IS LOCATED AT THE MORGAN HILL SPORTS CENTER.

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution approving the Conditional Use Permit.

Interim Planning Manager Terry Linder presented the Staff Report at 7:15 p.m.

Chair Habib opened the Public Hearing at 7:53 p.m. The following individuals addressed the Planning Commission:

- Tom Johnson

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:
Adopt the Resolution approving the Conditional Use Permit with the added requirements: 1. The Applicant is to provide a Radio Frequency Report to the City after the installation of the facility, to document the actual Radio Frequency Electro-Magnetic Energy generated from the facility and its compliance with the FCC standards; and 2. The Applicant is to pursue the banner style concealment first and if that is determined to be unfeasible then the second option is to use matte paint finish.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

The Planning Commission meeting recessed at 8:21 p.m.

The Planning Commission meeting reconvened at 8:26 p.m.

4. ZA2020-0001: MUNICIPAL CODE AMENDMENT AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN

Minutes Acceptance: Minutes of Nov 10, 2020 7:00 PM (Consent Agenda)

AMENDMENTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

Principal Planner Adam Paszkowski presented the staff report at 8:26 p.m.

Chair Habib open the Public Hearing at 8:38 p.m. The following individual addressed the Planning Commission:

- Ryan Andrade

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:
Pull Subsection E of Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) and Subsection 6 (One Dwelling Unit Allowed Per Lot) of Subsection C of Section 18.30.040 (Hillside Combining District) for a broader discussion at a later date and Adopt the resolution recommending City Council approve the rest of the code amendments proposed by staff.

Planning Commissioner Downey notified staff he was experiencing computer issues at 8:57 p.m.
Planning Commissioner Downey sent an email to Chair Habib that he was in favor of this item.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris
ABSENT:	Downey

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement at 9:23 p.m.

ADJOURNMENT

There being no further business, Chair Habib adjourned the meeting at 9:26 p.m.

MINUTES PREPARED BY

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Nov 10, 2020 7:00 PM (Consent Agenda)

DRAFT

CITY OF MORGAN HILL

Meeting Minutes
Planning Commission

Mohammad Habib	-	*Chair*
Malisha Kumar	-	*Vice-Chair*
Joseph Mueller	-	*Planning Commissioner*
Wayne Tanda	-	*Planning Commissioner*
Laura Gonzalez-Escoto	-	*Planning Commissioner*
Liam Downey	-	*Planning Commissioner*
Juan Miguel Munoz-Morris	-	*Planning Commissioner*

Tuesday, November 24, 2020 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

Minutes Acceptance: Minutes of Nov 24, 2020 7:00 PM (Consent Agenda)

MEETING GUIDLINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

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CALL TO ORDER

Chair Habib called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Mohammad Habib	Chair	Present	
Malisha Kumar	Vice-Chair	Present	

Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Laura Gonzalez-Escoto	Planning Commissioner	Present	
Liam Downey	Planning Commissioner	Present	
Juan Miguel Munoz-Morris	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the agenda at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Mueller led the Pledge of Allegiance at 7:01 p.m.

OPEN PUBLIC COMMENT PERIOD

Chair Habib opened the Public Comment Period at 7:04 p.m. The following individual addressed the Planning Commission:

- Joe Baranowski - Mr. Baranowski also spoke on the behalf of Kathy Baranowski.

Hearing no further requests to speak, the Public Comment Period was closed.

ORDERS OF THE DAY

No changes made.

PUBLIC HEARINGS

1. UP2020-0004: MAST-TITAN SPORTS ACADEMY - CONDITIONAL USE PERMIT FOR A YOUTH GYMNASTICS GYM INSIDE AN EXISTING INDUSTRIAL BUILDING AND POSSIBLE REDUCTION IN PARKING. THE PROPERTY. IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-02-063 IS LOCATED ON THE NORTH SIDE OF MAST STREET APPROXIMATELY 150 FEET WEST OF THE INTERSECTION WITH VINEYARD BOULEVARD.

Recommendation:

1. Open/close public hearing.
2. Continue the public hearing to the January 12, 2021 Planning Commission Meeting.

Staff has recommend to continue this item.

Chair Habib opened the Public Hearing at 7:10 p.m. Hearing no requests to speak, the Public Hearing was closed.

RESULT:	**CONTINUED TO A DATE UNCERTAIN [UNANIMOUS]**
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz-Morris, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

2. AAE2020-0003, EA2020-0015: W. DUNNE-AT&T - CONDITIONAL USE PERMIT AMENDMENT TO AN EXISTING UNMANNED TELECOMMUNICATION FACILITY TO ALLOW UP TO NINE PANEL ANTENNAS AND ASSOCIATED EQUIPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 773-09-030 IS LOCATED

Minutes Acceptance: Minutes of Nov 24, 2020 7:00 PM (Consent Agenda)

AT THE EXISTING CITY OF MORGAN HILL WATER TANK ON THE EASTERLY SLOPE OF EL TORO.

Recommendation:

1. Open/close public hearing; and,
2. Adopt a Resolution approving the amendment to Conditional Use Permit (UP88-05) allowing up to nine panel antennas to be located at the existing telecommunication facility.

Associate Planner Joey Dinh presented the Staff Report at 7:12 p.m.

Chair Habib opened the Public Hearing at 7:30 p.m. The following individuals addressed the Planning Commission:

- Greg Davis

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:
Adopt the Resolution approving the Conditional Use Permit Amendment with the added condition that the applicant must submit a Radio Frequency Report documenting the actual Radio Frequency with the first 6 months of operation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz-Morris, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement at 7:38 p.m.

ADJOURNMENT

There being no further business, Chair Habib adjourned the meeting at 7:51 p.m.

MINUTES PREPARED BY:
Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Nov 24, 2020 7:00 PM (Consent Agenda)

CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT
MEETING DATE: December 8, 2020

PREPARED BY: Jennifer Carman, Community Development Director
APPROVED BY: Jennifer Carman, Community Development Director

SR2020-0018 THROUGH SR2020-0022 BUTTERFIELD – TRAMMELL CROW: REQUEST FOR A DESIGN PERMIT FOR THE BUTTERFIELD TECHNOLOGY PARK - A FIVE BUILDING INDUSTRIAL PARK LOCATED BETWEEN BUTTERFIELD BOULEVARD, DIGITAL DRIVE, MONTEREY ROAD AND SUTTER ROAD WITHIN THE MORGAN HILL RANCH BUSINESS PARK. APNS 726-25-046, -047, -059, AND -068 THROUGH -073

RECOMMENDATION(S)

1. Open/close the public hearing; and,
2. Adopt a Resolution approving a Design Permit for an industrial park consisting of five separate demisable buildings.

LOCATION MAP

PROJECT SUMMARY:

1. Location: Between Monterey Road and Butterfield Boulevard, south of Jarvis Drive, and north of Digital Drive. (APNS: 726-25-046, -

	047, -059, and -068 through -073)
2. Site Area:	24.63-Acres
3. General Plan:	Industrial
4. Zoning:	Industrial
5. Combining District:	Morgan Hill Ranch Business Park Planned Development

BACKGROUND:
The subject property is included within the Morgan Hill Ranch Business Park (MHRBP) Planned Unit Development. A Development Agreement with Morgan Hill Development Partners that included the project site, was approved on March 1, 2001, but expired. The underlying land remained industrial in the Zoning Code and General Plan.

In 2014-2015, the owner of the property at the time, MWest Prop Co XXXIII LLC (MWest), filed an application to convert the zoning and general plan designation for a 19.5-acre portion of the industrial park to residential use. The residential portion of the site (now known as Morgan Hill Apartments), was created when the City Council approved General Plan Amendment (File No. GPA-14-04) by Resolution No. 15-102 on May 6, 2015 (subsequent to Planning Commission review on November 18, 2014) amending the designation of 19.5 acres on the northern portion of the site from Industrial to Multi-Family Medium.

On September 2, 2015, subsequent to review by the Planning Commission on July 28, 2015, the City Council adopted Ordinance No. 2163, approving a Zoning Amendment (File No. ZA-15-12) for the 19.5-acre site amending the zoning to R-3 Medium Density Residential. A masterplan for the entire 60 acres, including a park and industrial park were developed for the consideration of the amendment.

In 2016, the property owner of the 60-acre site, MWest requested an industrial Development Agreement for the 24.63 acre portion of the property as a means to encourage and expedite development of the industrial site and to comply with the conditions placed upon the owner upon receipt of City Council approval the General Plan and Zoning Amendments. The City Council wanted to memorialize the public benefit commitments made by the developer during the project approval process.

A Preliminary Plan Review for the Industrial portion of the project was reviewed by the Planning Commission at its July 26, 2016 meeting. The City Council subsequently reviewed the Preliminary Plan Review at their meeting of November 16, 2016.

Two Development Agreements were prepared, one for the residential portion of the site (Morgan Hill Apartments) and one for the industrial portion referred to in the title of the DA as the Butterfield Technology Center. The Development Agreement approved up to 600,000 gross square feet of new industrial development.

On May 9, 2017, the Planning Commission held a public hearing on the proposed Development Agreement for the industrial portion of the site. The Planning Commission adopted resolutions that affirmed CEQA compliance, General Plan consistency and recommended the Agreement be approved by City Council.

On June 7, 2017, the City Council held a public hearing to introduce Ordinance 2249 that approved the Development Agreement (Attachment 2). The City Council adopted the Development Agreement on June 21, 2017. The document became effective on July 21, 2017 and was recorded with the County on August 29, 2017.

In 2019, MWest sold and assigned their interest in the project and the entitlements to Braddock and Logan, who then sold a portion of the industrial property to Trammell Crow. Braddock and Logan has retained the industrial portion of the property located along Butterfield Boulevard, north of the new Sutter Road extension. Prior to the sale of a portion of the industrial property, Braddock and Logan began construction of Sutter Road Extension, which they are committed to complete.

A Development Agreement is a legally binding contract between a property owner or developer and a local government, often including terms not otherwise required through existing regulations. These agreements can specify various elements of the development process ranging from phasing of a larger master-planned community, to tax-sharing for retail development, to critical infrastructure responsibilities.

In this case, in addition to approving up to 600,000 square feet of new industrial development, the Development Agreement requires construction of a park and the Sutter Road Extension. As stated above, Braddock and Logan are responsible for both the park and the road extension. The Development Agreement also requires the City to prioritize and expedite processing of the application and cooperate in the construction of public improvements required of the development.

PROJECT DESCRIPTION:

This project proposes approximately 410,000 square feet of flexible industrial/commercial space spread across 5 separate concrete tilt-up buildings on five separate lots. As with all other development, this project requires a Design Permit. No other approvals are required at this time. The Community Development 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 tenant spaces with a maximum exterior height of 45.6 feet.

Building #	Acres	Square feet
1	4.98	85,456
2	4.96	82,446
3	5.35	80,156
4	5.30	91,738
5	4.04	70,280

Access to the property will be provided via driveways off the west side of Butterfield Boulevard for Buildings 1 and 2 with secondary access for Building 1 via Sutter

Boulevard and secondary access for Building 2 off Digital Drive. Buildings 3, 4 and 5 will each have 2 primary access points from Sutter Boulevard. 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 corner. It also includes elements such as two-story glass at primary corner locations for all buildings and concentrates additional glazing along the more prominent Butterfield Boulevard frontage. The complimenting building design throughout the rest of the building employs varying parapet heights and plan articulation along with paint accents including blocks with continuous banding that break up the mass of the buildings. The use of parapet height articulation 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 3 to 8).

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' from all parapet walls. No roof top screens are proposed as the parapet will provide adequate screening. The parapets used are permanent and continuous with the main wall. The interior side of the parapet will not be visible. Page DAB-A4.2 (Page 23) of the project plans show the sight lines of Building 1 and 2 from surrounding streets.

Back of house uses including loading areas are internally oriented for all buildings. These uses face inwards away from public streets and access points. Loading areas are set back from the perimeter of the buildings to reduce visual impact from public vistas. Buildings 1, 4 and 5 contain 8 dock high loading doors and Buildings 2 and 3 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.

The project also proposes to include the following environmental measures:

- EV car charging provided for 3% of the provided auto parking stalls
- Priority carpool parking on site
- White TPO (Thermoplastic Polyolefin) roof for energy efficiency
- Performance glass
- Core and shell design elements designed to exceed Cal Green and Title 24
- Drought resistant landscaping and efficient irrigation with rain sensors
- Bicycle parking and bicycle charging facility adjacent to building entries on site
- Solar ready roof structure constructed to accommodate addition of PV collection arrays for power generation

- Maximize construction waste diversion and optimize civil and structural engineering to “create a balanced site” minimizing import/export of excess soil, spoils or waste materials associated with the development and construction of the project

Architectural site plans and landscape plans have been provided (Attachments 9 and 10).

Surrounding Zoning/Land Use

The project site is generally bounded by the UPRR tracks to the east and Butterfield Boulevard to the west. An extension of Sutter Avenue has been constructed at the northern edge at the entrance to the project site. Surrounding uses include industrial buildings to the west and south of similar construction and size, and a 389-unit apartment project known as Morgan Hill Apartments to the north, separated from the industrial uses by Sutter Road and a park and a 101-unit residential project to the west, beyond the UPRR tracks along Monterey Road.

ANALYSIS:

The proposed Design Permit have been analyzed with respect to consistency with the: 1) Design Permit Requirements; and 2) California Environmental Quality Act.

1. **Design Permit Requirements**

A Design Permit is a discretionary action that 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 does not consider or permit the use of a building – it considers the design of the building and the site the building is located upon. If a future use is permitted by right, it will go through the Business Licensing and possibly 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 Community Development Director is the reviewing body to act on all Design Permit applications unless the Director finds that project to be significant. However, the Community Development Director may refer any Design Permit application to the Planning Commission for review and final decision. When considering the Design Permit, the City shall evaluate applications to ensure that they satisfy the following criteria: Conform to the policies of the General Plan, and any applicable specific plan, and are consistent with any other policies or guidelines the City Council may have adopted.

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 an Industrial General Plan designation in the Morgan Hill 2035 General Plan. Additionally, the site is located within one of the City's Core Employment Areas, as identified in the Morgan Hill 2035 General Plan. The General Plan specifies a maximum floor area ratio of 0.60 percent for projects with an industrial land use designation. In addition, there is a maximum height limitation of 50 feet. The project proposes building coverage's ranging from 34 to 40 percent which complies with the maximum development standards. The proposed industrial development of the site is consistent with General Plan policies that encourage additional job opportunities for residents.

The approved Development Agreement for the Butterfield Technology Center (Effective Date: July 21, 2017) approved up to 600,000 square feet of new industrial development. The two conceptual plans included within City Council Resolution 15-102 (Resolution approved General Plan change for the residential portion of the site) assumed between 431,000 and 486,000 square feet of industrial development for this portion of the site. The proposed project contains roughly 410,000 square feet of proposed building square footage leaving up to 190,000 square feet for the remaining approximately 9-acre industrial area along Butterfield Boulevard.

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 UPRR tracks and Butterfield Boulevard to the east. An approved multi-family development will be to the north and there is additional industrial development to the east and south.

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 demisable (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 IL 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 Butterfield Boulevard frontage. 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.

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 east and south and provides an office look to the residential uses to the north. It also includes elements such as two-story glass at primary corner locations for all buildings and concentrates additional glazing along the more prominent Butterfield Boulevard frontage.

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.

Architectural Guidelines:

The project is also consistent with the Architectural Guidelines approved for the MHRBP. The Guidelines served as the basis for the internal architectural review by Morgan Hill Development Partners, LP – the original developers of the MHRBP. As parcels have been developed and sold off, this entity no longer exists. The intent of the Guidelines was that they would be complementary to City of Morgan Hill regulations and that conflicts be avoided. The Development Plan for the MHRBP allowed the City code to take precedence over some guidelines, such as parking.

Architectural Guidelines Section	**Consistency Status**
1. Site Planning	
Grading & drainage	Consistent with Guidelines
Setbacks	Consistent with Guidelines
Parking	Consistent with City Code
2. Landscape Planning	Consistent with Guidelines
3. Sign and Lighting Plan	Lighting consistent with Guidelines Signage under separate application
4. Architectural Style	Consistent with Guidelines and Design Review Handbook
5. Fencing	No fencing proposed
6. Utilities	Consistent with Guidelines
7. Mechanical Equipment	Consistent with Guidelines
8. Storage and Loading Areas	Consistent with Guidelines
9. Refuse Collection Areas	Consistent with Guidelines

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

The proposal is consistent with all provisions in the Zoning Code and the MHRBP Planned Development as demonstrated in the consistency tables provided below.

<u>Height and Lot Coverages</u>

	Required	Building 1	Building 2	Building 3	Building 4	Building 5

Max Height	50 feet	44.5	44.5	39	45.5	40.5
Max Lot Coverage	40%*, 50%	39.4%	38.2%	34.4%	39.7%	40%

Setbacks

	Required	Building 1	Building 2	Building 3	Building 4	Building 5
Front	30	96.25	96.75	40	50	50
Rear	0	90	38	90	71.9	72
Street Side	Sum of 30	84.25	104.75	40	90.33	63
Internal Side		37	37	100	70	70

Parking

	Square footage & Required Ratio	Building 1	Building 2	Building 3	Building 4	Building 5
Office	Sq Ft	8,000	8,000	4,000	4,000	6,000
	1/300	27	27	13	13	20
Warehouse	Sq Ft	8,000	22,000	32,000	45,000	25000
	1/1000	8	22	32	45	25
Manufacturing	Sq Ft	69,456	52,446	44,156	42,738	39,280
	1/500	139	105	88	85	79
TOTAL	**Spaces**	**174**	**154**	**134**	**144**	**124**
Bike Pkg - Long Term	1/20 spaces	9	8	7	8	7
Bike Pkg - Short Term	10% of spaces	18	16	14	15	13

Landscaping

	Building 1	Building 2	Building 3	Building 4	Building 5
Landscaped Setback Minimum					
Front	30	30	30	30	30
Side	10	10	30	30	30
Rear	20	20	20	20	20
Pkg Lot Trees *Required*	35	31	27	29	25
Pkg Lot Trees Provided	36	32	33	34	28
Pkg Lot Landscaping *Required (Sq Ft)*	13,614	11,785	10,645	7,995	6,655
Pkg Lot Landscaping Provided (Sq. Ft)	14,574	12,337	11,155	9,323	7,308

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.

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

The City has prepared and certified an EIR and has imposed mitigation measures as conditions of approval prior to the execution of this Agreement. 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 approved Development Agreement for the Butterfield Technology Center (Effective Date: July 21, 2017). The project enhances road circulation by completing the extension of Sutter Road. 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 Butterfield Boulevard frontage. 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 real 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 buildings in the MHRBP.

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, mullion design and canopies contribute to the visual interest of the building.

9. **Materials.** The building facades include a mix of materials including glass, 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 the parking on the perimeter of the building 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, screen planting, boulder accents and shrubs that will enhance the surrounding area and are appropriate to the site.

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

13. **Signs.** The proposed address signage is appropriate and compatible with the project design and surrounding context. 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.

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. California Environmental Quality Act (CEQA):

An Environmental Impact Report (EIR) was approved by the City on March 18, 1981 for the MHRBP Planned Unit Development (PUD). In addition, a subsequent Initial Study was prepared, and Mitigated Negative Declaration (MND) adopted by the City allowing an amendment to the PUD on April 5, 2000.

Consistent with CEQA Guidelines Section 15183, the Development Agreement provides that the City shall not undertake additional environmental review under CEQA unless required to do so by CEQA. CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

This project is located within the Morgan Hill Ranch Business Park PUD and is consistent with the development projections analyzed in the EIR for the project site. The Project also is designed to be consistent with the development standards in the General Plan and Zoning Code. No further environmental assessment is required. The project shall comply with the mitigation measures of the Morgan Hill Ranch Business Park PUD EIR and the MND on file in the Community Development Department.

In 2014-2015, an EIR was prepared and certified for an adjacent residential project (GPA 14-04 mentioned above). That project is unrelated to the current design review application.

CONCLUSION:

The project has been found to be consistent with the General Plan, Zoning Code, MHRBP Planned Development, MHRBP Architectural Guidelines and the City Design Review Handbook. Staff recommends that the Planning Commission approve the Design Permit 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 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 pursuant to the Planning Division requirements. Residents on the Planning Commission notify me email list were notified of the proposed project on Friday, November 27, 2020 and included in the 411 Newsletter.

LINKS/ATTACHMENTS:

1. Resolution
2. Approved Industrial Development Agreement for Butterfield Technology Center - July 21, 2017 (Weblink)
3. Elevations - Building 1 (Weblink)
4. Elevations - Building 2 (Weblink)
5. Elevations - Building 3 (Weblink)

6. Elevations - Building 4 (Weblink)
7. Elevations - Building 5 (Weblink)
8. Materials Board
9. Architectural and Site Plans (Weblink)
10. Landscape Plans (Weblink)
11. 03 Staff Presentation

RESOLUTION NO. 20-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A DESIGN PERMIT TO ALLOW FOR THE CONSTRUCTION OF THE BUTTERFIELD TECHNOLOGY PARK - A FIVE BUILDING INDUSTRIAL PARK LOCATED BETWEEN BUTTERFIELD BOULEVARD, DIGITAL DRIVE, MONTEREY ROAD AND SUTTER ROAD WITHIN THE MORGAN HILL RANCH BUSINESS PARK. (APNS 726-25-046, -047, -059, AND -068 THROUGH -073)

WHEREAS, the developer Trammell Crow applied for a Design Permit in compliance with the Butterfield Technology Center Development Agreement to construct an industrial park containing five (5) industrial buildings ranging in size from 70,000 to 92,000 square feet. (SR2020-0018 through -022: Butterfield – Trammell Crow); and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process; and

WHEREAS, an Environmental Impact Report (EIR) was approved by the City on March 18, 1981 for the MHRBP Planned Unit Development (PUD). In addition, a subsequent Initial Study was prepared, and Mitigated Negative Declaration (MND) adopted by the City allowing an amendment to the PUD on April 5, 2000; and

WHEREAS, consistent with CEQA Guidelines Section 15183, the Development Agreement provides that the City shall not undertake additional environmental review under CEQA unless required to do so by CEQA. ; and

WHEREAS, this project is located within the Morgan Hill Ranch Business Park PUD and is consistent with the development projections analyzed in the EIR for the project site. The Project also is designed to be consistent with the development standards in the General Plan and Zoning Code. No further environmental assessment is required.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The project is consistent with the Morgan Hill Ranch Business Park Planned Development, the approved Butterfield Technology Center Development Agreement, Zoning Ordinance, and General Plan.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

SECTION 2. The Design Review has been found consistent with the criteria for Design Review permit approval contained in Section 18.108.040 of the Morgan Hill Municipal Code. The proposed project is in compliance with all applicable design standards and guidelines contained in the Design Review Handbook.

SECTION3. The Planning Commission approves SR2020-0018 through -0022: Butterfield – Trammell Crow. The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "A". Minor deviations to the site review permit may be approved by the Community Development Director when consistent with the overall intent of the project.

SECTION 4. 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 use 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, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) 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. This right to protest does not apply to voluntary Residential Development Control System fees.

PASSED AND ADOPTED THIS 8 DAY OF DECEMBER 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

ATTEST:

_____
JENNA LUNA, Deputy City Clerk

APPROVED:

_____
MOHAMMAD HABIB, Chair

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

EXHIBIT "A" STANDARD CONDITIONS

APPLICATION NO: SR2020-0018 through -0022

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

This project proposes approximately 410,000 square feet of flexible industrial/commercial space spread across 5 separate concrete tilt-up buildings on five separate lots. As required by the Development Agreement, this project requires Design Review. No other approvals are required at this time. The Community Development Director has elevated this project to the Planning Commission for consideration. All five buildings are designed to be divisible into up to 2 tenant spaces with a maximum height of 45.6 feet.

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

A. Butterfield Technology Center Development Agreement (Effective Date: July 21, 2017).

II. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set dated October 26, 2020 on file (File Number SR2020-0018 through -0022: Butterfield – Trammell Crow) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Review plans as determined by the Development Services Director. These documents show the location and dimensions of all buildings and elevations with colors and materials, amenities and square footage for all common areas, and vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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 incorporated herein.

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. T**erm:** The Design Review approval granted pursuant to this Resolution shall remain in effect for two years to December 8, 2022. Failure to obtain building permits within this term shall result in termination of approval unless an

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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 Design Permit SR2020-0018 through -0022: Butterfield – Trammell Crow 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. 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 as detailed in engineering conditions within this document.

6. Adequate bicycle trails and amenities (e.g. bike racks, bike fix-it station) and pedestrian connections throughout the site, including connections to the existing Jarvis neighborhood and neighboring industrial uses, and a detached sidewalk along the Butterfield Boulevard frontage.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

7. To the extent acceptable to end users, implement good faith Transportation Demand Management Plan measures to promote alternate means of transportation and reduce single occupancy vehicle trips to and from the Project.

8. Work cooperatively with the City and Valley Transportation Authority ("VTA") to establish a bus stop on Butterfield Boulevard adjacent to the Property, if acceptable to VTA and warranted by demand.

B. **Pedestrian Access**: The Project shall provide pedestrian walkways in compliance with ADA requirements and with Section 18.72.060.H of the Morgan Hill Municipal Code, which states the following:

1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.

2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Development Services Director.

C. **Bicycle parking**. The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 of the Morgan Hill Municipal Code:

1. **Short-Term/Class II Bicycle Parking Standards**. Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.

2. **Long-Term Bicycle Parking Standards**. The following standards apply to long-term bicycle parking:
   a. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
   b. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
      i. In a locked room or area enclosed by a fence with a locked gate;
      ii. Within view or within one hundred feet of an attendant or security guard;
      iii. In an area that is monitored by a security camera; or iv. Visible from employee work areas.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

3. **Parking Space Dimensions**.
   a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
   b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
   c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
   d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

4. **Rack Design**. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.

5. **Cover**. Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

The location of all bicycle parking spaces shall be identified prior to issuance of a building permit.

D. **Electric Vehicle Charging Stations**: The Project shall provide electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code. The project is required to provide two charging stations, plus one for each additional fifty parking spaces. The developer shall provide location of each charging station prior to issuance of building permit.

E. **Prohibition of Natural Gas Infrastructure in New Buildings.** In accordance with Chapter 15.63 of the Municipal Code, future tenants will be required to demonstrate the need for gas service for manufacturing and other business uses. Natural gas shall not be used for heating and cooling of 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

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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 facia 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)**

PARKING, VEHICULAR ACCESS AND LANDSCAPING

A. **Parking Lot Landscaping:** All landscaping within parking lots shall comply with the requirements of Chapter 18.72 (Landscaping) in addition to the standards within this section.

1. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 18.72-6. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

2. **Shade Trees**.
   a. One shade tree shall be provided for every five parking spaces in a parking lot.
   b. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
   c. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.
   d. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21. The arrangement should approximate nearly fifty percent shade coverage.

3. **Concrete Curbs**.
   a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of six inches high by four inches deep.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

b. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

4. **Parking Space Landscaping**. A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

5. **Timing**. Adjacent parking lot 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.

6. **Green Parking Exemptions**. Parking lots that incorporate solar panels, bioswales, and other similar green features not otherwise required by post construction stormwater requirements are eligible for reduced parking lot landscaping requirements with the approval of a conditional use permit.

7. **Exterior Parking Lot Lighting:** For projects with more than six parking spaces, detailed lighting information is provided in compliance with Section 18.72.060.G of the Morgan Hill Municipal Code. Lights shall use cut-off shields and be downward directed.

B. **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.

C. **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)**

D. **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.

E. **Water Conserving Landscaping Ordinance:** The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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)**

SIGNS

A. **Separate Application Required for Sign Approval:** Signs proposed for this development shall be designed in conformance with the Sign Ordinance 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.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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).

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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

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

1. If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

2. 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, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

3. 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 or discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).

4. 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.

5. 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)

6. 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.

7. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)

8. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.

9. 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

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.

10. 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.

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 Resolution with Conditions**: Submit two (2) signed copies of the resolution with conditions to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

I. PROJECT SPECIFIC

A. **General:**

1. The developer has submitted separate Certificates of Compliance Lot Line Adjustment/Lot Merger applications and these applications are currently under City review. The Certificates of Compliance Lot Line Adjustment/Lot Merger shall be approved and recorded prior to building permit issuance.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

2. The project site is located within the Morgan Hill Reassessment District (RAD2015-1). The developer shall file an application for assessment district reapportionment right after recordation of the Certificates of Compliance Lot Line Adjustment/Lot Merger and no later than building permit issuance.
3. The Impact Fees due for this project shall be based on the fee schedule identified in the Butterfield Technology Center Development Agreement or any subsequent amendment.
4. Prior to building permit issuance, the project is required to reimburse the City for the cost of the Butterfield Boulevard right-of-way at $3,345 per acre.
5. At building permit stage, show the proposed grades in front of Buildings 4 and 5.

B. **Easements:**
1. The existing 60’ Public Service Easement (PSE) on the project site, next to the railroad right-of-way and continues south to other parcels, is an easement for a "Storm Channel and Pipe” with an existing 18” diameter storm pipe underneath and the easement designed as an overflow area. The project is proposing a drive aisle and private utilities within the existing 60’ PSE and behind the new Buildings 4 & 5. At building permit stage, the project shall provide a technical memo/report, calculations, and details to demonstrate how it will mitigate the replacement of the existing overflow area with the proposed surface improvements and associated grading.
2. On the Site Plan (Sheet C-01), Public Service Easements (PSEs) are shown within the drive aisles of each of the five lots. Prior to Building Final, submit for Land Development Engineering's review the plat and legal description of the PSEs, prepared by a licensed professional land surveyor or engineer. The PSEs shall be recorded prior to Building Final.

C. **Stormwater Management:** The 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.
1. The Final Post-Construction Stormwater Control Plan shall be reviewed and approved at building permit stage.
2. Prior to Building Final, submit a signed certification (with signature, date & license number/seal), from the civil engineer responsible for preparing the Stormwater Control Plan/Report, that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified 3rd Party Stormwater Inspector hired by the Permittee/Owner) and have been constructed in accordance with the approved plans and specifications.
3. Properly Design Loading/Unloading Dock Areas: Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

a. Design drainage to minimize run-on and runoff of stormwater.
b. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

4. The outdoor trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:
   a. Roof Required: Trash enclosure area shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.
   b. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
   c. Doors: Trash enclosure shall have door(s) which can be secured when closed.
   d. 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.
   e. 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.

D. **Street Trees:**
1. At building permit stage, revise the Landscape Plans to show all proposed street trees located within the park strip of the public street frontages.
2. Street tree species and tree spacing shall be based on the City's Master Street Tree Plan.

E. **Street Improvements/Utilities:**
1. At building permit stage, update Cross-Section B on Site Cross-Sections (Sheet C-05) to show an existing detached sidewalk along Digital Drive instead of an attached sidewalk.
2. The sanitary sewer test manhole for each of the five lots shall be located within the private property and shall be accessible to the Pretreatment Inspector.
3. Water service configurations, water lateral, meter and backflow preventer locations shall be reviewed at building permit stage and will be subject to City Engineer approval.
4. Any unused existing water services and existing sewer laterals shall be abandoned at the public main.
5. A CIP project to expand the existing City Regional Detention Basin, located northwesterly of Building 4, is currently in design phase. The developer shall coordinate the timing of construction of the project's proposed outfall to the detention basin with the CIP project.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

ENGINEERING STANDARD CONDITIONS

II. GENERAL

A. 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. 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)**

C. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.

D. If required, enter into an Improvement Agreement with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**

E. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. **(MHMC 17.20.350 H)**

F. **Impact Fee Increase:** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

II. STREET IMPROVEMENTS

A. **Public and Private Streets**: The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

B. **Installation and Dedication of Streets**: The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**

III. SANITARY SEWER SYSTEM

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

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

IV. STORM DRAIN SYSTEM

A. **Storm Drainage Study**: A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B;17.32.090; CMH Design Standards and Standard Details for Construction)**

B. **Storm Drainage Design**: The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**

C. **Storm Drainage Capacity**: Collection system shall be designed to be capable of handling a 10-year storm without local flooding. 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,

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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. **Tree Protection:** BMP Tree protection shall be part of the SWPPP inspections.

F. **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).**

G. **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)** or as determined by the City prior to construction.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Public Works Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Public Works). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Public Works (public right-of-way issues) inspectors, respectively.
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 address immediately.
8. Other non-compliance issues need to be addressed within a 24-hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow-up inspection.
10. BMPs maintenance/inspections shall include tree protection if applicable.

V. WATER SYSTEM

A. **Water well abandonment**: Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with SCVWD standards.

B. **Water Meters:** Provide separate water services and meters for each lot. These are to be installed by the developer. **(MHMC 17.32.020 D)**

VI. OTHER CONDITIONS

A. **Easement Dedications**: The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**

B. **Landscaping and Irrigation Systems**: Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the property owner or designated maintenance entity.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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

VII. NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

A. **Stormwater Management Guidance Manual for Low Impact Development State Water Resources Control Board 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 through the Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and 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. **Provide Storm Drain System Stenciling and Signage** - Storm drain stencils are highly visible source controls that are typically placed directly adjacent to

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: “NO DUMPING – DRAINS TO CREEK”) and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.

D. **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.

E. **Stormwater Runoff Management Plan (SWRMP) required -** 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.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

F. **Stormwater BMP operation, maintenance, and replacement responsibility**
   1. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the city.
   2. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
   3. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

G. **Stormwater BMP Operation and Maintenance Agreement (SWBOMA) required:** Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the lots shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Land Development Engineering).

H. **Stormwater BMP Inspection Responsibility**
   1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **Registered Civil Engineer (RCE)**.
   2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
      a. Site address;
      b. Date and time of inspection;
      c. Name of the person conducting the inspection;
      d. List of stormwater facilities inspected;
      e. Condition of each stormwater facility inspected;
      f. Description of any needed maintenance or repairs; and
      g. As applicable, the need for site re-inspection.
   3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.

I. **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

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

operation and maintenance agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.

Annual Certification of SWRMP – On or before September 30th of each year a Registered Civil Engineer (RCE) shall provide written certification that the development's stormwater quality design standards are properly maintained and functioning as required by the SWRMP

BUILDING DIVISION

A. **California Code of Regulations:** Project shall be designed to comply with the most current California Code of Regulations as amended by Morgan Hill Municipal Code Title 15. Building Permit applications submitted after January 1, 2020 shall be designed to comply with the 2019 California Codes of Regulations.

B. **Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:

1. MHMC 15.65 Sustainable Building Regulations.
2. MHMC 18.72.040 C. Electric Vehicle Charging.
   When Required. Electric vehicle charging stations shall be provided:
   - For new structures or uses required to provide at least twenty-five parking spaces; and
   - Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.

   Number of Charging Stations. The number of required charging stations shall be as follows:
   - Twenty-five to forty-nine parking spaces: One charging station.
   - Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.
3. MHMC 15.40 Building Security
4. MHMC 15.38 Wage Theft Preventions

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.

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

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

Attachment: Resolution [Revision 5] (2946 : Butterfield - Trammell Crow)

1 SHERWIN WILLIAMS 7005
PURE WHITE

2 SHERWIN WILLIAMS 6540
STARRY NIGHT

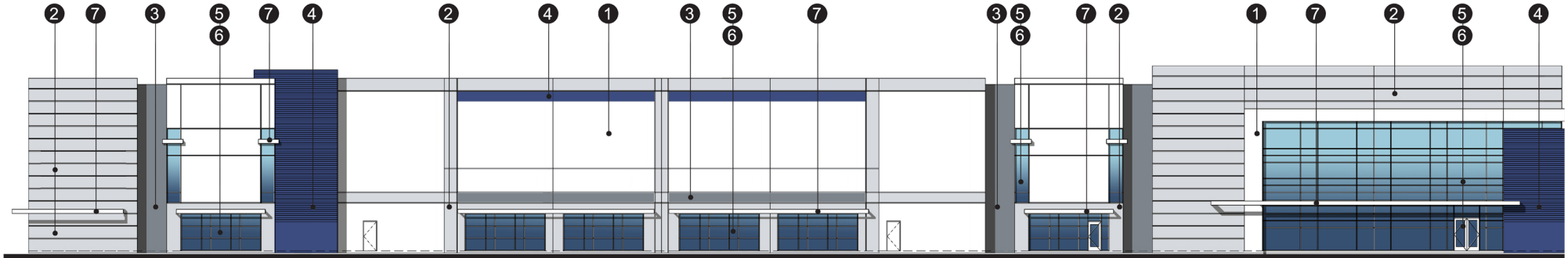
3 SHERWIN WILLIAMS 6256
SERIOUS GRAY

4 SHERWIN WILLIAMS 6971
MORNING GLORY

5 CLEAR AMPDOZED
MULLIONS

6 VITROGLAZING
BLUE REFLECTIVE
GLAZING
INSULATED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4" SOLARBAN
60 CLEAR
SPANDREL GLASS
1/4" VISTACOOL PACIFICA WITH WARM GRAY
OPACICOAT PAINTED ON REFLECTIVE

7 EXTRA WHITE
@CANOPY STEEL TUBE



ENLARGED VIEW OF BLDG. A EAST ELEVATION

Attachment: Materials Board (2946 : Butterfield - Trammell Crow)

HPA architecture

BUTTERFIELD TECH PARK - BLDG 1

Morgan Hill, CA

TC BUTTERFIELD VENTURE, LLC

CITY OF MORGAN HILL

SR2020-0018 through -0022
Butterfield – Trammell Crow

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

December

Project Site and Location

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Project History

- 2001 - Development Agreement with Morgan Hill Development Partners - expired
- 2014-2015 - MWest filed an application to convert a 19.5-acre portion of the industrial park to residential use.
- Masterplan for the entire 60 acres, including a park and industrial park developed as part of residential conversion application.
- 2015 - General Plan and Zoning amendment for residential portion approved
- 2016 - Owner requested new Development Agreement for residential and industrial portions of site

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Project History

- 2016 - Preliminary Plan Reviews with PC and City Council
- 2016-2017 - Separate Development Agreements prepared for residential and industrial portions of site.
- 2017 - Residential and Industrial Development Agreements approved.
- Industrial Development Agreement approved up to 600,000 gross square feet of new industrial development.
- Requires the City to prioritize and expedite processing of applications.
- 2019 - MWest sold project to Braddock and Logan
- 2020 - Braddock and Logan sold portion of industrial piece to Trammell Crow

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Project Request

Design Permit:

- ~ 410,000 square feet of flexible industrial/commercial space
- Five separate lots
- Single concrete tilt-up building on each lot
- Each building is demisable for two separate tenants

Project is designed to meet all relevant design requirements and development standards. No other permits are required at this time.

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Design Permit Process

- High quality design consistent with the General Plan and other plans adopted by the City Council
- Development compatible with surroundings and minimize impacts on neighboring properties
- Does not consider or permit the use of a building – it considers the design of the building and the site the building is located upon
- If a future use is permitted by right - Business Licensing and possibly Zoning Clearance process
- If a future use is conditional - Conditional Use Permit

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Site Plan

Buildings

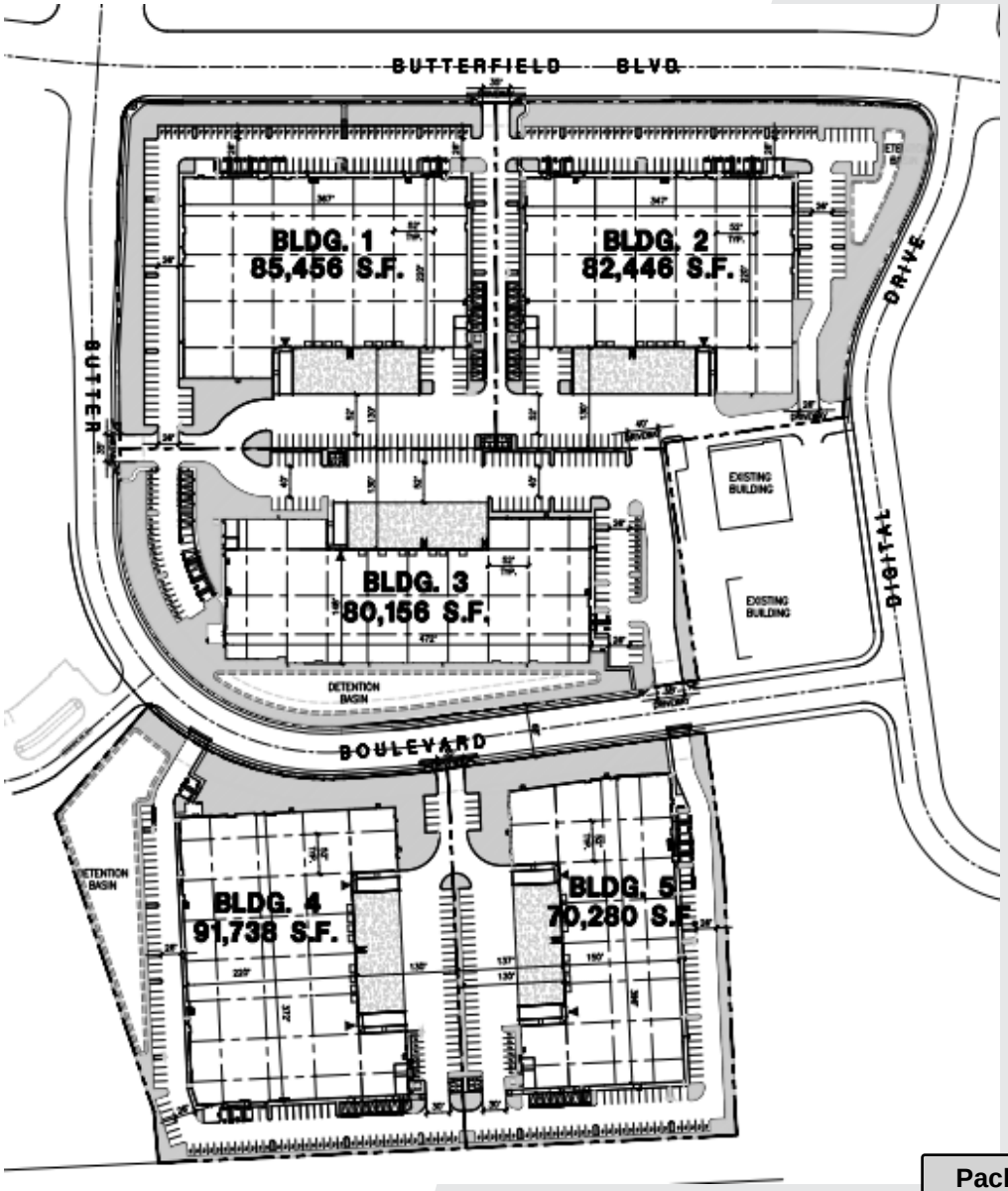
1 - 85,456 sq. ft.

2 - 82,446 sq. ft.

3 - 80,156 sq. ft.

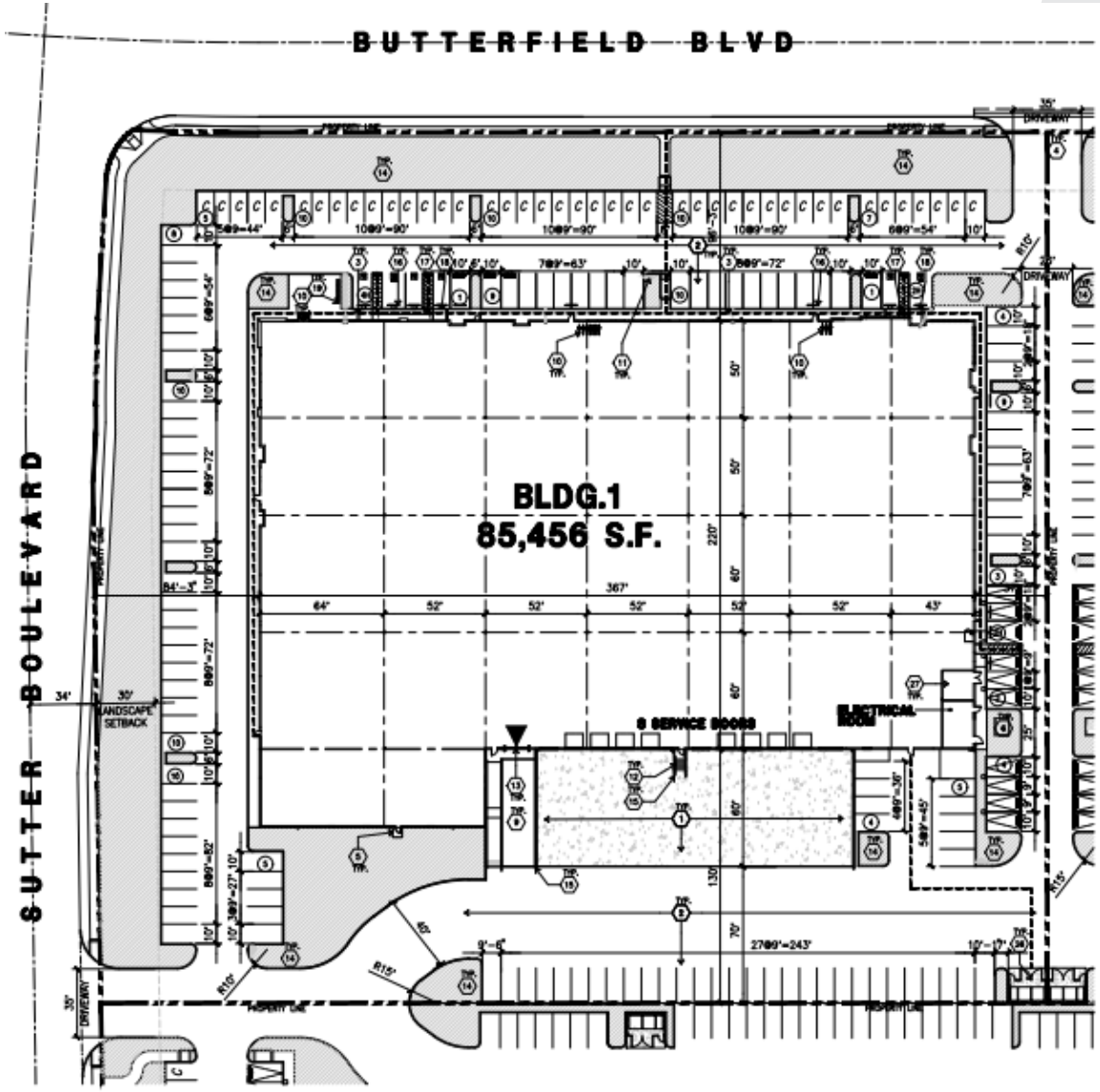
4 - 91,738 sq. ft.

5 - 70,280 sq. ft.



Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 1



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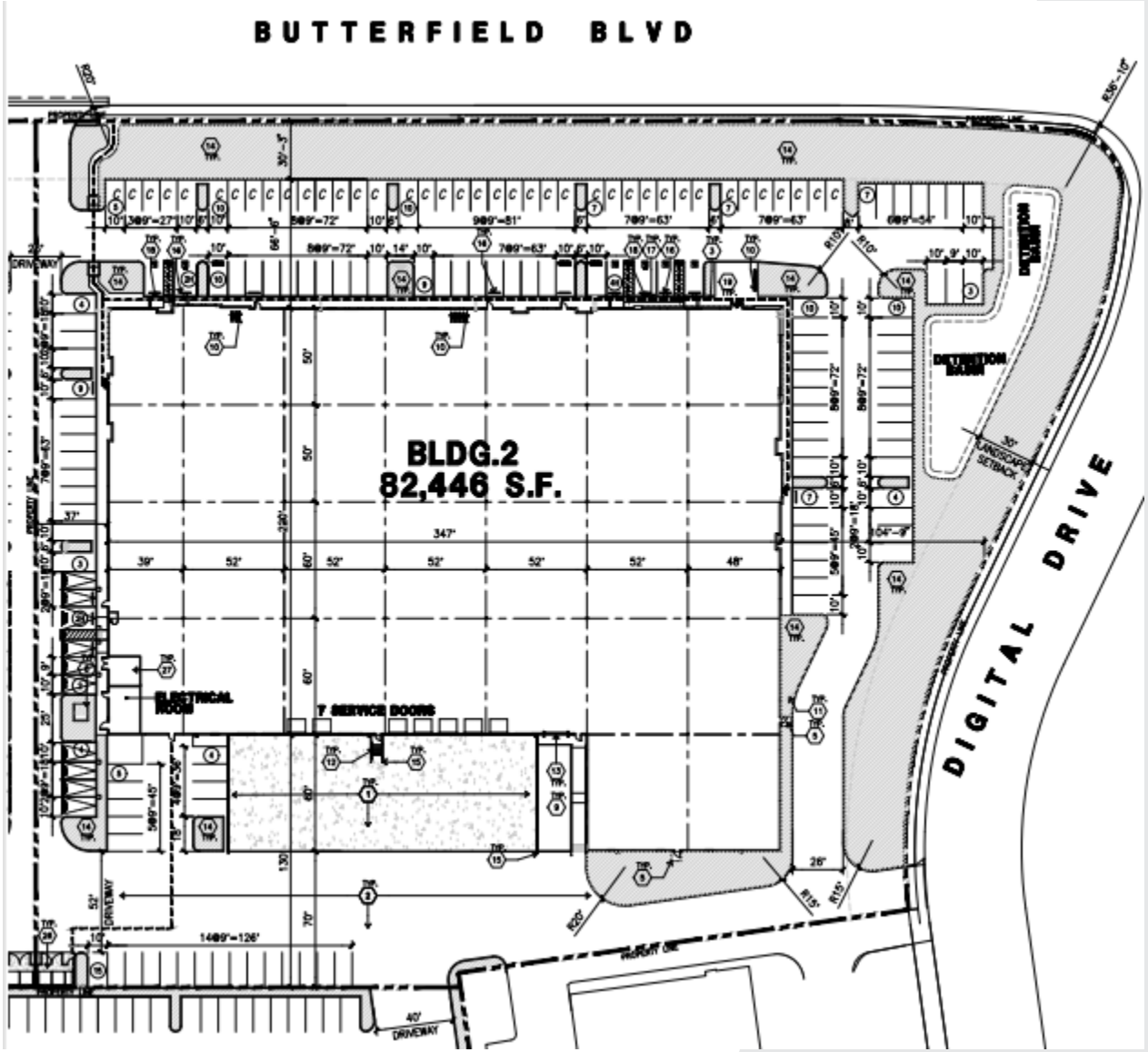
Building 1

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 2

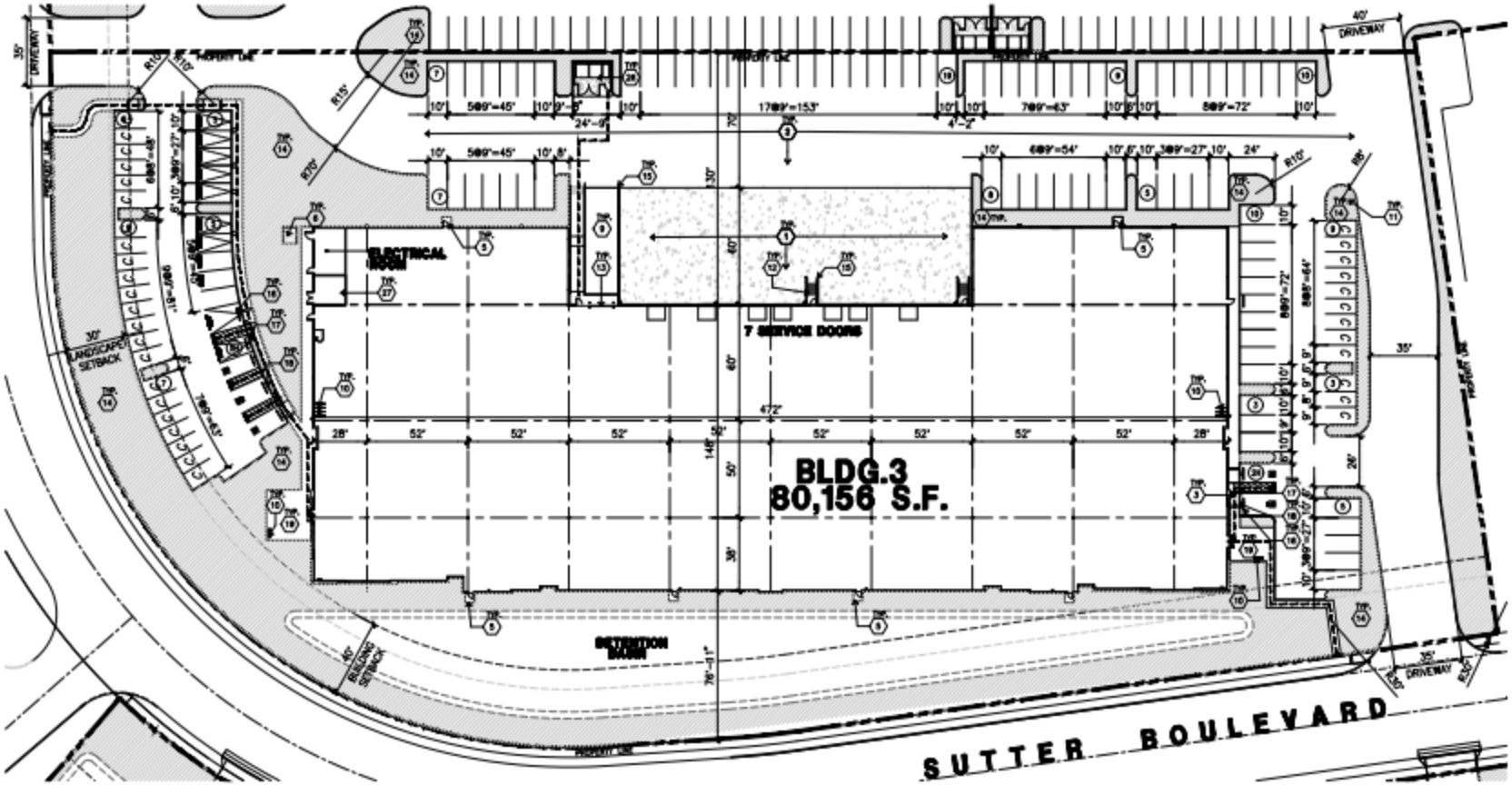


Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 2

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 3



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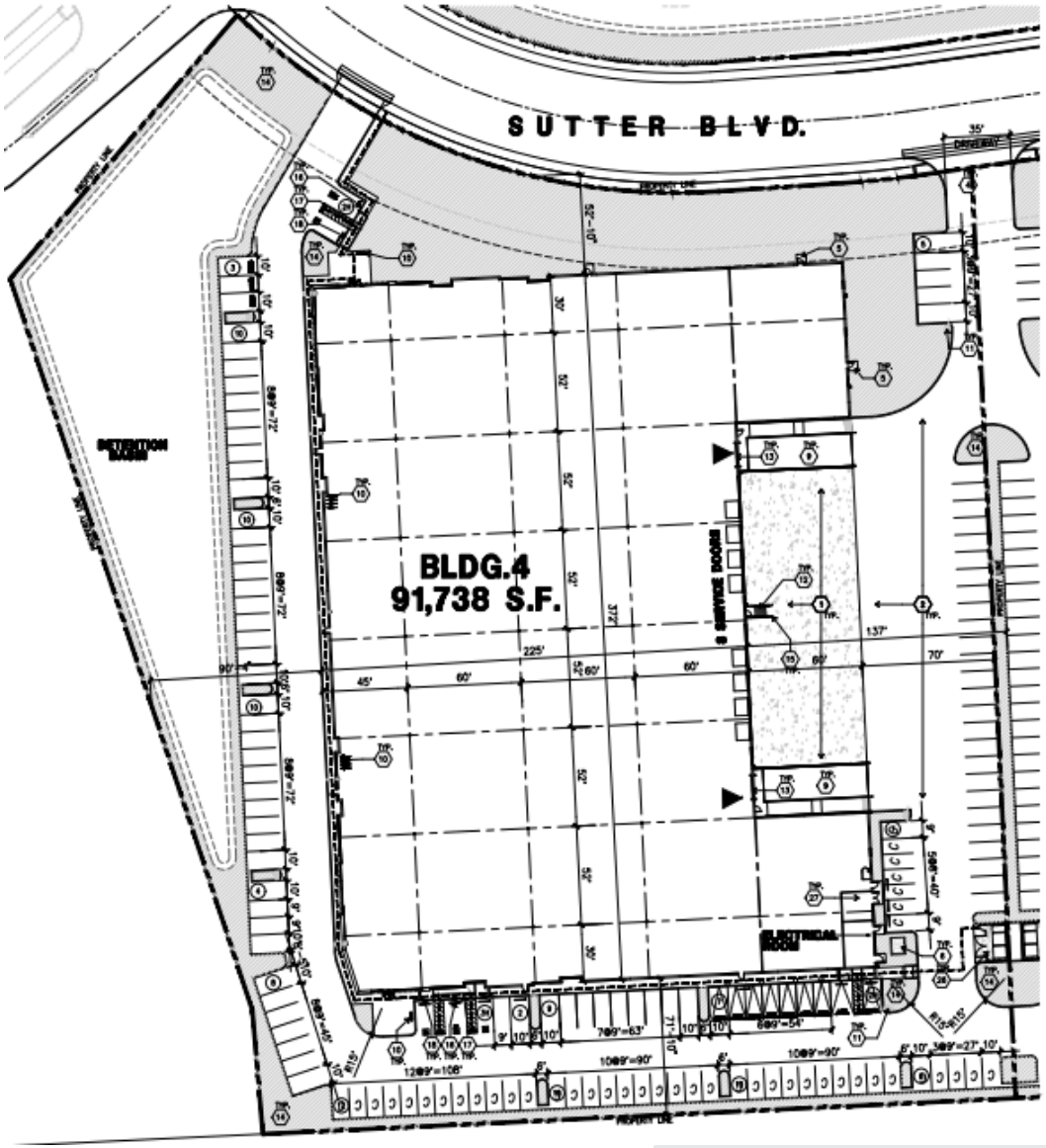
Building 3

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 4



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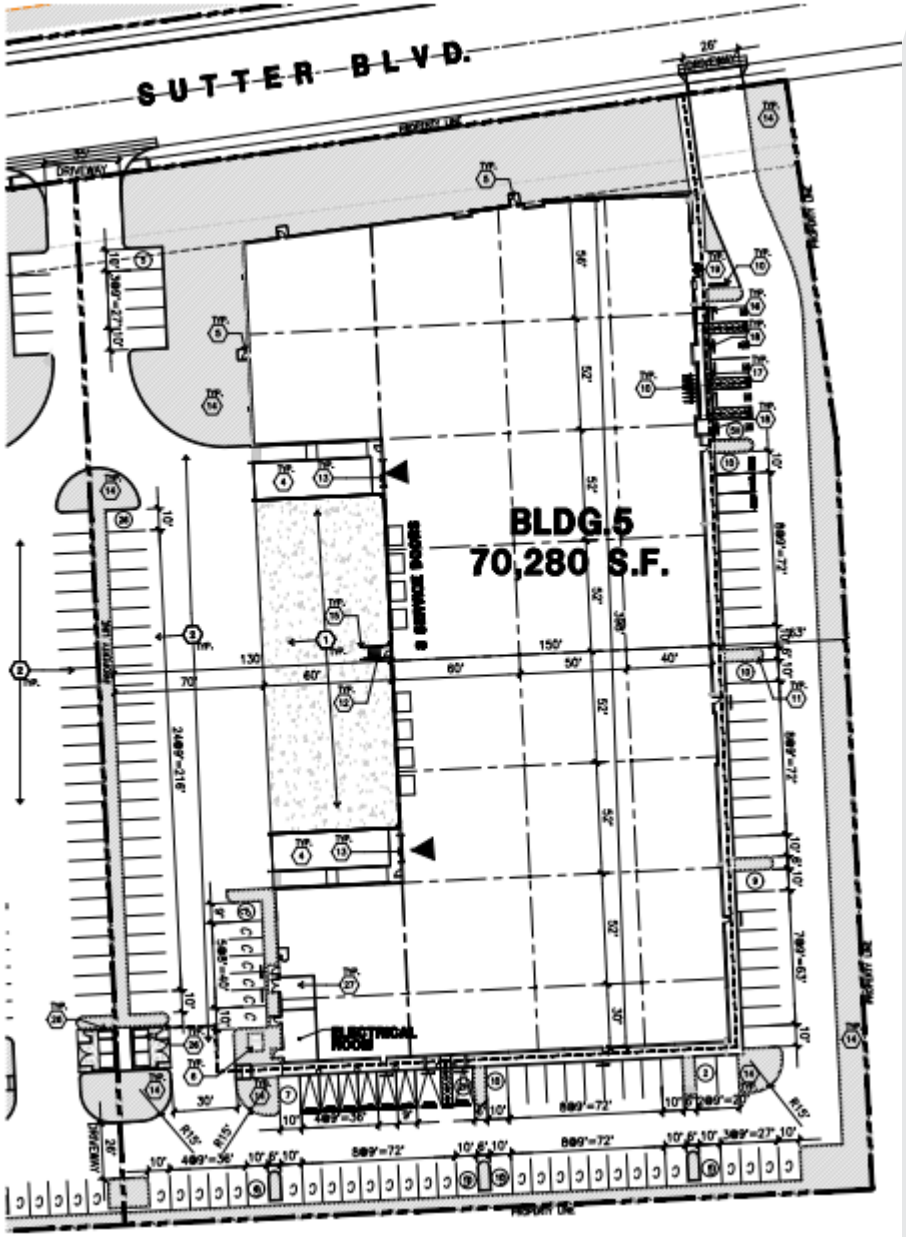
Building 4

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 5



CITY OF MORGAN HILL

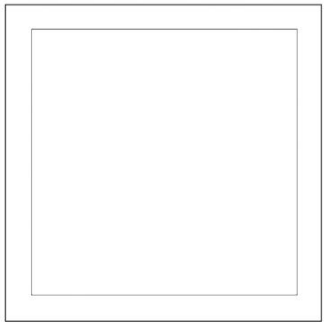
Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

Building 5

Attachment: 03 Staff Presentation [Revision 1] (2946 : Butterfield - Trammell Crow)

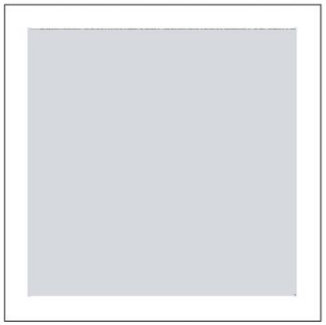
Colors and Materials

1



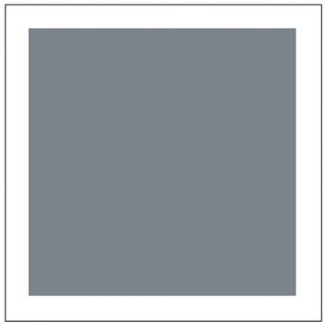
SHERWIN WILLIAMS 7005
PURE WHITE

2



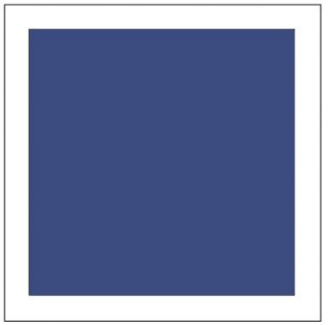
SHERWIN WILLIAMS 6540
STARRY NIGHT

3



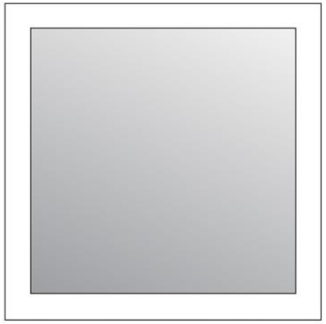
SHERWIN WILLIAMS 6256
SERIOUS GRAY

4



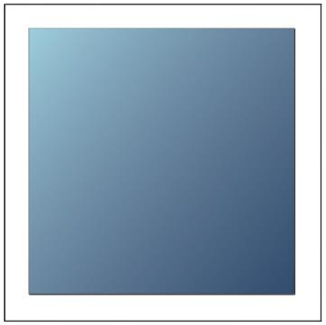
SHERWIN WILLIAMS 6971
MORNING GLORY

5



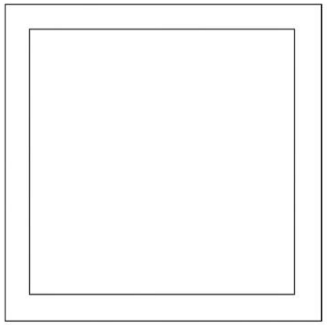
CLEAR AMPDOZED
MULLIONS

6



VITROGLAZING
BLUE REFLECTIVE
GLAZING
INSUALTED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4" SOLARBAN
60 CLEAR
SPANDREL GLASS
1/4" VISTACOOL PACIFICA WITH WARM GRAY
OPACICOAT PAINTED ON REFLECTIVE

7



EXTRA WHITE
@CANOPY STEEL TUBE

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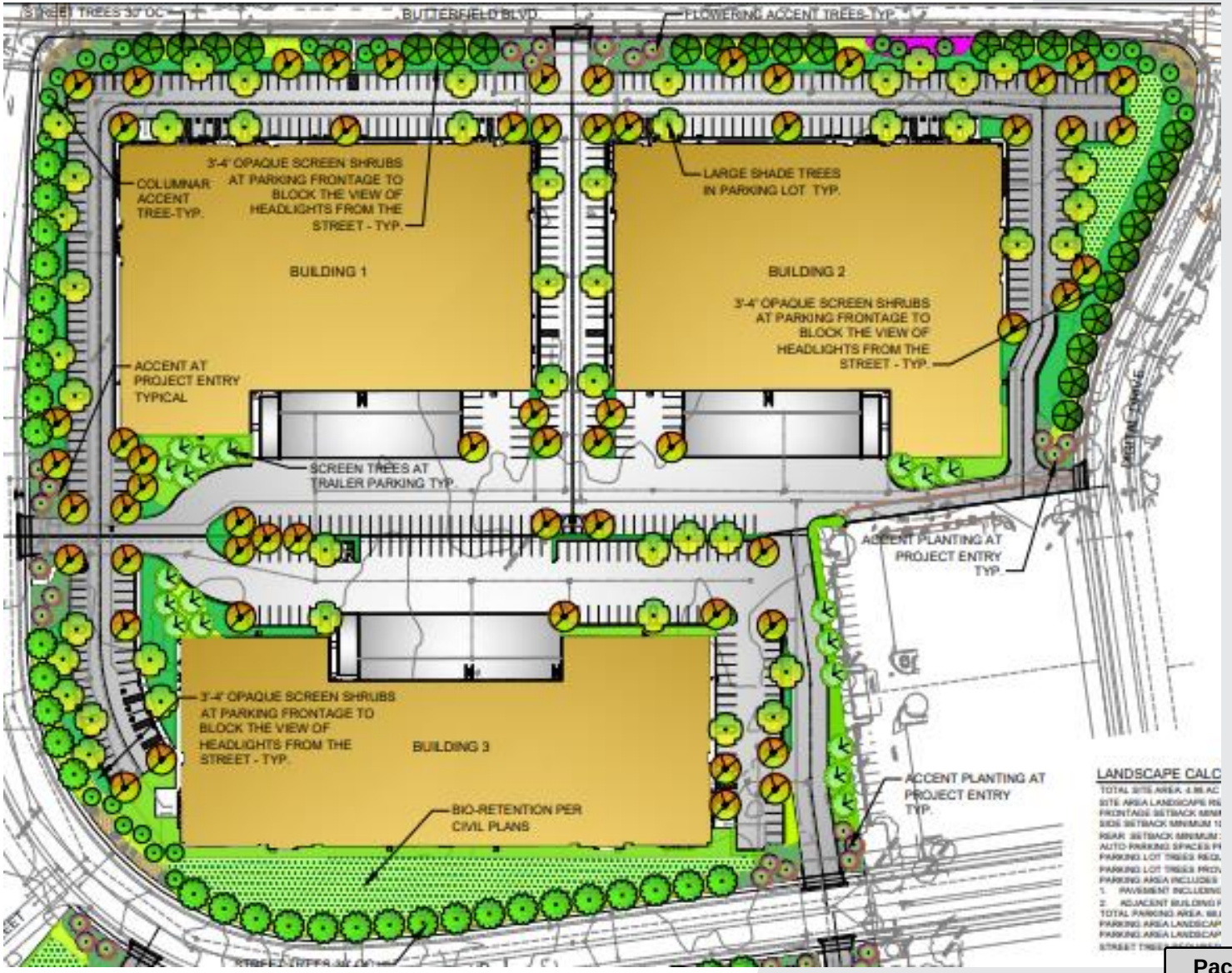
Landscaping



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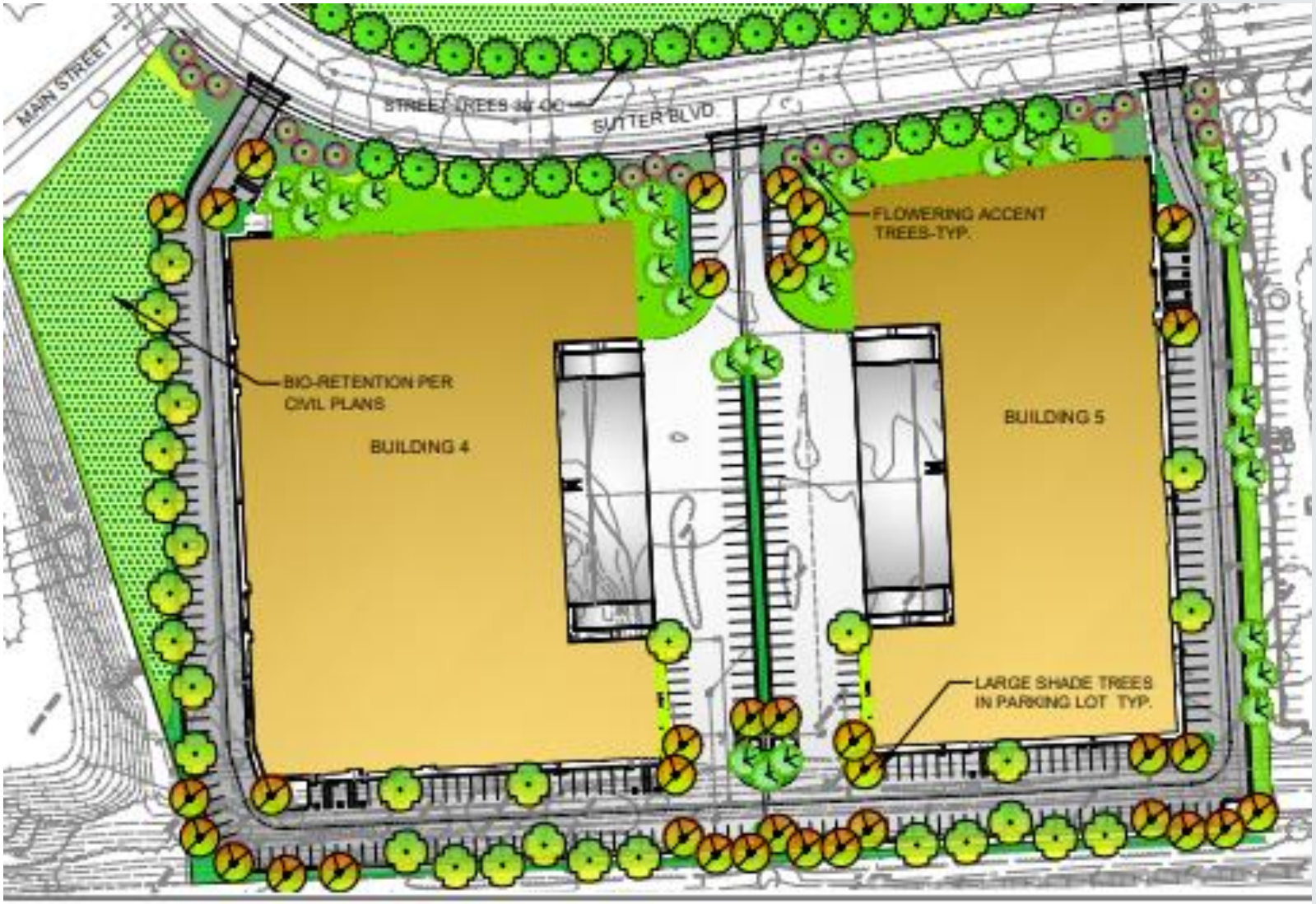
Landscaping – Buildings 4 & 5



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Project Consistency

Proposed project is consistent with:

- General Plan
- Approved Development Agreement
- MHRBP Planned Development District
- Municipal Code Light Industrial (IL) zone development standards
- Design Review Criteria
- MHRBP Architectural Guidelines
- City Design Review Handbook

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Community Engagement

- Newspaper
- 600-foot notification
- Project webpage
- Sign posted at the property
- Weekly 411
- Notification e-blast

No comments have been received on the proposed project as of 12/7

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Design Permit Findings

1. 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.
2. The proposed project complies with all applicable provisions of the zoning code and municipal code.
3. The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.
4. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
6. The proposed project complies with all applicable design review criteria in Subsection H above.

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Recommendation

Adopt a resolution approving:

- Design Review Permit with conditions of approval

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Questions?

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