



Morgan Hill 2035 Final EIR

City of Morgan Hill





MORGAN HILL 2035 FINAL EIR
CITY OF MORGAN HILL

MAY 31, 2016

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1. Introduction

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This document provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed update to the Morgan Hill General Plan and Residential Development Control System, or RDCS, (together referred to as the “proposed Project” or “Project”). The Draft EIR identified significant impacts associated with the proposed Project, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This Final EIR responds to comments on the Draft EIR and makes revisions to the Draft EIR as necessary in response to these comments. Revisions to the proposed General Plan and RDCS made in response to these comments are presented in a memorandum that will be considered by the Morgan Hill City Council as part of the adoption of the General Plan and RDCS. None of these revisions result in significant changes to the Project Description or findings of the Draft EIR that would trigger the need to recirculate the Draft EIR.

This document, together with the Draft EIR, will constitute the Final EIR if the City of Morgan Hill Council certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR and to clarify any errors, omissions, or misinterpretations of discussions of findings in the Draft EIR.

The Draft EIR was made available for public review on January 13, 2016 for a 60-day public review period, which ended Monday, March 14, 2016.¹ The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of

¹ Note that this is longer than the minimum required review period of 45 days.

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the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at:

- The Morgan Hill Library at 660 W Main Avenue in hard copy and CD-ROM formats
- The Morgan Hill Development Services Center at 17575 Peak Avenue in hard copy and CD-ROM formats
- The Morgan Hill 2035 Project website at <http://morganhill2035.org/>
- The City's Morgan Hill 2035 Project EIR website at <http://www.morgan-hill.ca.gov/1495/MH2035-Draft-EIR>

On February 23, 2016, a Planning Commission hearing was held to receive comments on the Draft EIR during the official public review period. The hearing was held in the Morgan Hill City Council Chambers, located at 17555 Peak Avenue in Morgan Hill, California.

Copies of all written comments received on the Draft EIR, as well as a summary of the Planning Commission hearing on the Draft EIR, are contained in Appendix A of this document.

This Final EIR will be presented at a Planning Commission hearings on June 14, 2016 and on June 28, 2016 (if needed), at which the Commission will advise the City Council on certification of the EIR as a full disclosure of potential impacts, mitigation measures, and alternatives. However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the City Council will consider the Planning Commission's recommendations on the Final EIR and the proposed General Plan and RDCS during a noticed public hearing, and will make the final action with regard to certification of the Final EIR. The City Council is currently scheduled to consider and take action on the Final EIR at a public hearings on July 27, 2016.

1.3 REPORT ORGANIZATION

This document is organized into the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the Draft EIR.
- **Chapter 3: Revisions to the Draft EIR.** Additional corrections to the text and graphics of the Draft EIR are contained in this chapter. Double-underline text represents

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language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the EIR.

- **Chapter 4: List of Commenters.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- **Chapter 5: Comments and Responses.** This chapter lists the comments received from agencies and the public on the Draft EIR, and provides responses to those comments.
- **Chapter 6: Mitigation Monitoring and Reporting Program.** This chapter lists the mitigation measures included in the Draft EIR, and identifies programs for monitoring and reporting the progress on implementing these measures.

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2. Executive Summary

This chapter presents an overview of the proposed Project, identifies areas of concern, and conclusions of the analysis contained in Chapters 4.0 through 4.15 of ~~this~~ the Draft EIR. For a complete description of the proposed Project, please see Chapter 3, Project Description, of ~~this~~ the Draft EIR. For a discussion of alternatives to the proposed Project, please see Chapter 6.0, Alternatives to the Proposed Project, of ~~this~~ the Draft EIR.

~~This~~ The Draft EIR addresses the significant environmental effects associated with implementation of the proposed Project. CEQA requires that local government agencies consider the environmental consequences of projects over which they have discretionary approval authority prior to taking action. An EIR is a public document designed to provide the public, and local and state governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

~~This~~ The Draft EIR has been prepared pursuant to the requirements of CEQA¹ (and the CEQA Guidelines²) to determine if approval of the identified discretionary actions and related subsequent development could have a significant effect on the environment (i.e., significant impact). The City of Morgan Hill, as the Lead Agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel and review of all technical subconsultant reports. Information for ~~this~~ the Draft EIR was obtained from on-site field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic).

¹ The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000-21177.

² The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

EXECUTIVE SUMMARY

2.1 ENVIRONMENTAL PROCEDURES

The six main purposes of ~~this~~ the document as established by CEQA are:

- To disclose to decision-makers and the public the significant environmental effects of proposed activities.
- To identify ways to avoid or reduce environmental damage.
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- To disclose to the public the reasons for agency approval of projects with significant environmental effects.
- To foster interagency coordination in the review of projects.
- To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a proposed Project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed Project that has the potential to result in significant adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the environmental merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed Project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts, mitigation measures and Alternatives, and must adopt a Statement of Overriding Considerations if the proposed Project would result in significant impacts that cannot be avoided.

2.1.1 REPORT ORGANIZATION

~~This~~ The Draft EIR is organized into the following chapters:

- **Chapter 1: Executive Summary.** Summarizes the environmental consequences that would result from implementation of the proposed Project, the alternatives to the proposed Project, the recommended mitigation measures, and indicates the level of significance of environmental impacts with and without mitigation.
- **Chapter 2: Introduction.** Provides an overview describing the Draft EIR document.

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- **Chapter 3: Project Description.** Describes the proposed Project in detail, including the characteristics, objectives, and the structural and technical elements of the proposed action.
- **Chapter 4: Environmental Evaluation.** Organized into 15 sub-chapters corresponding to the environmental resource categories identified in Appendix G, Environmental Checklist, of the CEQA Guidelines, this chapter provides a description of the physical environmental conditions in the City of Morgan Hill as they existed at the time the Notice of Preparation was published, from both a local and regional perspective, as well as an analysis of the potential environmental impacts of the proposed Project, and recommended mitigation measures, if required, to reduce their significance. The environmental setting, included in each sub-chapter, provides baseline physical conditions from which the Lead Agency determines the significance of environmental impacts resulting from the proposed Project. Each sub-chapter also includes a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the proposed Project; and the potential cumulative impacts associated with the proposed Project.
- **Chapter 5: Significant Unavoidable Adverse Impacts.** Identifies the direct and indirect significant effects of the proposed Project on the environment.
- **Chapter 6: Alternatives to the Proposed Project.** Organized into three sub-chapters, this chapter considers three alternatives to the proposed Project, which are the CEQA-required “No Project” Alternative, Low Growth Alternative, and Compact Development Alternative.
- **Chapter 7: CEQA Mandated Sections.** Discusses growth inducement, cumulative impacts, significant unavoidable effects, and significant irreversible changes as a result of the proposed Project. Additionally, this chapter identifies environmental issues that were determined not to require further environmental review during the scoping process pursuant to CEQA Guidelines Section 15128.
- **Chapter 8: Organizations and Persons Consulted.** Lists the people and organizations that were contacted during the preparation of this EIR for the proposed Project.
- **Appendices:** The appendices for this document (presented in PDF format on a CD attached to the back cover) contain the following supporting documents:
 - Appendix A: Notice of Preparation Comment Letters
 - Appendix B: Air Quality and Greenhouse Gas Data
 - Appendix C: Noise Data
 - Appendix D: Transportation and Traffic Data

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2.1.2 TYPE AND PURPOSE OF ~~THIS~~ THE DRAFT EIR

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

Because of the long-term planning horizon of the proposed Project and the permitting, planning, and development actions that are related both geographically and as logical parts in the chain of contemplated actions for implementation, ~~this~~ the Draft EIR has been prepared as a program EIR for the proposed Project, pursuant to Section 15168 of the CEQA Guidelines.

Once a program EIR has been certified, subsequent activities within the program must be evaluated to determine whether additional CEQA review needs to be prepared. However, if the program EIR addresses the program's effects as specifically and comprehensively as possible, subsequent activities could be found to be within the program EIR scope, and additional environmental review may not be required (CEQA Guidelines Section 15168[c]). When a program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and Alternatives developed in the program EIR into the subsequent activities (CEQA Guidelines Section 15168[c][3]). If a subsequent activity would have effects that are not within the scope of a program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR. For these subsequent environmental review documents, ~~this~~ the Program EIR will serve as the first-tier environmental analysis.

2.2 SUMMARY OF PROPOSED PROJECT

The proposed Project evaluated in ~~this~~ the Draft EIR is the adoption and implementation of the proposed General Plan and proposed Residential Development Control System (RDCS). The proposed General Plan includes land use, urban design, circulation, public services, natural resources, and safety goals, policies, and actions to guide investment and development in the Project Area over the next 20 years. The proposed RDCS would regulate population growth through the provision of residential building allotments on a yearly or bi-annual basis. The proposed Project is described in more detail in Chapter 3, Project Description.

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2.3 ALTERNATIVES TO THE PROPOSED PROJECT

~~This~~ The Draft EIR analyzes alternatives to the proposed Project that are designed to reduce the significant environmental impacts of the proposed Project and feasibly attain most of the basic objectives of the proposed Project. There is no set methodology for comparing the alternatives or determining the environmentally superior alternative under CEQA. Identification of the environmentally superior alternative involves comparing the environmental effects of the alternatives with the environmental effects of the proposed Project. The following three alternatives to the proposed Project were considered and analyzed in detail in Chapter 6, of ~~this~~ the Draft EIR.

- No Project Alternative
- Low Growth Alternative
- Compact Development Alternative

2.4 AREAS OF CONCERN

The City issued a Notice of Preparation (NOP) on February 23, 2015, and held a scoping meeting on March 12, 2015. The scoping period for ~~this~~ the EIR was between February 23 and March 25, 2015, during which interested agencies and the public could submit comments about the proposed Project. During this time, the City received two comment letters from the following agencies:

- California Department of Transportation (Caltrans)
- Santa Clara Valley Transportation Authority (VTA)

The following is a discussion of issues that are likely to be of particular concern to agencies and interested members of the public during the environmental review process. While every environmental concern applicable to the CEQA process is addressed in ~~this~~ the Draft EIR, this list is not necessarily exhaustive; rather, it attempts to capture those concerns that are likely to generate the greatest interest based on the input received during the scoping process.

- Traffic operations and trip reduction
- Water supply and service
- Statewide drought conditions
- Downtown flooding
- Future school needs
- Police and fire service calls

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2.5 SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Under CEQA, a significant effect on the environment (i.e., significant impact) is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the Project Area, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

The proposed Project has the potential to generate significant environmental impacts in a number of areas. As shown in Table 1-1, some significant impacts would be reduced to a less-than-significant level if the mitigation measures identified in ~~this~~ the Draft EIR are adopted and implemented. However, pursuant to Section 15126.2(b) of the CEQA Guidelines, which requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures, as shown in Table 1-1, significant unavoidable impacts were identified in the areas of agriculture and forestry resources; air quality; greenhouse gas emissions; noise; and transportation and traffic. For a complete summary of the significant and unavoidable impacts, please see Chapter 5.0, Significant Unavoidable Adverse Impacts, of ~~this~~ the Draft EIR. As described in detail in Chapter 7.0, the proposed Project would have no significant impact on mineral resources due to existing conditions in the City of Morgan Hill. Accordingly, this topic has not been analyzed further in ~~this~~ the Draft EIR.

Table 1-1 summarizes the conclusions of the environmental analysis contained in ~~this~~ the Draft EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.15. The table is arranged in four columns: 1) environmental impacts; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.15.

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
AESTHETICS			
AES-1: Implementation of the proposed Project would not have a substantial adverse effect on a scenic vista.	LTS/None	N/A	N/A
AES-2: Implementation of the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway.	None/None	N/A	N/A
AES-3: Implementation of the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings.	LTS/None	N/A	N/A
AES-4: Implementation of the proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	LTS/None	N/A	N/A
AES-5: Implementation of the proposed Project would not contribute to cumulative aesthetics impacts in the area.	LTS	N/A	N/A
AGRICULTURE AND FORESTRY RESOURCES			
AG-1: Implementation of the proposed Project would convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	S/LTS	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
AG-2: Implementation of the proposed Project would conflict with existing zoning for agricultural use, or a Williamson Act contract.	S/LTS	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
AG-3: Implementation of the proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).	None/None	N/A	N/A
AG-4: Implementation of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.	LTS/LTS	N/A	N/A
AG-5: Implementation of the proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.	LTS/LTS	N/A	N/A
AG-6: Implementation of the proposed Project would contribute to cumulative impacts to agriculture resources in the area.	S	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
AIR QUALITY			
AQ-1: Implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS/None	N/A	N/A
AQ-2: Implementation of the proposed General Plan would violate an air quality standard or contribute substantially to an existing or projected air quality violation.	S/None	<p>AQ-2a-1: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM₁₀ (Table 8-1, <i>Basic Construction Mitigation Measures Recommended for All Proposed Projects</i>, of the BAAQMD CEQA Guidelines).</p> <p>AQ-2a-2: Prior to issuance of construction permits <u>a planning permit</u>, development project applicants that are subject to CEQA shall prepare and submit to the City of Morgan Hill a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
		<p>the Bay Area Air Quality Management District (BAAQMD) methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Morgan Hill shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (Table 8-2, <i>Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold</i> of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g. construction management plans) submitted to the City and shall be verified by the City’s Community Development Department.</p>	
		<p>AQ-2b Prior to issuance of construction permits <u>a planning permit</u>, development project applicants that are subject to CEQA shall prepare and submit to the City of Morgan Hill a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the Bay Area Air Quality Management District’s (BAAQMD) methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD’s CEQA Guidelines, the City of Morgan Hill Community Development Department, Planning Division, shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities.</p>	SU
<p>AQ-3: Implementation of the proposed General Plan would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).</p>	S/None	<p><i>There are no additional mitigation measures available to mitigate this impact.</i></p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
AQ-4: Implementation of the proposed General Plan would expose sensitive receptors to substantial concentrations of air pollution.	S/None	<p>AQ-4a Applicants for future non-residential land uses within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of the proposed Project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Morgan Hill prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. ▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. <p>Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project.</p>	LTS
		<p>AQ-4b: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Morgan Hill within 1,000 feet of a major sources of TACs (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the a project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Morgan Hill prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
		<p>OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Air intakes located away from high volume roadways and/or truck loading zones. ▪ Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. <p>Mitigation measures identified in the HRA shall be included as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed Project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City’s Community Development Department.</p>	
AQ-5: Implementation of the proposed Project would not create or expose a substantial number of people to objectionable odors.	LTS/None	N/A	N/A
AQ-6: Implementation of the proposed General Plan would cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.	S	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
BIOLOGICAL RESOURCES			
BIO-1: Implementation of the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	LTS/None	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
BIO-2: Implementation of the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.	LTS/None	N/A	N/A
BIO-3: Implementation of the proposed Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	LTS/None	N/A	N/A
BIO-4: Implementation of the proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS/None	N/A	N/A
BIO-5: Implementation of the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS/None	N/A	N/A
BIO-6: Implementation of the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	LTS/None	N/A	N/A
BIO-7: Implementation of the proposed Project would not contribute to cumulative biological resource impacts in the area.	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
CULTURAL RESOURCES			
CULT-1: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.	LTS/LTS	N/A	N/A
CULT-2: Implementation of the proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	LTS/LTS	N/A	N/A
CULT-3: Implementation of the proposed Project would not directly or indirectly destroy a unique paleontological resource, site or unique geologic feature.	LTS/LTS	N/A	N/A
CULT-4: Implementation of the proposed Project would not disturb any human remains, including those interred outside of formal cemeteries.	LTS/LTS	N/A	N/A
CULT-5: Implementation of the proposed Project would not contribute to cumulative cultural resource impacts in the area.	LTS	N/A	N/A
GEOLOGY, SOILS, AND SEISMICITY			
GEO-1A: Implementation of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.	LTS/LTS	N/A	N/A

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
GEO-1B: Implementation of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.	LTS/LTS	N/A	N/A
GEO-1C: Implementation of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.	LTS/LTS	N/A	N/A
GEO-1D: Implementation of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related landslides.	LTS/LTS	N/A	N/A
GEO-2: Implementation of the proposed Project would not result in substantial soil erosion or the loss of topsoil.	LTS/LTS	N/A	N/A
GEO-3: Implementation of the proposed Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	LTS/LTS	N/A	N/A
GEO-4: Implementation of the proposed Project would not be located on expansive soil, as defined in Table 18-1-b of the Uniform Building Code (1994), creating substantial risks to life or property.	LTS/LTS	N/A	N/A
GEO-5: Implementation of the proposed Project would not be located on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
GEO-6: Implementation of the proposed Project would not contribute to cumulative geology and soils impacts in the area.	LTS	N/A	N/A
GREENHOUSE GAS EMISSIONS			
GHG-1: Implementation of the proposed Project would directly or indirectly generate GHG emissions that may have a significant impact on the environment.	S	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
GHG-2: Implementation of the proposed Project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.	LTS	N/A	N/A
GHG-3: Implementation of the proposed Project would contribute to cumulative GHG impacts.	S	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: Implementation of the proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS/LTS	N/A	N/A
HAZ-2: Implementation of the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LTS/LTS	N/A	N/A
HAZ-3: Implementation of the proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
HAZ-4: Implementation of the proposed Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.	LTS/LTS	N/A	N/A
HAZ-5: Implementation of the proposed Project would not result in a safety hazard for people residing or working in the project area within an airport land use plan or within 2 miles of a public airport or public use airport.	LTS/LTS	N/A	N/A
HAZ-6: Implementation of the proposed Project would not result in a safety hazard for people residing or working in the project area within the vicinity of a private airstrip.	LTS/LTS	N/A	N/A
HAZ-7: Implementation of the proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LTS/LTS	N/A	N/A
HAZ-8: Implementation of the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	LTS/LTS	N/A	N/A
HAZ-9: Implementation of the proposed Project would not contribute to cumulative hazards and hazardous materials impacts in the area.	LTS	N/A	N/A
HYDROLOGY AND WATER QUALITY			
HYDRO-1: Implementation of the proposed Project would not violate any water quality standards or waste discharge requirements.	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
HYDRO-2: Implementation of the proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.	LTS/LTS	N/A	N/A
HYDRO-3: Implementation of the proposed Project would not substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.	LTS/LTS	N/A	N/A
HYDRO-4: Implementation of the proposed Project would not substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.	LTS/LTS	N/A	N/A
HYDRO-5: Implementation of the proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	LTS/LTS	N/A	N/A
HYDRO-6: Implementation of the proposed Project would not otherwise substantially degrade water quality.	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
HYDRO-7: Implementation of the proposed Project could place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Implementation of the proposed Project could place within a 100-year flood hazard area structures which would impede or redirect flood flows.	LTS/LTS	N/A	N/A
HYDRO-8: Implementation of the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.	LTS/LTS	N/A	N/A
HYDRO-9: Implementation of the proposed Project would not expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow.	LTS/LTS	N/A	N/A
HYDRO-10: Implementation of the proposed Project would not contribute to cumulative hydrology and water quality impacts in the area.	LTS	N/A	N/A
LAND USE AND PLANNING			
LU-1: Implementation of the proposed Project would not physically divide an established community.	LTS/LTS	N/A	N/A
LU-2: Implementation of the proposed Project would not conflict with any applicable plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	LTS/LTS	N/A	N/A
LU-3: Implementation of the proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.	LTS/None	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
LU-4: Implementation of the proposed Project would not contribute to cumulative land use and planning impacts in the area.	LTS	N/A	N/A
NOISE			
NOISE-1: Implementation of the proposed Project would not result in the exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies.	LTS/LTS	N/A	N/A
NOISE-2: Implementation of the proposed Project would not expose persons to or generate excessive ground-borne vibration or ground-borne noise levels.	LTS/LTS	N/A	N/A
NOISE-3: Implementation of the proposed Project would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	SU/LTS	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
NOISE-4: Implementation of the proposed Project would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	LTS/LTS	N/A	N/A
NOISE-5: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to noise.	SU	<i>There are no additional mitigation measures available to mitigate this impact.</i>	SU
POPULATION AND HOUSING			
POP-1: Implementation of the proposed Project would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
POP-2: Implementation of the proposed Project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.	LTS/LTS	N/A	N/A
POP-3: Implementation of the proposed Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	LTS/LTS	N/A	N/A
POP-4: Implementation of the proposed Project would not contribute to cumulative population and housing impacts in the area.	LTS	N/A	N/A
PUBLIC SERVICES AND RECREATION			
PS-1: Implementation of the proposed Project would not result in the provision of or need for new or physically altered fire protection facilities, the construction or operation of which could cause significant environmental impacts.	LTS/None	N/A	N/A
PS-2: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to fire protection service.	LTS	N/A	N/A
PS-3: Implementation of the proposed Project would not result in the provision of or need for new or physically altered police protection facilities, the construction or operation of which could cause significant environmental impacts.	LTS/None	N/A	N/A
PS-4: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to police protection services.	LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
PS-5: Implementation of the proposed Project would not result in the provision of or need for new or physically altered school facilities, the construction or operation of which could cause significant environmental impacts.	LTS/None	N/A	N/A
PS-6: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to schools.	LTS	N/A	N/A
PS-7: Implementation of the proposed Project would not result in the provision of or need for new or physically altered library facilities, the construction or operation of which could cause significant environmental impacts.	LTS/None	N/A	N/A
PS-8: Implementation of the proposed Project would not contribute to cumulative library impacts in the area.	LTS	N/A	N/A
PS-9: Implementation of the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks or recreational facilities in order to maintain the City's adopted parkland service ratio.	LTS/None	N/A	N/A
Ps-10: Implementation of the proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.	LTS/None	N/A	N/A
PS-11: Implementation of the proposed Project would not include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
PS-12: Implementation of the proposed Project would not contribute to cumulative parks and recreation impacts in the area.	LTS	N/A	N/A
TRANSPORTATION AND TRAFFIC			
TRAF-1A: The intersection of Monterey Road and Central Avenue (Intersection #10) would degrade to LOS F during the AM peak hour.	S/None	TRAF-1A: The City of Morgan Hill shall install a signal at the intersection of Monterey Road and Central Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is <i>less than significant</i> .	LTS
TRAF-1B: The intersection of Tennant Avenue and Murphy Avenue (Intersection #40) would degrade to LOS F during both the AM and PM peak hours.	S/None	TRAF-1B: The City of Morgan Hill shall install a signal at the intersection of Tennant Avenue and Murphy Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is <i>less than significant</i> .	LTS
TRAF-2: The freeway segments along US 101 through the City are currently operating at LOS F and each of the segments would continue to operate at LOS F and the addition of traffic that would result from implementation of the proposed General Plan would constitute more than 1 percent of freeway capacity under 2035 buildout conditions.	S/None	<p>TRAF-2: Full mitigation of significant impacts on freeway segments would require freeway widening to construct five lanes through Morgan Hill, thereby increasing freeway capacity.</p> <p>Ultimately, the VTA and Caltrans are the responsible agencies for planning for and implementing improvements within the US 101 corridor. A fair share contribution from the City of Morgan Hill towards freeway improvement costs is an acceptable mitigation measure. However, the City of Morgan Hill does not have a funding strategy in place to contribute towards regional improvements. City representatives should work collaboratively with San Jose, Gilroy, Santa Clara County, counties to the south (Monterey, San Benito, and Merced Counties), the Valley Transportation Authority, and Caltrans to prepare and develop a funding strategy for South County roadway improvements. Payment of traffic impact fees or a fair share contribution is expected to fulfill the City's obligations for mitigating regional traffic impacts; however, unless other funding sources such as a new regional impact fee, additional sales tax measures, contributions from other developers, or state funds are made available, feasible roadway improvements will not be implemented, and the identified freeway impacts will remain significant and unavoidable.</p>	SU

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
TRAF-3: Implementation of the proposed Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS/None	N/A	N/A
TRAF-4: Implementation of the proposed Project would not result in inadequate emergency access.	LTS/None	N/A	N/A
TRAF-5: Implementation of the proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	LTS/None	N/A	N/A
TRAF-6: Implementation of the proposed Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, which would result in substantial safety risks.	LTS/None	N/A	N/A
UTILITIES AND SERVICE SYSTEMS			
UTIL-1: Sufficient water supplies would be available to serve the proposed Project from existing entitlements and resources and new or expanded entitlements would not be required.	LTS/LTS	N/A	N/A
UTIL-2: Implementation of the proposed Project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LTS/LTS	N/A	N/A
UTIL-3: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to water supply.	LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
UTIL-4: The proposed Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	LTS/LTS	N/A	N/A
UTIL-5: Implementation of the proposed Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LTS/LTS	N/A	N/A
UTIL-6: Implementation of the proposed Project would not result in a determination by the wastewater treatment provider, which serves or may serve the proposed Project that it does not have adequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments.	LTS/LTS	N/A	N/A
UTIL-7: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to wastewater.	LTS	N/A	N/A
UTIL-8: Implementation of the proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the proposed Project's solid waste disposal needs.	LTS/LTS	N/A	N/A
UTIL-9: The proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.	None/None	N/A	N/A
UTIL-10: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to solid waste.	LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation (GP/RDCS)	Mitigation Measures	Significance After Mitigation (GP/RDCS)
UTIL-11: The proposed Project would result in a substantial increase in natural gas and electrical service demands, would use appropriate energy conservation and efficiency measures, and would not require new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities.	LTS/LTS	N/A	N/A

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EXECUTIVE SUMMARY

3. Revisions to the Draft EIR

This chapter presents changes to the Draft EIR that resulted from preparation of responses to comments on the Draft EIR, or were staff-directed changes including typographical corrections and clarifications. In each case, the Draft EIR page and location on the page is presented, followed by the textual, tabular, or graphical revision. Double Underline text represents language that has been added to the EIR; text with ~~strikethrough~~ has been deleted from the EIR.

None of the revisions constitutes significant changes to the analysis contained in the Draft EIR. As such, the Draft EIR does not need to be recirculated.

All changes to Draft EIR Table 1-1, Summary of Impacts and Mitigation Measures, are updated in Chapter 2 of this Final EIR.

3.1 REVISIONS TO CHAPTER 2, INTRODUCTION

A new section is added to page 2-4:

2.4 Responsible Agencies

The proposed Plan analyzed in this Draft EIR does not propose any changes to the City limit boundary or the Sphere of Influence. However, the City may choose to utilize this EIR in the future to seek approval for eventual annexations that would be consistent with the proposed General Plan. Therefore, the Santa Clara County Local Agency Formation Commission (LAFCO) is a Responsible Agency per CEQA Guidelines Section 15096.

3.2 REVISIONS TO CHAPTER 3, PROJECT DESCRIPTION

The text on page 3-32 of the Draft EIR is hereby revised as follows:

As shown in Table 3-3, the results of the full buildout analysis are as follows:

- 13,181 total single-family residential units
- 9,219 total multi-family residential units
- 68,057 total residents
- ~~2.70~~ 3.26 million square feet of total retail space

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- ~~1.89-2.14~~ million square feet of total office space
- ~~10.33~~ 12.13 million square feet of total industrial space
- ~~1.15-1.55~~ million square feet of total service space
- ~~652,377~~ 774,377 square feet of total public facilities space

TABLE 3-3 FULL BUILDOUT GROWTH PROJECTIONS WITHIN SOI

Categories	Existing Development ^a	Pipeline Projects	Net Growth	Total Full Buildout Projection
Housing Units				
Single-Family	10,821	505	1,855	13,181
Multi-Family	4,148	65	5,006	9,219
Residents ^c	45,171	1,756	21,130	68,057
Non-Residential Square Footage				
Retail	1,744,825	0	963,545 <u>1,512,370</u>	2,708,370 <u>3,257,195</u>
Office	521,788	0	1,371,228 <u>1,620,016</u>	1,893,016 <u>2,141,804</u>
Industrial	5,935,000	25,000	4,372,643 <u>6,166,643</u>	10,332,643 <u>12,126,643</u>
Service	985,000	88,000	72,019 <u>475,019</u>	1,145,019 <u>1,548,019</u>
Public Facilities	463,000	0	189,218 <u>311,377</u>	652,377 <u>774,377</u>

a. City of Morgan Hill, Traffic Analysis Zone database 2015; State of California, Department of Finance, 2015. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2015, with 2010 Benchmark.*

b. Based on a persons per household rate of 3.08

Source: PlaceWorks, 2015.

A new section is hereby added to page 3-42, as follows:

3.6.6 VOTER APPROVAL OF THE RDCS AND ADOPTION OF THE GENERAL PLAN

The Draft 2035 General Plan proposed for adoption by the City Council has been revised to include the text from Ordinance No. 1665 N.S., which specifies the General Plan provisions that were amended as part of Measure C (including the provisions of the RDCS that currently appear on pages 27 through 31 of the existing 2001 General Plan) so that those

REVISIONS TO THE DRAFT EIR

provisions and the remainder of the existing RDCS will remain in effect until Measure C expires or is amended by the voters.

The proposed RDCS update will be placed on the November 2016 ballot by resolution of the Morgan Hill City Council. The RDCS ballot measure will also amend the text of the 2035 General Plan, including but not limited to policies that address the population cap and Urban Service Area boundary expansion process, in order to ensure that the relevant General Plan policies are consistent with the voter-approved RDCS and that these General Plan policies cannot be changed without a vote of the people. These would replace the text from Ordinance No. 1665 N.S. However, unless and until the voters approve an updated RDCS, the 2035 General Plan will include those provisions from Measure C.

The bulleted list beginning on page 3-42 under the heading Intended Uses of this EIR is hereby revised as follows:

This EIR is a program-level EIR and does not evaluate the impacts of specific, individual developments that may be allowed under the proposed General Plan. Each specific future project will require separate environmental review, as required by CEQA, to secure the necessary discretionary development permits. Therefore, while subsequent environmental review may be tiered off this EIR, this EIR is not intended to address impacts of individual projects. Subsequent projects will be reviewed by the City for consistency with the General Plan, RDCS, and this EIR. Subsequent project-level environmental review will be conducted as required by CEQA. Projects successive to this EIR include, but are not limited to, the following:

- Updates to the City's Municipal Service Review and Comprehensive Annexation Plan, and other utility infrastructure master plans, such as the Water, Wastewater, Stormwater, and Telecommunications Master Plans.
- A comprehensive updated to the City's Zoning Code.
- Updates to the Parks, Recreation, Trails, and Bikeways Master Plans and the Public Safety Master Plan
- Approval and funding of major public projects and capital improvements.
- Issuance of permits and other approvals necessary for implementation of the proposed General Plan and RDCS.
- Annexation of land into the City limits. No annexations are proposed as part of the proposed General Plan, but this EIR may be used to pursue future annexations.
- Property rezoning consistent with the proposed General Plan.

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- Development plan approvals, such as tentative maps, variances, conditional use permits, and other land use permits.
- Permit issuance and other approvals necessary for public and private development projects.
- Development agreement processes and approvals.

3.3 REVISIONS TO CHAPTER 4.1, AESTHETICS

The text in the first paragraph on page 4.1-3 is hereby revised as follows:

The City's Planning Division staff reviews projects for consistency with the Architectural Review Handbook and routes projects to the staff-level Design Review Committee for review. Most design review approval is granted by the Community Development Director, although in some instances projects are referred to the Planning Commission or City Council.

3.4 REVISIONS TO CHAPTER 4.2, AGRICULTURE AND FORESTRY RESOURCES

The second full paragraph under the heading General Plan on page 4.2-13 is hereby revised as follows:

The proposed General Plan would designate approximately 1,125 acres of farmland of concern under CEQA for non-agricultural uses as shown on Figure 4.2-4 and Table 4.2-3.^{9,10} Of this land, a total of 298 acres of farmland of concern are designated for development within the Urban Service Area (USA), and 720 acres are designated for development outside of the USA but within the Urban Growth Boundary (UGB). The remainder is within the existing City limits. The largest concentrations of land where conversion of farmland to development would be allowed by the proposed General Plan are located east of Highway 101 between Half Road and Diana Avenue, and in the southwestern portion of the Project Area, west of Highway 101 and south of Tennant Avenue and Watsonville Road.

REVISIONS TO THE DRAFT EIR

TABLE 4.2-3 NON-AGRICULTURAL LAND USE DESIGNATIONS ON FARMLAND OF CONCERN

<u>Land Use</u>	<u>Affected Acres (Total in City Limit and SOI)</u>
<u>Commercial</u>	<u>32</u>
<u>Commercial/Industrial</u>	<u>76</u>
<u>Industrial</u>	<u>65</u>
<u>Public Facilities</u>	<u>48</u>
<u>Sports Recreation/Leisure</u>	<u>200</u>
<u>Residential Estate</u>	<u>105</u>
<u>Residential Detached Low</u>	<u>181</u>
<u>Residential Detached Medium</u>	<u>332</u>
<u>Residential Attached Low</u>	<u>0.5</u>
<u>Residential Attached Medium</u>	<u>85</u>
<u>Total</u>	<u>1,125</u>

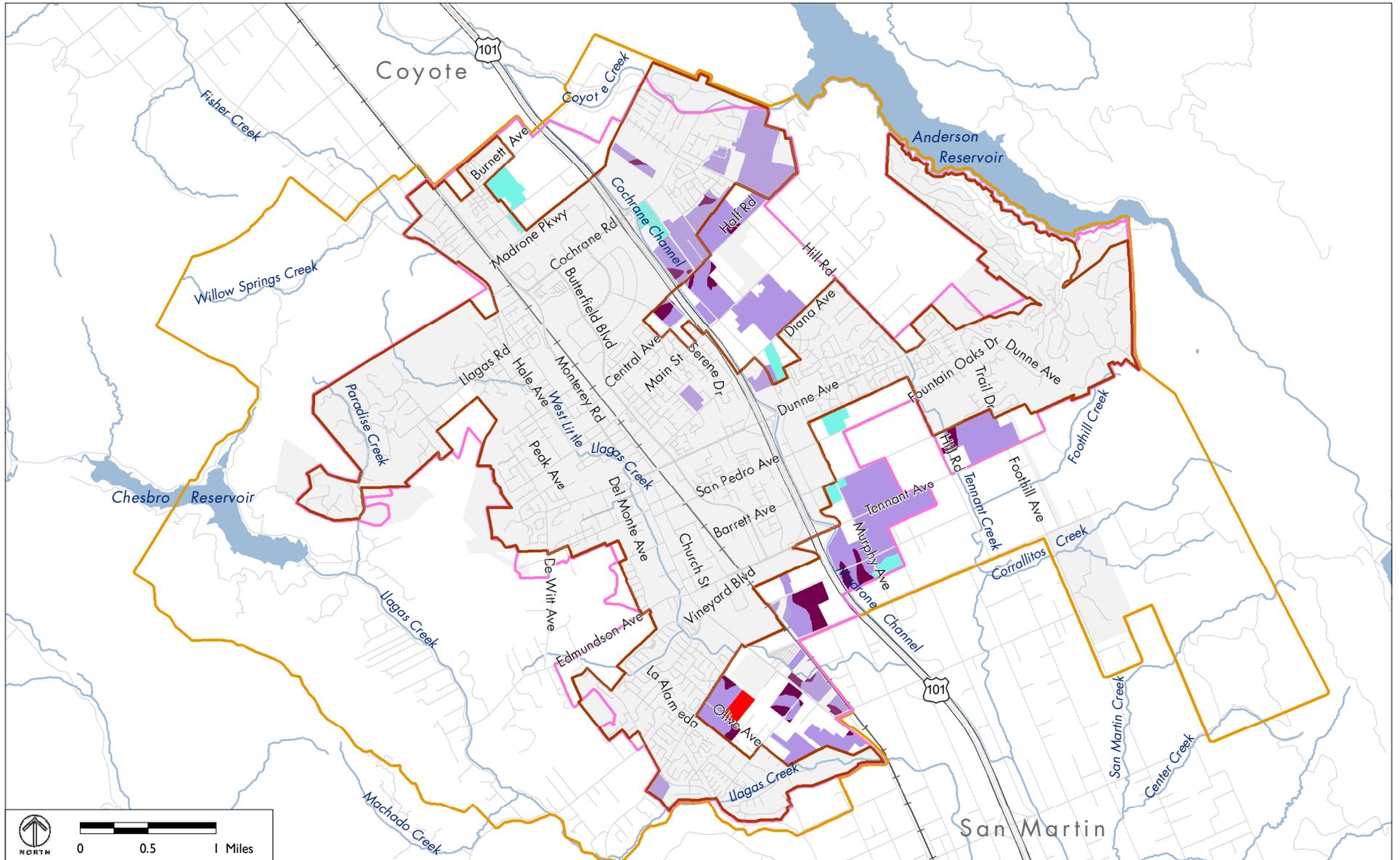
Source: PlaceWorks, 2016.

The text on page 4.2-15 of the Draft EIR is hereby revised as follows:

Some areas designated under the proposed General Plan for non-agricultural uses are included in an area of the City referred to as the Southeast Quadrant (SEQ), located immediately south of the City, along the southeastern City limit. Although the SEQ was anticipated for development under the adopted Citywide Agriculture Preservation program and Southeast Quadrant Land Use Plan, and the associated EIR has been certified (State Clearinghouse Number 2010102010), development has not yet occurred. On March 11, 2016, LAFCO denied the City’s request for expansion of the Urban Service Area.

Figure 4.2-4 has been revised as shown on the following page.

AGRICULTURE AND FORESTRY RESOURCES



Source: City of Morgan Hill, 2013; California Department of Conservation, Farmland Mitigation Mapping Program, 2012.

- | | |
|--|--|
|  Urban Service Area |  Prime Farmland |
|  Urban Growth Boundary |  Farmland of Statewide Importance |
|  Sphere of Influence |  Unique Farmland |
|  City Boundary |  Williamson Act Parcel Conflict |

Figure 4.2-4 (revised)

Farmlands of Concern Conflicts

REVISIONS TO THE DRAFT EIR

The text on page 4.2-16 of the Draft EIR is hereby revised as follows:

In addition to the proposed General Plan and the proposed agricultural TDR preservation system, the City's Agricultural Lands Preservation Program and the associated Agricultural Mitigation Ordinance are expressly intended to mitigate impacts to agricultural lands as follows:

- Requires agricultural mitigation at a ratio of 1:1, meaning one acre of in-perpetuity farmland preservation (along with necessary funding for stewardship and program administration) for each acre of farmland development/conversion.
- Encourages dedications of conservation easements within the Project Area, with particular emphasis on the lands within the SEQ area.

Furthermore, individual development projects that impact agricultural land would also be subject to the Right-To-Farm Ordinance in the Municipal Code, which would reduce the potential for conflict between new development and existing nearby farmland. Because the type and intensity of development foreseen in the General Plan would be expected to happen under the City's jurisdiction, it is anticipated that individual projects would be required to comply with the City's Agricultural Mitigation Ordinance rather than the LAFCO Agricultural Mitigation Ordinance; both ordinances require a similar 1:1 mitigation. While these City policies would reduce potential impacts related to the conversion of Farmland and the proposed General Plan would convert less farmland of concern under CEQA for non-agricultural uses than the existing General Plan, since the proposed General Plan would designate 1,126 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, a *significant* impact would result.

3.5 REVISIONS TO CHAPTER 4.7, GREENHOUSE GASES

The following text is hereby added to page 4.7-24:

Since the proposed project buildout goes beyond the year 2020, BAAQMD's efficiency targets have been adjusted based on the long-term GHG reduction targets of Executive Order B-30-15, which set a goal of 40 percent below 1990 levels by 2030, and Executive Order S-03-05, which set a goal of 80 percent below 1990 levels by 2050. Based on the GHG target for year 2020 identified in the CARB 2008 Scoping Plan, statewide emissions would need to be at or below the following levels in order to ensure a trajectory that achieves the goals established in Executive Order B-30-15 and Executive Order S-03-05:

REVISIONS TO THE DRAFT EIR

- Forecasted GHG Target for Year 2035: 216.64 MMTCO₂e (50% reduction from 1990 levels)
- Forecasted GHG Target for Year 2050: 86.66 MMTCO₂e (80% reduction from 1990 levels)

The service population in year 2035 and year 2050 are estimated as follows:

- Forecasted Service Population for Year 2035:
 - 45,747,645 people¹
 - 21,864,480 employees²
 - Total SP: 67,612,125
- Forecasted Service Population for Year 2050:
 - 49,779,362 people³
 - 25,505,880 employees⁴
 - Total SP: 75,285,242

Consequently, for the reasons described above, total emissions are compared to the GHG efficiency targets described below.

- The City's 2020 GHG estimated efficiency target would be 6.6 MTCO₂e per service population per year, to align with BAAQMD's efficiency target, identified in their CEQA Guidelines, which is consistent with AB 32.
- The City's 2035 GHG estimated efficiency target would be ~~3.3~~ 3.2 MTCO₂e per service population per year, to align with the mid-term GHG reduction goal of Executive Order B-30-15 and Executive Order S-03-05.
- The City's 2050 GHG estimated efficiency target would be ~~1.3~~ 1.2 MTCO₂e per service population per year, to align with the long-term GHG reduction goals of Executive Order S-03-05.

¹ California Department of Finance. 2014, December. Report P-1 (County): State and County Total Population Projections, 2010-2060 (5 -year increments). <http://www.dof.ca.gov/research/demographic/reports/projections/P-1/>.

² California Employment Development Department, Labor Market Information Division. 2014, September 19. California Occupational Employment Projections 2012-2022. <http://www.labormarketinfo.edd.ca.gov/data/employment-projections.html>.

³ California Department of Finance. 2014, December. Report P-1 (County): State and County Total Population Projections, 2010-2060 (5 -year increments). <http://www.dof.ca.gov/research/demographic/reports/projections/P-1/>.

⁴ California Employment Development Department, Labor Market Information Division. 2014, September 19. California Occupational Employment Projections 2012-2022. <http://www.labormarketinfo.edd.ca.gov/data/employment-projections.html>.

REVISIONS TO THE DRAFT EIR

The first full paragraph at the top of page 4.7-38 is hereby revised as follows:

MTC's Plan Bay Area

To achieve ABAG's/MTC's sustainable vision for the Bay Area, the *Plan Bay Area* land use concept plan for the region concentrates the majority of new population and employment growth in the region in PDAs. PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth by 2040 is allocated within PDAs. PDAs are expected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs. In Morgan Hill, *Plan Bay Area* includes the Morgan Hill Downtown Transit Town Center PDA. *Plan Bay Area* allocated 1,420 new housing units to this PDA as a result of the forecast increase in multi-family and mixed use development in this PDA under the adopted Downtown Specific Plan.^{52,53} The proposed General Plan would encourage development consistent with the goals and objectives for this PDA. Specifically, the proposed General Plan incorporates the land use designations of the adopted Downtown Specific Plan, which is the basis of the PDA and of MTC's development assumptions. Consistent with the adopted Downtown Specific Plan, the Mixed Use designation in the proposed General Plan does not have a maximum density. The proposed General Plan also includes policies that, once adopted, would reduce GHG emissions from transportation sources to the maximum extent practicable.

3.6 REVISIONS TO CHAPTER 4.9, HYDROLOGY AND WATER QUALITY

The second paragraph under the heading on page 4.9-2 is hereby revised as follows:

While ~~the City of Morgan Hill lies within the jurisdiction boundaries of both the San Francisco Bay RWQCB (Region 2) and the Central Coast Bay RWQCB (Region 3), the Central Coast RWQCB provides jurisdiction for the City, and~~ The City is subject to the Waste Discharge Requirements (WDRs) of the Phase II Small MS4 Permit (Order Number 2013-0001-DWQ) and NPDES Permit No. CAS000004 dated February 5, 2013.

The first sentence of the second paragraph under the heading Porter-Cologne Water Quality Control Act on page 4.9-3 of the Draft EIR is hereby revised as follows:

Other state agencies with jurisdiction over water quality regulation in California include the California ~~Department of Health Services (DHS)~~ Division of Water (for drinking water regulations), the California Department of Pesticide Regulation (DPR), and the Office of Environmental Health and Hazard Assessment (OEHHA).

REVISIONS TO THE DRAFT EIR

The third sentence of the second paragraph under the heading State Updated Model Water Efficient Landscape Ordinance on page 4.9-5 of the Draft EIR is hereby revised as follows:

Local jurisdictions, such as Morgan Hill, that are working together to develop a regional ordinance have until February 1, 2016 to adopt the ordinance but must still meet the reporting deadline. The City of Morgan Hill is considering adoption of an updated local WELO in early 2016. developed a regional Water Conservation in Landscaping Ordinance in conjunction with the Bay Area Water Supply and Conservation Agency and other local agencies to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics, including average landscaped areas, within the City's jurisdiction in order to ensure that the Ordinance would be at least effective as the Model Ordinance in conserving water. The Morgan Hill City Council held a public hearing on February 3, 2017 and on February 17, 2016 adopted Ordinance No. 2185 N.S. amending Chapter 18.73 – Water Conservation in Landscaping, of the Morgan Hill Municipal Code.

The third sentence of the first paragraph under the heading Santa Clara Valley Water District on page 4.9-6 of the Draft EIR is hereby revised as follows:

The Clean, Safe Creeks Safe, Clean Water and Natural Flood Protection (CSC) Plan Program was approved by Santa Clara County voters in November 200012 to create a countywide special parcel tax to accomplish the following four goals five key priority areas:

- ~~100-year flood protection for homes, schools, businesses, and transportation;~~
- ~~Clean, safe water in Santa Clara County creeks and bays;~~
- ~~Healthy creek and bay ecosystems; and~~
- ~~Trails, parks, and open space along waterways.~~
- Ensuring a safe reliable water supply.
- Reducing toxins, hazards and contaminants in our waterways.
- Protecting our water supply from earthquakes and natural disasters.
- Restoring wildlife habitat and providing open space.
- Providing flood protection to homes, businesses, schools, and highways.

The second sentence of the second paragraph under the heading Santa Clara Valley Water District on page 4.9-6 of the Draft EIR is hereby revised as follows:

Groundwater in the Santa Clara Subbasin of the Santa Clara Valley Basin and the Llagas Subbasin of the Gilroy-Hollister Valley Basin is also managed by SCVWD through its 2012 Groundwater Management Plan.

REVISIONS TO THE DRAFT EIR

The third paragraph under the heading Santa Clara Valley Water District on page 4.96 of the Draft EIR is hereby revised as follows:

The SCVWD reviews plans for development projects near streams to ensure that the proposed storm drain systems and wastewater disposal systems will not adversely impact water quality in the streams. In addition, the SCVWD reviews projects for conformance to SCVWD flood control design criteria, stream maintenance and protection plans, and groundwater protection programs. Further, the SCVWD is responsible for reviewing water supply assessments for consistency with District plans, reviewing creek and floodplain modifications for adverse impacts, reviewing developments for adverse impacts to the riparian corridor, reviewing the potential of new development to induce flooding on other properties, verifying the adequacy of receiving creeks and channels to receive increased runoff from new development, and assessing impacts to District water supply infrastructure, including source of supply.

The second paragraph under the heading Watersheds on page 4.9-12 of the Draft EIR is hereby amended as follows:

The Uvas-Llagas Watershed encompasses 104 square miles ~~and includes parts of the cities of San Jose, Morgan Hill, and Gilroy~~ of southern Santa Clara County, including Morgan Hill. It is part of the larger Pajaro River Watershed. The creeks within this watershed are the only waterways in Santa Clara County that flow southward, ultimately draining into the Pajaro River and out to Monterey Bay. The watershed also contains two reservoirs: Chesbro and Uvas. Within the City of Morgan Hill and SOI, this watershed is further divided into the following sub-watersheds:¹

- East Little Llagas Creek Watershed
- Butterfield Channel/~~Fisher Creek Watershed~~
- West Little Llagas Creek Watershed
- Llagas Creek Watershed
- West Branch Llagas Creek Watershed

The third full paragraph under the heading Storm Drain System on page 4.9-14 of the Draft EIR is hereby revised as follows:

Fisher Creek Basin and Coyote Creek Basin drain the northern portion of the City and continue in a northerly direction to San Francisco Bay. Fisher Creek generally drains the area north of Llagas ~~Roach Road~~ Road and Cochrane Road and west of Highway 101. Coyote Creek drains the area north of Cochrane Road and east of Highway 101.

¹ Oakland Museum of California, 2009, *Creek and Watershed Map of Morgan Hill and Gilroy.*

REVISIONS TO THE DRAFT EIR

The first sentence of the second full paragraph on page 4.9-18 of the Draft EIR is hereby revised as follows:

The City of Morgan Hill obtains all of its water supply from groundwater. About 25 percent of its supply is extracted from the Coyote Valley subarea of the Santa Clara Subbasin; about 75 percent is extracted from the Llagas Subbasin, which is a subbasin of the Gilroy-Hollister Valley Basin.

Figure 4.9-3 has been revised as shown on the following page.

The second sentence in the first full paragraph on page 4.9-35 of the Draft EIR is hereby revised as follows:

Also, as more fully discussed on pages 4.15-16 through 4.15-21 of Chapter 4.15, Utilities and Service Systems, of the Draft EIR, there is sufficient water supply for normal, single-dry, and multiple-dry years with implementation of the proposed General Plan.

The first sentence of the second paragraph under the heading General Plan on page 4.9-45 of the Draft EIR is hereby revised as follows:

The City of Morgan Hill has adopted local standards for construction in floodplain areas,⁴¹ and the SCVWD ~~requires construction/encroachment permits for construction or grading within 50 feet of the bank of a watercourse~~ adopted the Water Resources Protection Ordinance. Beginning on February 28, 2007, this ordinance established requirements under which the SCVWD issues permits for modifications, entry, use, or access to SCVWD facilities or easements.⁴²

⁴²~~SCVWD Ordinance 83-2.~~ Santa Clara Valley Water District, 2006. Water Resource Protection Ordinance 06 1 (Amended by Ordinance 08-1), <http://www.valleywater.org/uploadedFiles/Programs/BusinessInformationPermits/Permits/Ordinance071213%281%29.pdf>, accessed August 27, 2014.

REVISIONS TO THE DRAFT EIR

3.7 REVISIONS TO CHAPTER 4.10, LAND USE AND PLANNING

Page 4.10-18 is revised as follows:

The County General Plan calls for annexation to the City prior to urban development of lands outside of City limits. One of the three basic strategies of the County General Plan's General Land Use Management Element is to "Promote Eventual Annexation." The following policies support such strategy.

Policy U-LM 1	Urban unincorporated areas within City Urban Service Areas should eventually be annexed into the City.
Policy U-LM 3	To facilitate eventual annexation and improve overall quality of life, various land use planning and other related studies should be conducted in cooperation with the applicable surrounding City for those large urban unincorporated areas that are unlikely to be annexed in the short term future.
<u>Policy Implementation Recommendation</u> U-LM(i) 1	Develop special area plans to bring urban pockets into general compliance with City plans, policies and development standards over time. (Implementors: Cities, County, LAFCO, local residents and property owners)

In addition, the County General Plan contains myriad additional policies and implementation recommendations addressing conservation and development on unincorporated land, including the land around Morgan Hill. Strategy #1 in the Growth and Development Chapter is to "Preserve the Resources and Character of Rural Lands." The following policies, among others, support this strategy:

Policy R-GD 1: Strategies and policies for managing land use and development in the rural unincorporated areas include the following:

1. Preserve the resources and rural character of lands outside Urban Service Areas (USAs).
2. Develop special area plans for areas that require or would benefit from more detailed planning and policies.

Policy R-GD 2: For lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed.

Policy R-GD 3: Land uses and development permitted under County jurisdiction shall be consistent with the following major County policies:

a. conservation of natural resources;

REVISIONS TO THE DRAFT EIR

b. avoidance of natural hazards and the prevention of pollution which could pose a threat to public health, safety, and welfare;

c. minimizing demand for public services and costs to the general public of providing and maintaining services;

d. preservation of rural character, rural lifestyle opportunities, and scenic resources;

e. preservation of agriculture; and

f. preventing unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation.

Policy R-GD 16: Goals and policies of the General Plan recognize the development constraints, issues, and sensitivity of the hillsides of Santa Clara County for new development. The goals of the General Plan, outlined in the Open Space Action Program, are to prevent further urban uses and development outside cities, conserve wildlife habitat, avoid natural hazards, and preserve the generally natural appearance of the hillsides as much as possible.

3.8 REVISIONS TO CHAPTER 4.12, POPULATION AND HOUSING

The last full sentence on page 4.12-4 is hereby revised as follows:

The discussion below provides an overview of population, housing, and employment trends in Morgan Hill and the Bay Area region using the most recent data available, which is not always the ~~2014~~ 2015 EIR baseline year.

The third full paragraph on page 4.12-9 is hereby revised as follows:

Buildout of the proposed General Plan is projected to result in 2,360 new single-family residential units and 5,071 new multi-family residential units within the SOI. This means that implementation of the proposed Project would result in a net increase of 7,431 housing units and at buildout there would be a total of approximately ~~21,299~~ 22,400 housing units.

....

REVISIONS TO THE DRAFT EIR

The first full paragraph on page 4.12-14 under the heading POP-4 is hereby revised as follows:

As discussed in Chapter 4, Environmental Evaluation, of this Draft EIR, this EIR takes into account growth associated with the proposed Project, within the Morgan Hill SOI, in combination with impacts from projected growth in the rest of Santa Clara County and the surrounding region, as forecasted by ABAG. Impacts from cumulative growth are considered in the context of their consistency with regional planning efforts. As described above in impact discussion POP-1, ~~while growth associated with implementation of the proposed General Plan would exceed regional projections, implementation of Mitigation Measure POP-1~~ the proposed General Plan includes at least 14 specific policies that would provide a robust planning framework to monitor new development and ensure that growth is expected and has been planned for. Therefore, the proposed General Plan would result in a less-than-significant impact on a project-level. Since California planning law requires that local governments adopt a General Plan,¹⁶ it is reasonable to assume that surrounding jurisdictions would implement similar policies to guide growth. Therefore, the proposed General Plan would result in a *less-than-significant* cumulative impact with respect to population and housing.

3.9 REVISIONS TO CHAPTER 4.13, PUBLIC SERVICES

The text on page 4.13-43 has been revised as follows:

Future growth in the county would result in increased demand for park and recreational facilities throughout ~~the~~ Santa Clara County ~~county~~ including the City of Morgan Hill. As a result, the ~~County~~ City of Morgan Hill would potentially need to ~~expand and construct additional parks and other recreational facilities~~ partner with other regional park providers such as the County of Santa Clara Parks and Recreation Department, to expand and construct additional parks and other recreational facilities in Santa Clara County and the City of Morgan Hill to meet the increased demand.

REVISIONS TO THE DRAFT EIR

3.10 REVISIONS TO CHAPTER 4.14, TRANSPORTATION AND TRAFFIC

The numbered list at the bottom of page 4.14-31 of the Draft EIR is hereby revised as follows:

The Study Intersections included:

1. Monterey Road and Madrone Parkway
2. Monterey Road and Cochrane Road
3. Butterfield Boulevard and Cochrane Road
4. Madrone Parkway/Cochrane Plaza and Cochrane Road
5. US 101 SB Ramps and Cochrane Road
6. US 101 NB Ramps and Cochrane Road
7. DePaul Drive and Cochrane Road

The list under the heading Santa Clara Countywide Trails Master Plan on page 4.14-8 of the Draft EIR is hereby revised as follows:

- Juan Bautista de Anza NHT (Route R1-A) - designated as an on-street bicycle route with parallel trail; route within road right-of-way.
- Bay Area Ridge Trail: El Sombroso - Lake Anderson (Route R5-D) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian.
- West Valley Sub-regional Trail (Route S6) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian.
- Willow Springs Connecting Trail (Route C24) - designated as an on-street bicycle route within road right-of-way.
- Center Ave Trail (Route C27) - designated as an on-street bicycle route with parallel trail; route within road right-of-way.

The text on page 4.14-21 of the Draft EIR is hereby revised as follows:

Monterey-Salinas Transit Bus Service

MST Route 55 connects Morgan Hill to the Monterey Transit Plaza to the south and San Jose to the north. Route 55 operates on weekdays only and runs as follows: two stops during the morning commute period, one stop in later morning, and two tops during the evening commute period.

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3.11 REVISIONS TO CHAPTER 4.15, UTILITIES AND SERVICE SYSTEMS

The first sentence of the first paragraph under the heading Santa Clara Valley Water District Comprehensive Water Resources Management Plan on page 4.15-6 of the Draft EIR is hereby revised as follows:

As the primary water resources agency for Santa Clara County, the Santa Clara Valley Water District (SCVWD; or, District) has a ~~Comprehensive Water Resources~~ Groundwater Management Plan, last updated in 2012, that outlines the key water resource issues facing the County and provides a framework for understanding the SCVWD's policies related to water supply, natural flood protection, and water resources stewardship. In addition, the District's Board of Supervisors adopted the 2012 Water Supply and Infrastructure Master Plan which provides a water supply strategy for planning activities and projects needed in the future to meet the County's water needs and provides a roadmap for future District investments in water supply reliability.⁹

⁹ SCVWD 2012 Water Supply and Infrastructure Master Plan, <http://www.valleywater.org/Services/WaterSupplyPlanning.aspx>, accessed March 28, 2016.

The fifth sentence of the second paragraph under the heading Recycled Water on page 4.15-9 of the Draft EIR is hereby revised as follows:

The 2015 South County Recycled Water Master Plan Update is in the latter stages of development with a final report due in June 2016.

The first sentence of the third paragraph under the heading Water Demand and Supply Projections on page 4.15-9 of the Draft EIR is hereby revised as follows:

In 2010 the City used ~~6,778~~ 6,778 acre-feet per year (AFY) of water, all of it pumped from the Llagas sub-basin and the Coyote sub-area of the Santa Clara sub-basin

The following sentence is added on page 4.15-52:

In 2013, PG&E served 23.8 percent of their retail electricity sales with renewable power. PG&E currently has 31.3 percent renewable energy under contract for 2020.²

² California Public Utilities Commission (CPUC), 2016. California Renewables Portfolio Standard (RPS), <http://www.cpuc.ca.gov/PUC/energy/Renewables/index.htm>, accessed on January 7, 2016.

REVISIONS TO THE DRAFT EIR

The text on page 4.15-13 is hereby revised as follows:

The SWRCB placed the City of Morgan Hill in a 28 percent conservation tier. For the period of July 2015, the City conserved 42 percent, compared to comparable period in 2013. In addition, the City's water supplier conservation compliance report for January 2016 shows the City of Morgan Hill's cumulative percent saved (as compared to 2013) for the period June 2015 to January 2016 was 33.7 percent.³

The second sentence of the fourth paragraph under the heading Treatment Plant on page 4.15-30 of the Draft EIR is hereby revised as follows:

Formed in 1992, the SCRWA serves both cities and treats approximately 2.2 to 2.4 billion gallons of wastewater and produces ~~700~~ 680 to ~~720~~ 700 million gallons of recycled wastewater each year for use in landscaping, agricultural, industrial, and other applications

3.12 REVISIONS TO CHAPTER 7, CEQA MANDATED SECTIONS

The first full sentence in the first paragraph on page 7-4 is revised as follows:

However, this growth would come incrementally over a period of 20 years and the proposed General Plan's policy framework would ensure that adequate planning occurs to accommodate it.

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³ Accessed online at http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2016feb/suppliercompliance_022516.pdf

REVISIONS TO THE DRAFT EIR

4. List of Commenters

Comments on the Draft EIR were received from the following agencies, organizations, and individuals. Letters are arranged by category and by the date received. Each comment letter has been assigned a number, as indicated below.

4.1 AGENCIES AND SERVICE PROVIDERS

- SA1 State Clearinghouse, January 14, 2016
- SA2 California Dept. of Transportation (Caltrans) District 4, February 26, 2016
- RA1 Santa Clara Valley Transportation Authority (VTA), March 11, 2016
- RA2 Santa Clara Valley Water District, March 14, 2016
- RA3 Local Agency Formation Commission of Santa Clara County (LAFCO), March 14, 2016
- LA1 Morgan Hill Unified School District, March 7, 2016
- LA2 City of San Jose, Department of Planning, Building, and Code Enforcement, March 11, 2016
- LA3 County of Santa Clara: Department of Planning and Development, March 14, 2016; Roads and Airports Department, March 10, 2016; Parks and Recreation Department, February 24, 2016

4.2 ORGANIZATIONS AND INDIVIDUALS

- ORG1 Committee for Green Foothills, March 14, 2016
- ORG2 Doug Muirhead, March 14, 2016
- ORG3 Robert J. Benich, P.E., March 15, 2016
- ORG4 Doug Muirhead, March 22, 2016

4.3 PUBLIC HEARINGS

- HRG1 Planning Commission Hearing, February 23, 2016

LIST OF COMMENTERS

5. *Comments and Responses*

This chapter includes a reproduction of, and responses to, comments received during the public review period. Comments are presented in their original format in Appendix A, along with annotations that identify each comment number.

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Comment letters in this chapter follow the same order as listed in Chapter 4, List of Commenters, of this Final EIR and are categorized by:

- State Agencies
- Regional Agencies
- Local Agencies
- Organizations and Private Individuals
- Public Hearing Comments

In addition, the chapter includes responses to comments received at the public hearing on the Draft EIR, which was held on February 23, 2016.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to analysis presented in the Draft EIR, these revisions are explained and shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

5.1 **MASTER RESPONSE: DEVELOPMENT PROJECTIONS**

Several comments stated that the Draft EIR should have analyzed the full amount of development that would be allowed under the Draft General Plan and request clarification about the methodology and assumptions for developing both the 2035 horizon year and the full buildout projections. As described on page 3-22 and 3-23 of the Draft EIR, development projections were prepared for a “full buildout” scenario, in which every parcel within the EIR Study Area would be developed with as allowed under the General Plan, and also for a General Plan horizon-year scenario, which only includes development that is anticipated to occur by the General Plan horizon year of 2035.

In preparing the responses to comments for this Final EIR, errors in the amounts of non-residential full buildout development on page 3-23 were identified. The net new non-

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residential numbers presented in Table 3-5 are correct. As shown in Chapter 3 of this Final EIR, the text on page 3-23 and Table 3-2 have been revised.

As reported in the corrected Table 3-3, the full buildout scenario would add:

- 2,360 new single-family units
- 5,071 new multi-family units
- 1.5 million square feet of new retail space
- 1.6 million square feet of new office space
- 6.1 million square feet of new industrial space
- 475,000 square feet of new service space
- 311,377 square feet of new public facilities space

In comparison, based on the methodology described on pages 3-32 to 3-34 and as shown in Table 3-5 of the Draft EIR, the 2035 horizon-year projection would add the following:

- 2,360 new single-family units
- 5,071 new multi-family units
- 755,548 square feet of new retail space
- 628,697 square feet of new office space
- 1.78 million square feet of new industrial space
- 417,557 square feet of new service space
- 287,376 square feet of new public facilities space

5.1.1 2035 HORIZON-YEAR PROJECTIONS

The 2035 horizon-year projections were based on the probable, or reasonably foreseeable, “planning period development” that is described in detail on pages 3-32 to 3-33 of the Draft EIR. The planning period development describes the amount of new development that is expected to occur within the planning period through the year 2035. The probable planning period development numbers are based on substantial evidence, as described below:

- New residential development through 2035 was based on the amount of development already planned and entitled, the amount of land designated for residential development, and the allowed development intensity on residentially-designated land, as explained on pages 3-28 through 3-31 of the Draft EIR. This resulted in a projection that Morgan Hill (including both the City limits and Sphere of Influence) would grow by 7,430 units, or almost 50 percent assuming no RDCS system is in place. It is important to note, for comparison, the Association of Bay Area Governments (ABAG) predicts that Morgan Hill’s City limits plus SOI will grow by 17.3 percent in that same timeframe, as noted in Table 4.12-5 on page 4.12-6 of the Draft EIR. Therefore, the analysis in the Draft EIR is based on a conceivable but aggressive projection of residential growth by

COMMENTS AND RESPONSES

the horizon year of 2035, rather than on speculation about what population cap or annual allotments voters may approve as part of the updated RDCS.

- Probable retail and service development through 2035 was based on analysis of both the increase in population base and on past permit history in Morgan Hill completed by the City's economic consultant, BAE Urban Economics. Specifically, retail and service development is closely linked to growth in population because commercial development requires market demand, which is created by the local population. The new population of 22,887, associated with the 7,430 new dwelling units described above, combined with factors for the City's current average square feet of occupied shopping center space per capita, would project a demand for approximately 568,055 square feet of new retail space and 100,245 square feet of new service space, as explained on page 3-32 of the Draft EIR. The analysis increased this estimate to 755,548 square feet of new retail development and 329,557 feet of new service development based on the amount of land designated Commercial, Commercial/Industrial, Sports Recreation Leisure, Mixed Use, and Mixed Use Flex. The conservative assumptions used in the analysis reflect the Southeast Quadrant project, which was pending at the time the Draft EIR was published, as well as the Draft General Plan's focus on increased development Downtown and along Monterey Road. As noted in footnote 6 on page 3-32 of the Draft EIR, the retail and service projections for 2035 are based on current trends and do not reflect a decrease to account for long-term changes in the retail industry such as online shopping.
- Probable industrial and office development through 2035 was based on the City's detailed Industrial Land Supply study, prepared in 2012 and updated in 2015 by economists from consulting firm Strategic Economics. That study concluded that Morgan Hill could experience annual average demand for 44,700 square feet to 114,000 square feet of industrial and office development. Over 20 years, this demand would translate into construction of 894,000 to 2,280,000 square feet. In contrast, the Draft EIR conservatively assumes a combined total of 2,406,082 square feet of office and industrial space (628,698 square feet of new office, 25,000 square feet of pipeline industrial space, and 1,752,385 square feet of new industrial space).

Based on the evidence described above, only a fraction of the full buildout is likely to occur by 2035. In fact, the above evidence shows that full buildout of the General Plan area will occur many years beyond the General Plan horizon year of 2035.

As discussed on page 3-31 of the Draft EIR, given the significant difference between the horizon-year projections and full buildout, it is extremely unlikely that full buildout will occur by the year 2035. Moreover, in keeping with current California case law that requires local jurisdictions to update their general plans regularly, Morgan Hill will most likely

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update its General Plan by or before 2035. Therefore, development after 2035 is expected to take place under a revised General Plan, rather than under the proposed General Plan.

Because there is no requirement under CEQA to analyze a speculative, unrealistic scenario, this approach of determining reasonably foreseeable impacts associated with a general plan or specific plan project is used by many lead agencies in California. For example, in *Molano v. City of Glendale*, (2009) 2009 WL 428800, the Court of Appeal rejected claims that the City of Glendale was required to analyze the maximum buildout permitted by a specific plan. The court upheld the City's determination of what was a reasonable buildout scenario, which, similar to the EIR's analysis here, relied on assumptions related to density and historic rates of development. A similar approach for a general plan update was upheld in *Sierra Club v. County of Tehama* (2012) 2012 WL 5987582. There, the County used historic growth rates to estimate a 55-percent increase in population over the life of the Project versus the 918-percent increase in population that would be permitted under a full buildout scenario.

5.1.2 ROLE OF THE 2035 HORIZON-YEAR PROJECTIONS IN EIR ANALYSES

Although estimates about the location of horizon-year development were made in order to provide the necessary inputs for the traffic model, the main difference between the full buildout and horizon-year development scenarios is one of quantity, not location. Therefore, the horizon-year projection was used in the quantitative analyses, which, as explained on page 3-34 of the Draft EIR, include traffic generation, air pollution emissions, greenhouse gas emissions, noise generation, population growth, and impacts on public services, utilities, and recreation. These analyses are affected by the number of people living and working in Morgan Hill. This is consistent with a reliable analysis, which depends on a reasonable, quantitative estimate of new population and employment. This is also consistent with CEQA, which requires that an EIR evaluate the "reasonably foreseeable" direct and indirect impacts of a proposed project.

Conversely, the analyses for aesthetics, agriculture and forestry resources, exposure to localized air pollution and noise, biological resources, cultural resources, geology, hazards and safety, hydrology and water quality, and land use are based on spatial location only. These analyses consider whether the proposed General Plan would allow any development in a geographic area that could trigger potential impacts, regardless of the quantity. For example, a 10-acre project at a density of 1 dwelling unit per acre (10 units) would convert the same amount of farmland of significance as a 10-acre project in the same location at a density of 20 dwelling units per acre (200 units). Therefore, for spatial analyses, the Draft

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EIR assumed the disturbance of entire parcels without making speculative assumptions regarding setbacks or site-design. Thus, the horizon-year impacts for spatial impacts would be equal to the full buildout of the proposed General Plan.

5.1.3 DEFINITION OF PROJECT

Section 15378(a) of the CEQA Guidelines requires that the project definition include the “whole of an action.” In this EIR, the Project is defined as the adoption and implementation of the proposed General Plan and RDCS as anticipated to occur over the next 20 years to 2035. Implementation of the General Plan includes development that is allowed by the General Plan land use map, as well as adherence to the General Plan policies and actions. Here, the “whole of the action” is the potential adoption of the General Plan and the RDCS, as well as the reasonably foreseeable development that would result from the adoption of those plans as they would be implemented over a 20-year timeframe. The EIR’s reliance on a 2035 horizon-year projection for the quantitative analyses does not risk speculative potentially higher rates of development escaping environmental review. In this case, the project evaluated in the EIR is the amount of development assumed to occur according to the General Plan Land Use Map over the 20-year planning horizon to 2035. Development beyond 2035 that is possible according to the Land Use Map will be the subject of future planning and environmental analysis in subsequent General Plans, since given growth rate projections it is not foreseeable that the amount of development possible under full buildout will occur before 2035.

The Project Draft EIR is a programmatic EIR for the proposed General Plan and RDCS; therefore, it does not serve as project-level environmental analysis for any specific development project. Project-specific environmental analyses may tier from the General Plan EIR. However, as enumerated in General Plan Policy CNF-2.5, shown below, if and when approved development reaches the amount of development projected and evaluated in this EIR, additional environmental analysis must be conducted to address any changes to the General Plan buildout assumptions, consistent with CEQA and the CEQA Guidelines. The City currently monitors new development within the City limits manually using spreadsheets. However, beginning summer of 2016 will use a new permit tracking system, TrakIt, to enhance the efficiency in tracking development, collecting data, and generate reports and queries. As a result, the proposed policies and existing monitoring systems will prevent the land use assumptions contained in the EIR from being exceeded unless subsequent environmental review is conducted. Because this policy is part of the Project, and it requires non-residential development beyond the amount analyzed in this EIR to be evaluated through subsequent environmental analysis, the 2035 horizon-year projections used in the quantitative analyses accurately capture the potential impacts of the whole of

COMMENTS AND RESPONSES

the Project, which in this case is the 20-year planning horizon for the proposed General Plan, and not the theoretical development of every parcel in the City over an undetermined timeframe beyond 2035, which would entail substantial speculation.

- **Policy CNF-2.5 – Morgan Hill 2035 EIR Projections.** Monitor the projected growth as analyzed in the Morgan Hill 2035 Environmental Impact Report (EIR). The Morgan Hill 2035 EIR assumes the following maximum development projections for the year 2035 for the lands located within the SOI:
 - 13,181 single-family residential units
 - 9,219 multi-family residential units
 - 2,500,373 square feet of retail space
 - 1,150,486 square feet of office space
 - 7,712,385 square feet of industrial space
 - 1,402,557 square feet of commercial service space
 - 750,377 square feet of public facilities space

When approved development within the city reaches the maximum number of residential units or any of the non-residential square footages projected in the Morgan Hill 2035 EIR, the Community Development Director shall require that environmental review conducted for any subsequent development project address growth impacts that would occur due to development exceeding the Morgan Hill 2035 EIR's projections. This does not preclude the City, as lead agency, from determining that an EIR would be required for any development in the Urban Growth Boundary to the extent required under the relevant provisions of CEQA (e.g. Section 21166 and related guidelines). The City will conduct the appropriate scoping at the time of initial study for any specific project, all in accordance with these requirements.

COMMENTS AND RESPONSES

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Comment	Response
STATE AGENCIES		
SA1	Scott Morgan , Director, State Clearinghouse, 1/14/2016	
SA1-1	The State Clearinghouse forwarded the above-mentioned project to your agency for review on January 13, 2016 with incorrect review dates. Please make note of the following information for your files: Review period began: January 13, 2016 We apologize for any inconvenience this may have caused. All other project information remains the same.	This is a correction from the State Clearinghouse. It is not a comment on the EIR. No response is needed.
		This checklist presents the distribution of the EIR by the State Clearinghouse. No response is needed.

COMMENTS AND RESPONSES

Comment #	Comment	Response
SA1-2	<p>From: Scott Morgan, Director RE: SCH# 2015022074 RE: Morgan Hill 2035 General Plan and Residential Development Control System</p> <p>The Lead Agency has connected some information regarding the above-mentioned project. Please see the attached materials for more specific information and note that the review period is scheduled to end on March 14, 2016. All other project information remains the same.</p>	<p>Introductory comment regarding the review period; no response is needed.</p>
	<p>TO State Clearinghouse 1400 Tenth Street Sacramento, CA 95814 FROM Joanna Jansen PROJECT Morgan Hill 2035 DEIR PLACEWORKS PROJECT NUMBER COMH-01.0 VIA FedEx THE FOLLOWING IS TRANSMITTED 15 CDs of the Morgan Hill 2035 DEIR (SCH Number: 2015022074) Attached, please find 15 CDs of the Morgan Hill 2035 DEIR. We originally submitted the DEIR to the State Clearinghouse on January 13, 2016. However, we were notified that the CD accompanying our original January 13, 2016 submittal only contained the DEIR appendices. The CDs attached to this transmittal should replace the CDs that accompanied the January 13 submittal.</p> <p>MESSAGE As a reminder, the City of Morgan Hill is holding a 60-day public review period for the Morgan Hill 2035 DEIR. The public review period will end on March 14, 2016. Please call with any questions.</p>	<p>This comment confirms that the Draft EIR was circulated as required by CEQA. No response is needed.</p>

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Comment # Comment

Response

This checklist presents the distribution of the EIR by the State Clearinghouse. No response is needed.

Notice of Completion & Environmental Document Transmittal
 Mail to: State Clearinghouse, P.O. Box 3024, Sacramento, CA 95812-0324 (916) 445-0013
 Fax: Head Office/Other Address: 1400 Trask Street, Sacramento, CA 95811
 Project Title: Morgan Hill 2035 General Plan and Geotechnical Development Control System
 Lead Agency: City of Morgan Hill
 Mailing Address: 17515 Park Dr., Morgan Hill, CA 95037
 City: Morgan Hill
 County: Santa Clara
 Project Lead/Preparer: County Santa Clara
 City/Town/Community: Morgan Hill
 Development Type: General Plan Update
 CEQA: Initial Study Draft EIR NHPA NEPA Other Joint Document
 Final EIR Supplemental/Amended EIR SA State Document
 Other (CEQA No.) Other (NHPA/NEPA) Other (Joint)

Legal Action Type
 General Plan Update
 General Plan Amendment
 General Plan Element
 Community Plan
 Specific Plan
 Master Plan
 Planned Development
 Site Plan

Development Type
 Residential: Single-Family
 Office
 Commercial: Retail
 Industrial: Light
 Manufacturing
 Warehouse/Storage
 Other (Specify):

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	<input checked="" type="checkbox"/> State Consumer Services
<input checked="" type="checkbox"/> Coastal Commission	<input checked="" type="checkbox"/> Cal EPA
<input checked="" type="checkbox"/> California Fish & Wildlife Conservation	<input checked="" type="checkbox"/> ARB: All Other Projects
<input checked="" type="checkbox"/> CDFW: Fish & Wildlife	<input checked="" type="checkbox"/> ARB: Transportation Projects
<input checked="" type="checkbox"/> DWR: State Water Resources Control Board	<input checked="" type="checkbox"/> ARB: Major Industrial/Energy
<input checked="" type="checkbox"/> Parks & Rec	<input checked="" type="checkbox"/> SWRCB: Div. of Drinking Water
<input checked="" type="checkbox"/> Central Valley Flood Prot.	<input checked="" type="checkbox"/> SWRCB: Div. Financial Assist.
<input checked="" type="checkbox"/> Bay Cons. & Dev. Comm.	<input checked="" type="checkbox"/> SWRCB: San Quality
<input checked="" type="checkbox"/> DWR	<input checked="" type="checkbox"/> SWRCB: Wq. Rights
<input checked="" type="checkbox"/> Resources, Recycling and Recovery	<input checked="" type="checkbox"/> Reg. WQCB # 2
<input checked="" type="checkbox"/> Aeronautics	<input checked="" type="checkbox"/> Title Sub. Cert. CTR
<input checked="" type="checkbox"/> CDFW	<input type="checkbox"/> Cal Fire
<input checked="" type="checkbox"/> CDFW	<input type="checkbox"/> Energy Commission
<input checked="" type="checkbox"/> CDFW	<input type="checkbox"/> NRC
<input checked="" type="checkbox"/> Caltrans # 4	<input type="checkbox"/> Public Utilities Comm.
<input checked="" type="checkbox"/> Traffic Planning	<input type="checkbox"/> State Lands Comm.
<input type="checkbox"/> Other	<input type="checkbox"/> Tahoe Reg. Plan Agency
<input type="checkbox"/> HCD	<input type="checkbox"/> Conservancy
<input type="checkbox"/> Food & Agriculture	<input type="checkbox"/> Other

SA2 Patricia Maurice, District Branch Chief, Caltrans District 4, 2/26/2016

SA2-1 **Morgan Hill 2035 General Plan - Draft Environmental Impact Report**
 Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Plan referenced above. The mission of Caltrans is to provide a safe, sustainable and efficient transportation system to enhance California's economy and livability. Caltrans has reviewed the Draft Environmental Impact Report (DEIR) to ensure consistency with its mission and state planning priorities of infill, conservationism, and efficient development. Please refer to the

This is an introductory comment. No response is needed.

COMMENTS AND RESPONSES

Comment #	Comment	Response
SA2-2	<p>previous comment letters on this Plan. Caltrans provides these comments consistent with the State's smart mobility goals to support a vibrant economy and build communities, not sprawl.</p> <p><i>Project Understanding</i> The City of Morgan Hill (City) is located on the US Highway (US) 101 corridor. For most of the City, including single-family residential neighborhoods and the Downtown area, the current land use designations established by the 2001 General Plan, will remain unchanged. The primary locations where land use designations would change from the existing General Plan are within "opportunity sites," a term developed through the land use alternatives process for the General Plan Update. While the Downtown area is listed as one of the opportunity sites, the land use designations remain the same as established in the Downtown Specific Plan, adopted in 2009. In addition, as described in detail below, new land use designations have been created and assigned to parcels that these new designations suit better than current designations. Several parcels on which existing parks are located or that have been dedicated as open space have been redesignated to Open Space from residential land use so that the designations accurately reflect actual uses.</p>	This comment restates Caltrans' understanding of Morgan Hill's setting and the proposed Plan. It is consistent with the Draft EIR. No response is needed.
SA2-3	<p>The horizon-year 2035 projection for net growth plus pipeline projects includes the following:</p> <ul style="list-style-type: none"> • 2,360 new single-family residential units • 5,070 new multi-family residential units • 22,888 new residents • 755,550 square feet of new retail space • 628,700 square feet of new office space • 1,777,400 square feet of new industrial space • 417,600 square feet of new service space • 287,400 square feet of new public facilities space • 9,300 new jobs 	This comment restates Caltrans' understanding of the 2035 horizon development projection. It is in agreement with the Draft EIR. No response is needed.
SA2-4	<p><i>Lead Agency</i> As the lead agency, the City of Morgan Hill (City) is responsible for all project mitigation, including any needed improvements to State highways. The Plan's fair share contribution, financing, scheduling,</p>	The comment notes that the City is responsible for making fair share contributions to mitigate project impacts. This is consistent with Mitigation Measure TRAF-2, which addresses impacts to regional roadways. Any additional fees for regional and State transportation

COMMENTS AND RESPONSES

Comment #	Comment	Response
	<p>implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.</p>	<p>improvements should be discussed at a regional level, since impacts to these systems are a result of collective decisions and not of a single jurisdiction. To that end, Policy TR-11.4 of the Transportation Element addresses Highway 101 Capacity and calls on the City to “[w]ork with VTA and Caltrans to ensure widening of Highway 101 to eight lanes by 2030 to accommodate expected traffic volume.” No change to the EIR is needed.</p>
<p>SA2-5</p>	<p>Traffic Impacts</p> <p>1. The Plan does not address the Traffic Forecasting comment in the letter, dated February 5, 2014, on the Southeast Quadrant Land Use Plan DEIR. Specifically:</p> <p>Appendix H Transportation Impact Analysis (TIA), Turning Traffic Diagrams (see, pages 1 and 29): Table 9 demonstrates AM (PM) generated trip as 2,189 (2,654) vehicles per hour (vph), respectively, resulting from the proposed project. The proposed project consists of both the South County Catholic High School and the Southeast Quad (SEQ) Area. Figure 7 shows AM (PM) generated turning traffic assignment under High School Project Only Conditions. Figure 10 displays AM (PM) turning traffic under Year 2030 General Plan Plus High School Project Only Conditions. However, the TIA and the DEIR do not include AM (PM) generated turning traffic diagrams under: (1) SEQ Project Only Conditions; (2) High School Plus SEQ Project Only Conditions; and (3) 2030 General Plan Plus High School Plus SEQ. Please provide these turning diagrams to Caltrans for review. Caltrans recommends these diagrams be included in the TIA and DEIR.</p>	<p>The comment references a Draft EIR prepared for the Southeast Quadrant project. The requested turning diagrams are not typically completed for programmatic General Plan traffic analyses. Therefore, the diagrams are not available for the proposed General Plan. However, Appendix D of the Draft EIR, Traffic and Transportation Analysis, includes a section entitled Volume Summary that provides the same turn-movement volume information as is typically provided in the requested diagrams at each of the intersections studied.</p>
<p>SA2-6</p>	<p>Please address this comment in this Plan's EIR. In addition, this Plan's Table 3-3 Full Buildout Growth Projections within Sphere of Influence (SOI) shows large scale of land use, which likely generates significant new AM (PM) peak traffic. Caltrans recommends this Plan's TIA include turning traffic per study intersection under Projects or General Plan Only, Cumulative without Projects or General Plan, Cumulative with Projects or General Plan.</p>	<p>As explained in the Master Response above, and on page 3-20 of the Draft EIR, the Draft EIR analysis is not based on the Full Buildout Growth Projections in Table 3-3 but on the 2035 Horizon Year Growth Projections in Table 3-2. As noted on page 4.14-54 of the Draft EIR, the traffic levels evaluated in Section 4.14.4, Project Impacts, are based on cumulative traffic conditions that take into account cumulative development in the Morgan Hill Project Area and the larger region, including development within other parts of Santa Clara County</p>

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Comment #	Comment	Response
SA2-7	2. On pages 4.14-31 through 4.14-34 of the DEIR, Study Intersections 6 and 7 are missing from the 38 listed intersections. Also, in the "Study Area and Study Intersections" (Figure 4.14-4), the intersection numbering sequence does not correspond to these listed intersections. Caltrans recommends these be corrected in the DEIR.	and the Bay Area. Because CEQA statute and case law require the EIR to include a comparison to existing baseline conditions rather than future conditions (<i>Sunnyvale West Neighborhood Assoc. v. City of Sunnyvale City Council</i> (6th Dist. 2010) 190 Cal.App.4th 1351), the City has elected to include turning traffic per study intersections for the Cumulative with General Plan condition only, and not to model a scenario that includes Cumulative without Projects or General Plan conditions, as this comment requests. However, it should be noted that Chapter 6 of the Draft EIR includes a qualitative comparison of the proposed General Plan and the No Project Alternative (equivalent to a Cumulative without General Plan scenario) on pages 6-28 and 6-29. The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
SA2-8	3. Mitigation for any roadway sections or intersections with increasing VMT should be identified. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes. Also, Caltrans recommends the City mitigate by: 1) paying a fair share contribution toward VT A Express Lane project on US 101 from San Mateo County to Cochrane Road in Morgan Hill (eventually to be extended to 10th Street and State Route 25); 2) installing ramp metering on the impacted on-ramps; and 3) widening the ramps that have already been metered. The added ramp capacity will allow more storage on the onramps so that the ramp meter flow can be more restrictive, thereby reducing the congestion on the freeway. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.	Impact TRAF-2 acknowledges impacts to US 101 and Mitigation Measure TRAF-2 suggests contribution to regional freeway improvements. As noted in the mitigation measures, the VTA and Caltrans are the responsible agencies for planning for and implementing improvements within the US 101 corridor. A fair share contribution from the City of Morgan Hill towards freeway improvement costs is an acceptable mitigation measure. However, the City of Morgan Hill does not have a funding strategy in place to contribute towards regional improvements. City representatives should work collaboratively with San Jose, Gilroy, Santa Clara County, counties to the south (Monterey, San Benito, and Merced Counties), the Valley Transportation Authority, and Caltrans to prepare and develop a funding strategy for South County roadway improvements. While ramp metering and ramp widening, as suggested in the comment, may mitigate impacts of freeway congestion from trips leaving Morgan Hill, it is not feasible for the City to install those improvements unilaterally. Therefore, they would fall under the "freeway improvements" already referred to in Mitigation Measure

COMMENTS AND RESPONSES

Comment #	Comment	Response
SA2-9	<p><i>Vehicle Trip Reduction</i> Caltrans encourages the City to locate future housing, jobs, and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional VMT and traffic impacts. Suggested Transportation Demand Management (TDM) strategies include bicycle parking, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents. The project proponent should also work with VTA to decrease headway times and improve way-finding on bus lines to provide better connections throughout the City and regionally. TDM programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness.</p>	<p>TRAF-2 and the mitigation measure does not require revision.</p> <p>The primary mass transit centers in Morgan Hill are the Morgan Hill Caltrain Station, in Downtown, and the Morgan Hill Transit Center, located just outside of Downtown. In support of these existing facilities, the City adopted a Downtown Specific Plan in 2012 that encourages walkable, mixed-use infill development of both jobs and housing around the Caltrain station. The policies under Goal CNF-14 (which addresses Downtown) and TR-6 (which addresses increased transit use) further support the policies and programs already in place to enhance transit, biking, and walking in Morgan Hill. Furthermore, Goal TR-10 includes a number of policies and actions regarding a variety of Transportation Demand Management strategies. Several of these policies recognize the need for collaboration with both VTA and State agencies for successful implementation. Biking and bicycle parking are addressed in depth under Goal TR-8; Policy TR-8.12 specifically calls for bicycle parking at workplaces as well as civic destinations. Therefore, the proposed General Plan already includes policies that address the topics suggested in this comment. However, in response to this comment, staff will suggest a new policy that projects that include TDM measures will require annual monitoring and submittal of reports to the Community Development Director. This suggested new policy will be incorporated into the overall set of policy changes the Planning Commission and City Council will consider during General Plan adoption hearings.</p> <p>This is a comment on suggested land uses and TDM strategies and not a comment on the adequacy of the EIR, so no further response is required.</p>
SA2-10	<p>Regarding the proposed alternatives, the Compact Development Alternative would have fewer environmental impacts than the preferred alternative. Caltrans recommends further clarification as to why the Environmentally Superior Alternative with fewer environmental impacts was not selected as the preferred alternative.</p>	<p>A preferred alternative has not yet been selected. The City Council is considering changes to the proposed Draft General Plan land use map, policies, and actions as part of the public review process.</p>

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Comment #	Comment	Response
SA2-11	<p>Also, the Low-Growth Alternative is likely to result in lower VMT and fewer traffic impacts, thereby reducing impacts to the State Highway System (SHS). Caltrans recommends that this alternative be reconsidered as the preferred alternative.</p>	<p>A preferred alternative has not yet been selected. The City Council is considering changes to the proposed Draft General Plan land use map, policies, and actions as part of the public review process.</p>
SA2-12	<p>Permitting less growth in exurbs (such as the City) can reduce average trip length. Caltrans does not consider freeway widening, as identified on page 4.14-55, as appropriate mitigation as it encourages further vehicular travel and would not meet Caltrans goals to reduce VMT and greenhouse gas emissions. Caltrans recommends the City focus the Plan on mitigation through multimodal transportation improvements, instead of the proposed sprawl-inducing development. No amount of multimodal improvements would sufficiently offset the significant impacts to US 101 caused by such large-scale sprawl by the City.</p> <p>These smart growth approaches are consistent with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent. Also, these would meet Caltrans Strategic Management Plan target of increasing by 2020 non-auto modes in tripling bicycle and doubling both pedestrian and transit.</p>	<p>The City disagrees that the proposed General Plan represents "sprawl-inducing development." The proposed land use map includes both high-density residential development focused around the Caltrain station as well as additional single-family residential neighborhoods that are consistent with Morgan Hill's community character and role in the region. Support for a mix of residential development types was a value strongly expressed by the community and local decision-makers throughout the extensive public input process that fed into the Draft General Plan.</p> <p>Although local jurisdictions are not required to adopt land use designations that are consistent with MTC's Regional Transportation Plan/Sustainable Communities Strategy, called Plan Bay Area, the Draft EIR discusses Plan Bay Area and the proposed General Plan's consistency with it in several places, including Chapter 4.7, Greenhouse Gases (page 4.7-38), and Chapter 4.10, Land Use and Planning (pages 4.10-16 and 16). These analyses review the primary goals of Plan Bay Area to increase non-auto mode trips, as noted in the comment, and present the numerous policies in the Natural Resources and Environment Element, Community and Neighborhood Form Element, and Transportation Element that are consistent with and supportive of the transportation-related goals in Plan Bay Area.</p> <p>In addition, although it is not yet required to do so, the City has proactively analyzed and disclosed per capita VMT in Chapter 4.14, Traffic and Transportation. As shown in Table 4.14-8, VMT per service population would decrease under the proposed Draft General Plan from 29.3 to 26.7, a decrease of 8.8 percent.</p>
SA2-13	<p>Please refer to "Reforming Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply</p>	<p>The City is already underway with a revision of the Zoning Code, which has not been comprehensively updated since the 1980s, to bring it into consistency with the updated General Plan, as required by State law.</p>

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Comment #	Comment	Response
	can encourage alternate forms of transportation, reduce regional VMT, and lessen future traffic impacts on US 101 and the SHS.	As part of the Zoning Code update, the City will review existing parking standards in light of current best practices and research, to identify parking strategies that support the proposed General Plan’s vision of efficient, orderly, sustainable growth in Morgan Hill (Goal CNF-2, Goal CNF-4, Goal CNF-11) with mixed-use infill (Goal CNF-13) and jobs for local residents (Goal ED-1) accessible by alternative transportation (Goals TR-6, TR-8, TR-9, and TR-10).
SA2-14	<p><i>Traffic Impact Fees</i> Given the project’s contribution to area traffic and its proximity to US 101, the project should contribute fair share traffic impact fees. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.</p>	Mitigation Measure TRAF 2 acknowledges impacts to Highway 101 and notes fair share contributions from the City of Morgan Hill towards regional improvements as an appropriate component of mitigation. The comment is in agreement with the EIR and no change to the EIR is needed.
SA2-15	<p><i>Encroachment Permit</i> Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information: www.dot.ca.gov/hq/traffops/developserv/permits.</p>	This is not a comment on the adequacy of the EIR, and no response is necessary.
REGIONAL AGENCIES		
RA1	Roy Molseed, Senior Environmental Planner, VTA, 3/11/2016	
RA1-1	<p><u>DEIR and Draft General Plan - Land Use and Alternatives Analysis</u> In VTA's comment letter on the Notice of Preparation (NOP), VTA supported "Alternative C" presented in the Morgan Hill 2035 Growth Alternatives Evaluation. This alternative, which "proposes the most residential and non-residential development in the urban core," (Growth Alternatives, p. 54) was shown in the transportation analysis to result in the lowest vehicle miles traveled per capita (p. 120) and the greatest increase in transit ridership (p. 131) among the</p>	This comment reiterates VTA's support for the previous Alternative C as well as for the proposed Draft General Plan land use map. It is not a comment on the EIR analysis and no response is required.

COMMENTS AND RESPONSES

Comment #	Comment	Response
	<p>alternatives studied. This alternative is consistent with the VTA Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County, and identifies Downtown Morgan Hill as a "Local Core." The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.</p> <p>The Preferred Alternative presented in the Draft General Plan and DEIR appears to be closer to Alternative C than Alternatives A or B, in terms of jobs/housing balance, ratio of multi-family to single-family housing units, and concentration of mixed use and medium- to high-density residential uses near existing transit services along Monterey Street and near the Morgan Hill Caltrain Station. The City's advancement of this Preferred Alternative is consistent with VTA's previous comments supporting Alternative C.</p>	
RA1-2	<p>The DEIR also includes an analysis of Alternatives to the Proposed Project (DEIR, Chapter 6), including "Low Growth" and "Compact Development" Alternatives. Of the project alternatives presented, the Proposed Project includes the greatest increase in jobs as compared to housing development, which would improve Morgan Hill's jobs/housing balance and could thereby reduce the City's overall vehicle miles traveled per service population. VTA encourages the City to work with project applicants to increase development densities near existing transit services along Monterey Road and near the- Caltrain station, consistent with the Compact Development Alternative, while still retaining opportunities for employment development consistent with the Proposed Project.</p>	<p>This comment supports the job growth in the proposed General Plan and the proposed increases in density Downtown and along Monterey Road. It is not a comment on the EIR analysis and no response is required.</p>
RA1-3	<p><u>DEIR - VMT Analysis</u> VTA supports the City's progressive approach to transportation analysis in the DEIR, including the vehicle miles traveled (VMT) analysis provided for informational purposes, consistent with recent state legislation (p. 4.14-41). VTA is pleased that the VMT analysis shows that the 2035 General Plan would result in lower VMT/Service</p>	<p>This comment supports the Draft EIR's analysis of VMT per service population. No further response is required.</p>

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Comment #	Comment	Response
RA1-4	<p data-bbox="365 293 747 318">Population than Existing Conditions.</p> <p data-bbox="365 342 617 367"><u>DEIR - Freeway Analysis</u></p> <p data-bbox="365 375 1100 756">The DEIR identifies significant impacts to seven directional segments of US 101, based on Congestion Management Program (CMP) criteria. The DEIR notes in Mitigation Measure TRAF-2 that, "A fair share contribution from the City of Morgan Hill towards freeway improvement costs is an acceptable mitigation measure. However, the City of Morgan Hill does not have a funding strategy in place to contribute towards regional improvements. City representatives should work collaboratively with San Jose, Gilroy, Santa Clara County, counties to the south (Monterey, San Benito, and Merced Counties), the Valley Transportation Authority, and Caltrans to prepare and develop a funding strategy for South County roadway improvements." (p. 4.14-55)</p> <p data-bbox="365 797 1100 1179">VTA agrees that contributions towards freeway improvements (in particular, the US 101 Express Lanes project) would be an acceptable mitigation measure, and would be open to developing a funding strategy in collaboration with the City of Morgan Hill and other parties, as described in the mitigation measure. However, VTA also notes that voluntary contributions to regional transportation improvements can be included as mitigation measures in CEQA documents even in the absence of a comprehensive funding strategy as described. VTA notes that certain Cities in Santa Clara County have included such mitigation measures, which were executed via ad hoc funding agreements between the City and VTA, triggered when the project applied for a building permit or other approval milestones.</p> <p data-bbox="365 1219 1100 1401">VTA requests that the City strengthen Mitigation Measure TRAF-2 by including a commitment that the City will make every effort to negotiate with project applicants to provide voluntary contributions to regional transportation improvements identified in VTP 2040/Plan Bay Area on the impacted freeway or parallel corridors in the interim period before the adoption of a funding strategy as described in the</p>	<p data-bbox="1136 342 1890 1049">Even with the implementation of Mitigation Measure TRAF-2, cited in the comment, the Draft EIR concludes that the impacts to US 101 would be significant and unavoidable, given the amount of growth foreseen in the region. The City of Morgan Hill is open to working collaboratively with VTA and other agencies and jurisdictions to identify and fund needed regional transportation improvements, as noted in several policies under Goal TR-11 in the Draft General Plan regarding regional collaboration on transportation issues. Any additional fees for regional and State transportation improvements should be discussed at a regional level, since impacts to these systems are a result of collective decisions and not of a single jurisdiction. The City is also willing to support applicants who choose to make voluntary contributions to such regional improvements. However, the City must also be mindful of other fees and costs of development in Morgan Hill and the influence those costs would have on achieving the City's vision of its future, particularly in Downtown, along the Monterey Road corridor, and in business park areas. Any further commitment to additional fees, voluntary or mandatory, would need to be carefully considered by the City Council in the context of an overall review of the City's development fee structure as part of the implementation of the adopted General Plan. Therefore, the City has chosen not to add further detail on new fees to Mitigation Measure TRAF-2 at this time.</p>

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RA1-5	<p>mitigation measure.</p> <p><u>DEIR - Transportation Impact Analysis (TIA) Report</u> VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. VTA's understanding is that this General Plan Amendment does not grant a specific development entitlement and therefore a CMP TIA is not required at this time (per Section 2.2 of the TIA Guidelines). It is our understanding that future specific developments within the project area would require separate discretionary approvals, and therefore would require CMP TIAs at that time. The October 2014 VTA <i>TIA Guidelines</i>, which can be found at http://www.vta.org/cmp/tiaguidelines, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. For any questions about the updated TIA Guidelines, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or Robert.Swierk@vta.org.</p>	<p>This comment provides a link to guidelines for future required Transportation Impact Analysis of individual development projects. It is not a comment on the EIR and no response is required.</p>
RA1-6	<p><u>DEIR and Draft General Plan - Transportation Demand Management/Trip Reduction</u> VTA recommends including goals and policies related to Transportation Demand Management (TDM) programs in the General Plan, such as incentivizing or requiring employers and residential developments to adopt TDM programs to reach specific vehicle trip or vehicle miles traveled reduction goals, which would help mitigate associated Transportation and Air Quality impacts identified in the DEIR. TDM programs could be made more effective by including a specific target, monitoring, an enforcement component, and a requirement for future developments to participate in a Transportation Management Association (TMA). In addition, VTA recommends that the TDM programs include financial incentive for non-automobile travel such as transit fare incentives, parking cash out or parking pricing.</p>	<p>As noted in response to comment SA2-9, above, the proposed Draft General Plan includes a new goal, TR-10, and nine associated policies and actions to encourage Transportation Demand Management (TDM) programs in Morgan Hill. In addition, in response to comments received on the Draft EIR, staff will suggest a new policy that projects that include TDM measures will require annual monitoring and submittal of reports to the Community Development Director. This suggested new policy will be incorporated into the overall set of policy changes the Planning Commission and City Council will consider during General Plan adoption hearings.</p>

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RA1-7	<p>Draft General Plan - Roadway Connectivity</p> <p>The updated Transportation Element does not identify new east-west crossings of US 101. VTA recommends that new crossings be considered as a priority to provide additional east-west travel options, increase network connectivity and improve bicycle and pedestrian access across the freeway. New crossings could also reduce congestion at existing US 101 interchanges by diverting local traffic away from freeway facilities. As such, VTA recommends that the City of Morgan Hill consider one or more potential east-west crossings of US 101 to improve connectivity: Maple Avenue, Diana Avenue, Half Road, San Pedro Avenue, and Fisher Avenue.</p>	<p>Although the Transportation Element does not identify needed new crossings of Highway 101, the extension of Mission View Drive to connect with Burnett Avenue will significantly increase access across 101 to and from locations in northern Morgan Hill, such that Burnett Avenue will function almost equivalently as a new overcrossing.</p>
RA1-8	<p>VTA Development Review Program Contact List <i>Last Updated: 12/18/2015</i></p> <p>Please route development referrals to:</p> <p>Environmental (CEQA) Documents, Site Plans, other miscellaneous referrals Roy Molseed – Roy.Molseed@vta.org – 408.321.5784</p> <p>Transportation Impact Analysis (TIA) Reports and Notification Forms: Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792 Eugene Maeda – Eugene.Maeda@vta.org – 408.952.4298</p> <p>Electronic/email referrals are preferred, but please mail any hardcopy documents to:</p> <p>[Name of recipient(s) as detailed above, depending on type of document] Planning & Program Development Division 3331 North First Street, Building B-2 San Jose, CA 95134-1906</p> <p>Contacts for specific questions related to VTA comments on a referral are below by topic area:</p>	<p>This is a list of VTA contacts and is not a comment in the EIR; no response is required.</p>

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	Transportation Impact Analysis (TIA) Guidelines (General Questions) Robert Swierk – Robert.Swierk@vta.org – 408.321.5949 Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792	
	Auto LOS Methodology VTA Highway Projects & Freeway Ramp Metering Shanthi Chatradhi – Shanthi.Chatradhi@vta.org – 408.952.4224	
	VTA Transit Service, Ridership & Bus Stops Rodrigo Carrasco – Rodrigo.Carrasco@vta.org – 408.952.4106 Nicholas Stewart – Nicholas.Stewart@vta.org – 408.321.5939	
	TDM Programs Congestion Management Program (CMP) VTA Eco Pass Program Questions Before Project Approval (e.g. when writing Conditions of Approval) Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792	
	VTA Eco Pass Program Questions After Project Approval (e.g. Program Implementation) Dino Guevarra – Dino.Guevarra@vta.org – 408.321.5572	
	BART Silicon Valley Extension Kevin Kurimoto – Kevin.Kurimoto@vta.org – 408.942.6126	
	VTA Bicycle & Pedestrian Projects Lauren Ledbetter – Lauren.Ledbetter@vta.org – 408.321.5716	
	VTA Real Estate Jennifer Rocci – Jennifer.Rocci@vta.org – 408.321.5950	
	VTA Permits (Construction Access Permit, Restricted Access Permit) Victoria King-Dethlefs – Victoria.King-Dethlefs@vta.org – 408-321-5824	

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	Cheryl D. Gonzales – Cheryl.gonzales@vta.org – 408-546-7608 Other Topics and General Questions about VTA Comments Roy Molseed – Roy.Molseed@vta.org – 408.321.5784	
RA2	Yvonne Arroyo, Associate Engineer, SCVWD, 3/14/2016	
RA2-1	Santa Clara Valley Water District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the subject document, received on January 26, 2016. The District is a special district with jurisdiction throughout Santa Clara County. The District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers. We appreciate the opportunity to comment on the DEIR for the City of Morgan Hill's (City) 2035 General Plan. This letter transmits comments that focus on the areas of interest and expertise of the District.	These are introductory comments; no response is needed.
RA2-2	Page 4.9-3 State Regulations-Porter-Cologne Water Quality Control Act: The California Department of Health Services (OHS) has changed names and was consolidated with the State Water Resources Control Board. The current name is the Division of Drinking Water.	The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-3	Page 4.9-5 State Regulations-State Updated Model Water Efficient Landscape Ordinance: The current status of adopting an updated Water Efficient Landscape Ordinance should be provided as the State requirement to adopt one by February 1, 2016 has passed.	The Morgan Hill City Council adopted an updated Water Conservation in Landscaping code that meets the requirements of the State model ordinance in February 2016, shortly after publication of the Draft EIR. The text of the Draft EIR has been revised to reflect the adoption, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-4	Page 4.9-6 Regional Regulations and Agencies-Santa Clara Valley Water District: The District's Clean, Safe Creeks and Natural Flood Protection Plan was replaced by the voters with the Safe, Clean Water and Natural Flood Protection Program in 2012. The text in the DEIR should be updated to reflect the current Safe, Clean Water and Natural Flood Protection Program. Information can be found on our website at: http://www.valleywater.org/SafeCleanWater.aspx	The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-5	The reference to the Santa Clara Basin, in the groundwater discussion of this section, is incorrect. The District manages	The text of the Draft EIR has been revised accordingly, as shown in

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	groundwater in the Santa Clara Subbasin of the Santa Clara Valley Basin and the Llagas Subbasin of the Gilroy-Hollister Valley Basin.	Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-6	The description of the District's scope of development plan review should include reviewing water supply assessments for consistency with District plans, reviewing creek and floodplain modifications for adverse impacts, reviewing developments for adverse impacts to the riparian corridor, reviewing the potential of new development to induce flooding on other properties, verifying the adequacy of receiving creeks and channels to receive increased runoff from new development, and assessing impacts to District water supply infrastructure, including source of supply.	The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-7	Page 4.9-12 Existing Conditions-Watersheds: The Uvas-Llagas Watershed does not include parts of the City of San Jose. The Butterfield Channel sub-watershed is a tributary to the East Little Llagas Creek watershed and not related to the Fisher Creek Watershed, which is in the Coyote Creek watershed.	The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-8	Page 4.9-14 Existing Conditions-Storm Drain System: There is a typographical error in paragraph four of this section-"Fisher Creek generally drains ... Llagas Roach ... "	The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-9	Page 4.9-16 Existing Conditions-Groundwater and Figure 4.9-3: The Groundwater section incorrectly states that the Llagas Subbasin is within the Santa Clara Valley Groundwater Basin. As mentioned earlier, the Santa Clara Subbasin is a subbasin of the Santa Clara Valley Basin and the Llagas Subbasin is a subbasin of the Gilroy-Hollister Valley Basin. Figure 4.9-3 should be revised to reflect the correct nomenclature, as well.	The text of the Draft EIR, along with Figure 4.9-3, has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA2-10	Page 4.9-34 Hydro-2, General Plan: This section states that" ... Morgan Hill's 2010 UWMP indicates that there is a sufficient supply of water through 2035 even for multiple dry years." However, the demands in Morgan Hill's 2010 UWMP are different than the demands associated with the development in the General Plan and RDCS. The demands and potential impacts on groundwater supplies associated with the General Plan and RDCS should be evaluated.	The city is committed to long term, ongoing water consumption reduction and conservation. The proposed Draft General Plan adds five policies related to water supply, water conservation, and recycled water. The comment is correct that the demands assumed in the 2010 UWMP are different than those associated with the proposed General Plan and RDCS. The UWMP includes projected water deliveries based on numbers of accounts rather than on residential units or non-residential square footage. As shown in Table 3.2.6 on page 3-11, the

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RA2-11	In addition, the discussion of water supplies in Chapter 4.15 Utilities and Service Systems is based on the City's pumping capacity. It should be based on whether groundwater supplies are sufficient to meet demands rather than pumping capacity.	<p>2010 UWMP projects water deliveries to 11,913 single-family accounts and 2,302 multi-family accounts in 2030, along with 1,040 commercial accounts. In comparison, the Draft EIR evaluates total 2035 horizon development of 13,181 total single-family residential units and 9,219 total multi-family residential units. The Draft EIR does not estimate number of businesses or "accounts" in a way that can be compared to the UWMP's commercial demand projection. Therefore, the Draft EIR uses the background information regarding supply from the UWMP, but evaluates the demands and potential impacts on groundwater supplies associated with the General Plan and RDCS specifically. The Draft EIR states on page 4.15-6, "assuming conservatively that the interim rate of 179 R-GPCD applied up through the horizon year (2035), the total water demand at buildout of the Plan would be 12,182,203 gallons per day (rounded to 12 MGD); or 13,655 AFY. This demand is significantly less than the available supply of 15,946 AFY predicted to be available to the City from 2010 through 2030 by the 2010 UWMP." The DEIR further states, "In response to the drought and their determination of groundwater recharge requirements, the SCVWD has requested a 30 percent water consumption reduction. The City has responded to water consumption reduction requests and requirements and achieved an approximate 42 percent reduction in water use in July 2015 compared to July 2013."</p> <p>The City acknowledges and agrees that adequate water supply is dependent on whether groundwater supplies are sufficient to meet demands, and not solely on pumping capacity. As summarized above, and discussed in the Draft EIR, the basis of the water supply and demand discussion in the Draft EIR is not based only on pumping capacity. The Draft EIR recognizes the role that SCVWD plays in managing the sources of Morgan Hill's groundwater (page 4.15-8) and the reliance on regional, state, and federal water agencies to supply additional water to replenish the groundwater. It also states that "By the year 2020, the SCVWD predicts that the South Bay could have severe water shortages during a drought without additional water supplies." The discussion of water supplies in Chapter 4.15 cites the groundwater supply versus demand analysis in Morgan Hill's 2010</p>

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		<p>UWMP. Tables 4.15-1, 4.15-2, and 4.15-3 in the Draft EIR, which are derived from the UWMP, show supply exceeding demand under all scenarios. However, the DEIR also notes that “continued pumping at rates that exceed the total groundwater recharge can be harmful to the basins (i.e., subsidence, etc.). For this reason, especially during single-dry and multiple-dry years, the SCVWD and the City of Morgan Hill (a member agency of the SCVWD) are committed to additional focus on monitoring groundwater levels and implementing water conservation strategies before water levels become dangerously low.”(p. 4.15-10).</p> <p>The analysis of future water supplies in the Draft EIR is consistent with guidance promulgated by the California Department of Water Resources in the Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001. The guidebook explains that the City’s Urban Water Management Plan (UWMP) is a “foundational document for compliance with both SB 610 and SB 221.” It goes on: “Both of these statutes repeatedly identify the UWMP as a planning document that, if properly prepared, can be used by a water supplier to meet the standards set forth in both statutes. Thorough and complete UWMPs will allow water suppliers to use UWMPs as a foundation to fulfill the specific requirements of these two statutes. Cities, counties, water districts, property owners, and developers will all be able to utilize this document when planning for and proposing new projects. UWMPs serve as important source documents for cities and counties as they update their General Plan.”</p>
RA2-12	<p>Page 4.9-35 Hydro-2, General Plan: The DEIR states that "The use of retention and detention design features ... would reduce the impact of increased impervious surfaces on groundwater recharge and groundwater quality." However, retention features have the potential to degrade groundwater quality if they bypass the natural groundwater protection afforded by surface soils. The General Plan should include policies and actions to ensure groundwater protection with the use of retention features in order to mitigate for this potential adverse impact.</p>	<p>Detention and retention basins minimize flooding by delaying and attenuating peak flows and improve water quality by allowing solids to settle before reaching receiving waters. There could be an increased risk of impacts on groundwater quality if the soil is sandy and the water table is shallow. Most of the soils in Morgan Hill consist mainly of clay on the valley floor, loam and gravelly loam on the lower slopes, and eroded rocky clay loam on the hillsides. Because infiltration is limited with clay soils, retention basins would be required to have a subdrain system with perforated pipes and therefore infiltration to</p>

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		<p data-bbox="1136 293 1476 318">groundwater would be minimal.</p> <p data-bbox="1136 358 1892 833">Also, the evidence considered by the City does not indicate that retention features have the potential to degrade groundwater quality. Studies conducted by various sources have not found retention or detention basins to adversely impact groundwater quality. Results from these studies showed that infiltration facilities had the capacity to capture contaminants in the soil or infiltration media, including dissolved metals and petroleum hydrocarbons. Also, the soil or media through which the stormwater is infiltrated reduced concentrations of pathogens and suspended solids. Evidence from the literature and the three study sites showed that nitrate and phosphorus contamination of infiltrating stormwater was not of concern because of relatively low concentrations of these constituents in stormwater. The second study found no significant difference in groundwater quality beneath detention or retention basins as compared to background concentrations.</p> <p data-bbox="1136 873 1818 930">In addition, the following policies would reduce the potential for retention or detention basins to adversely impact water quality:</p> <p data-bbox="1136 954 1856 1141">Policy NRE-8.1 Contamination from Toxic Chemicals. Protect water quality from contamination, and monitor it to assure that present policies and regulations are adequate. Prohibit such uses as waste facilities, septic systems, and industries using toxic chemicals where polluting substances may come in contact with groundwater, floodwaters, and creeks or reservoir waters.</p> <p data-bbox="1136 1166 1887 1287">Policy NRE-8.2 Septic Systems. Continue land use policies that limit the number of individual septic systems in areas vulnerable to groundwater contamination, because of the potential for cumulative degradation of water quality.</p> <p data-bbox="1136 1312 1835 1399">Policy NRE-8.3 Water Quality Monitoring. Continue to monitor groundwater and surface water quality conditions to determine if changes in regulations regarding septic systems and land use are</p>

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RA2-13	Further, the conclusion that there is sufficient water supply in all year types with the proposed level of demands and existing and planned water supplies does not appear to be substantiated.	<p>needed.</p> <p>Policy NRE-8.6 Percolation Rates. Protect properties located in area that have soils with rapid water percolation from future development in order to ensure existing water quality. Permit development (including commercial and industrial uses) in such areas only under strict safety limitations according to the City’s Hazardous Materials Storage Ordinance section specifically related to high percolation rates.</p> <p>Policy NRE-8.7 Aquifer Protection. In order to provide greater protection of the aquifers which supply drinking water to the South County, give special consideration to the management of contaminants (e.g., hazardous materials, sanitary effluents) in groundwater recharge areas where no protective aquitard layer exists.</p> <p>Policy SSI-14.5 Well Pumping. Support cooperation among all jurisdictions and agencies pumping water from wells in order to manage the aquifer to preserve the natural ecology of the region, secure the aquifer’s utility as a water resource, and ensure the water’s quality.</p> <p>Policy SSI-14.6 Water District Programs. Encourage the Santa Clara Valley Water District to continue developing programs to assure effective management of water resources, such as well monitoring, percolation of imported water, reclamation, and conservation.</p> <p>Policy SSI-14.8 Well Monitoring. Continue to monitor wells and provide the results to the Santa Clara Valley Water District which would coordinate the data and make it available to all jurisdictions and agencies.</p> <p>Chapter 4.15 of the Draft EIR, Utilities and Service Systems, includes a detailed quantitative analysis of both projected water demand under the proposed Draft General Plan and the most current available data on expected future water supply. See pages 4.15-16 through 4.15-21. As noted in the Draft EIR, and in accordance with projections in the UWMP, annual supply will exceed annual demand through buildout. The text on page 4.9-35 has been revised in order to refer the reader</p>

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RA2-14	<p>Page 4.9-44 Hydro-6 General Plan: The analysis of water quality impacts appears to only consider surface water quality impacts. Implementation of the listed stormwater control measures, such as retention features, has the potential to impact groundwater quality. Again, the District recommends that the General Plan include policies and actions to ensure groundwater protection with the use of retention features in order to mitigate for any adverse impacts to groundwater quality from those features.</p>	<p>to this more detailed discussion to substantiate the statement referenced in the comment. See response to comment RA2-12.</p>
RA2-15	<p>Page 4.9-45 Hydro-7 General Plan: The DEIR states that " ... the SCVWD requires construction/encroachment permits for construction or grading within 50 feet of the bank of a watercourse." In addition, footnote 42 references "SCVWD Ordinance 83-2." The District's Ordinance 83-2 was superseded by the District's Water Resources Protection Ordinance whose permit requirements are not related to the distance from the bank of a watercourse. The District's Water Resources Protection Ordinance permit requirements are properly described on pages 4.4-7 and 4.9-8.</p>	<p>The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
RA2-16	<p>Page 4.9-46 Hydro-7 General Plan: Proposed General Plan Policy SSI-5.1 is listed as a mitigation measure for impacts resulting from placing housing or structures within FEMA flood hazard areas. General Plan Policy SSI-5.1 states that development will be regulated to " ... be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations." However, the District does not have any floodplain regulations. The proposed General Plan policy should be amended to remove reference to "Santa Clara Valley Water District regulations." Alternately, we suggest changing the phrase to " ... and Santa Clara Valley Water District recommended guidelines" or a similar phrase reflecting that fact that the District has no regulation for floodplain management since the adoption of the Water Resources Protection Ordinance.</p>	<p>The comment suggests a change to the wording of the General Plan policy. Staff supports the change, and this suggested revision will be incorporated into the overall set of policy and land use map changes the Planning Commission and City Council will consider during General Plan adoption hearings. Because the Draft EIR reflects the text of the published Draft General Plan, it would not be accurate to change the text of the Draft EIR without a corresponding change in the text of the General Plan itself, so no change to the Draft EIR is made in response to this comment.</p>
RA2-17	<p>Page 4.15-6 Regulatory Framework-Local Regulations: The District does not have an adopted Comprehensive Water Resources Management Plan. The District is currently in the process of</p>	<p>The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>

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	<p>developing an integrated water resources master plan. Information on this planning effort can be found here: http://www.valleywater.org/IWRMP/</p> <p>Additionally, the District's Board of Directors adopted the 2012 Water Supply and Infrastructure Master Plan which provides a water supply strategy for planning activities and projects needed in the future to meet the count's water needs and provides a roadmap for future District investments in water supply reliability.</p>	
RA2-18	<p>Page 4.15-9 Existing Conditions-Recycled Water: The reference for the first sentence is not provided. Santa Clara County is currently experiencing severe shortages in the drought. The South County Recycled Water Master Plan update will be completed in June 2016.</p>	<p>The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. The drought and its effects on local water supply are discussed throughout the water section of Chapter 4.15, Utilities and Service Systems, including on page 4.15-9, 4.15-10, 4.15-11, and 4.15-13.</p>
RA2-19	<p>Page 4.15-10 Existing Conditions-Water Demand and Supply Projections: The DEIR incorrectly states that the available groundwater supply is equal to the City's maximum well capacity.</p>	<p>Please refer to page 4-1 paragraph 3 of the 2010 Morgan Hill UWMP. "Since the basins are not adjudicated, the maximum supply available to the City is its maximum pumping capacity."</p>
RA2-20	<p>Groundwater levels may decline during droughts and reduce the amount the City can pump, as noted at the bottom of the page (Nordstrom Well water levels). In addition, the demands provided in the DEIR are from the City's 2010 UWMP and do not necessarily reflect the demands associated with the General Plan update and RDCS.</p>	<p>As explained in response to comment RA2-10, above, the Draft EIR uses the background information regarding supply from the UWMP, but evaluates the demands and potential impacts on groundwater supplies associated with the General Plan and RDCS specifically.</p>
RA2-21	<p>Lastly, the DEIR should be clearer about long-term water conservation strategies (fixture replacement, turf conversion, etc.) compared to the short-term water use reductions that are a drought response strategy.</p>	<p>Pages 4.15-18 and 4.15-19 of the Draft EIR present 18 policies and 14 actions included in the Draft General Plan expressly to manage the City's long-term water supply. Many of these policies and actions focus on long-term conservation strategies such as encouraging water reclamation (Policy SSI-14.12), tiered water rates (Action SSI-14.A), water conservation in private development (Policy NRE-17.1), drought-tolerant landscaping (Action NRE-7.B), and water fixture retrofitting (Action NRE-7.C)</p>
RA2-22	<p>Page 4.15-13 Existing Conditions-Drought Response: The DEIR describes the City's water use reductions for July 2015 compared to July 2013. The results for a longer period should be provided rather than a single month.</p>	<p>The City files water supplier conservation compliance reports with the SWRCB monthly. The SWRCB's report for January 2016 shows the City of Morgan Hill's cumulative percent saved (as compared to 2013) for the period June 2015 to January 2016 was 33.7%. [Accessed online at</p>

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		<p>http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2016feb/suppliercompliance_022516.pdf</p> <p>The text of the Draft EIR has been revised to provide the additional requested information, as suggested in the comment. See revisions in Chapter 3 of this Final EIR.</p>
RA2-23	<p>Page 4.15-16 UTIL-1 General Plan: As noted above, the City's pumping capacity is not equivalent to groundwater supply availability. Groundwater supply depends on demands (including other pumpers) and recharge.</p>	<p>The Draft EIR notes on page 4.15-10 that SCVWD manages the groundwater basins, including the groundwater recharge program to replenish the basins. The District provides about 26 percent of recharge with imported raw water and about 34 percent via releases from local reservoir storage. Rainfall percolation accounts for the remaining 40 percent of replenishment.</p>
RA2-24	<p>Page 4.15-17 UTIL-1 General Plan: As noted above, the DEIR should be clearer about the differences between long-term water conservation savings (fixture replacement, turf conversion, etc.) and short-term responses to drought (two day per week watering, etc.).</p>	<p>See response to comment RA2-21.</p>
RA2-25	<p>Page 4.15-18 and 19 UTIL-1 General Plan: The District strongly recommends adoption of the proposed General Plan policies NRE-7.1 and NRE-7.2 that require water conservation above the level required by the State as mitigation for the impact on water supply associated with all new development projects. Policy NRE-7.1 should be modified to include the same language as proposed Policy NRE-7.2-"Require development to exceed state standards for water efficiency."</p>	<p>Policy NRE-7.1 states "Require development to exceed State standards for the use of water" and therefore already contains the wording recommended by the commentor. This comment is a policy recommendation from the District and is not a comment on the adequacy of the Draft EIR.</p>
RA2-26	<p>The proposed General Plan Water Supply policies and Water Quality and Conservation policies should consistently include language that requires water conservation above the level required by the State.</p>	<p>This comment is a policy recommendation from the District and is not a component on the adequacy of the Draft EIR. The Morgan Hill City Council will consider revisions to Draft General Plan policies as part of the ongoing public review and adoption process.</p>
RA2-27	<p>Page 4.15-20 UTIL-1 General Plan and 4.15-21 UTIL-2 General Plan: As demands increase in the future, additional supplies and facilities may be needed to avoid groundwater overdraft. The supply and demand conditions in the current drought are not necessarily indicative of future conditions. Increases in demands and decreases in supplies may require the District to make additional investments in order to maintain groundwater levels.</p>	<p>The discussion of UTIL-2 on page 4.15-21 acknowledges the possible future need for expanded water supply and distribution facilities in Morgan Hill, and page 4.15-25 acknowledges that "[a]dditional water supply investments will be needed in the future to meet the County's water needs. "The Draft EIR discussion of cumulative water supply impacts relies on the District's current Water Supply and Infrastructure Master Plan and current Urban Water Management Plan as the best</p>

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RA2-28	<p>Page 4.15-24 UTIL-3 General Plan: The 2010 UWMP did not analyze the demands associated with the same growth projections as in this DEIR. The conditions in the last four years are not necessarily indicative with future conditions. As demands in Morgan Hill and Gilroy increase and future conditions (increased regulations that affect the availability of local and imported sources and climate change) affect the supplies available for recharge, additional investments in water supply could be necessary to avoid groundwater overdraft.</p> <p>District staff would add that mandatory demand reductions during this period were in effect. If demand was unrestricted and water supplies for recharged were reduced, a possible supply and demand deficit may have become an issue.</p>	<p>available information on future needs and future supplies. In addition, pages 4.15-18 and 4.15-19 list several policies and actions in the proposed Draft General Plan that will encourage coordinate between the City, the District, and other local agencies in order to monitor groundwater and plan for sustainable long-term groundwater supplies, include in Policy SSI-14-6 regarding well pipping, Policy SSI-14.7 regarding District programs, Action SSI-14.E regarding well pumping impacts, and Action SSI-14.F regarding future deliveries of San Felipe water. While the City understands that future conditions may differ from current conditions, CEQA requires the City to use the best available current information and to avoid speculation, as noted in CEQA Guidelines 15187(d).</p> <p>As explained in response to comment RA2-10, above, the Draft EIR uses the background information regarding supply from the UWMP, but evaluates the demands and potential impacts on groundwater supplies associated with the General Plan and RDCS specifically. The Draft EIR acknowledges that these demands will increase over time.</p>
RA2-29	<p>The District recommends the proposed General Plan policies and actions include policies and actions that require new and enhanced water conservation efforts in new development, rather than those similar to what is currently considered.</p>	<p>This comment is a policy recommendation from the District and is not a component on the adequacy of the Draft EIR. The Morgan Hill City Council will consider revisions to Draft General Plan policies as part of the ongoing public review and adoption process.</p>
RA2-30	<p>Also, while future droughts may necessitate mandatory water use reductions, this should not be considered a reliable method to meet demands. The goal of the District's future water supply investments is to meet demand without having to require significant and</p>	<p>The Draft EIR analysis reports the demand reductions that have been achieved through current drought restrictions, but the analysis of future demand is based on a conservative assumption of the daily per capita use rate from the 2010 UWMP, 179 residential gallons per</p>

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	<p>prolonged water use restrictions. We would hope that would be the goal of this General Plan and the City's UWMP as well.</p>	<p>capita per day (R-GPCD) rather than the current per capita use of 100 R-GPCD during the drought. Therefore the Draft EIR does not assume reliance on current drought restrictions in determining whether future water supply is adequate to meet future demand. Moreover, as explained in response to comment RA2-21, the proposed Draft General Plan includes numerous policies and actions for long-term water conservation.</p>
RA2-31	<p>Contrary to the statement in this section, the District's UWMP does not show that carryover supplies are needed in all demand scenarios. Also, it is unclear where the statement about reducing treated water contract supplies comes from.</p>	<p>The statement was intended to reflect the text on page 6 of Chapter 10 of the SCVWD UWMP referring to "the single dry year analysis." The first sentence of paragraph three under the heading General Plan on page 4.15-24 of the Draft EIR has been revised accordingly, as shown in Chapter 4, Revisions to the Draft EIR, of this Final EIR. The statement about reducing treated water contract supplies comes from Chapter 10, Water Supply Reliability, of the SCVWD's UWMP (see Note 3, Table 10-5, therein).</p>
RA2-32	<p>Page 4.15 - 25 UTIL-3 General Plan: The demand projections in the District's 2010 UWMP and 2012 Water Supply and Infrastructure Master Plan do not include all the demands associated with the General Plan update and potential demands associated with Gilroy's General Plan update. As a result, additional supplies and long-term conservation efforts may be necessary to avoid groundwater overdraft. Further, as noted above, the District's goal is to minimize the need for short-term water use reductions in response to drought.</p>	<p>The SCVWD's 2010 UWMP and the 2012 Water Supply and Infrastructure Master Plan (Master Plan) represent best available published reports with relevant demand projection at this time. The SCVWD reports address water demand growth projections for Gilroy and Morgan Hill. SCVWD's 2010 UWMP water demand projections were based on input data that included regional growth projections (ABAG 2009), Water Master Plans, Urban Water Management Plans, General Plans and discussions with water retailer and City planning staff. The projected demand associated with the Morgan Hill General Plan Update, which is the subject of this EIR, is estimated in the EIR (see discussion under Impact UTIL-1). In addition, the impact discussion under UTIL-3 addresses contemporary SCVWD actions subsequent to publication of the 2010 UWMP and the 2012 Master Plan, including the SCVWD Board's March 2015 call for a 30 percent reduction in water use over 2013 levels; this measure would further the effort to avoid groundwater overdraft. Moreover, the estimated water demand of the Morgan Hill GP Update in the EIR (see UTIL-1) conservatively assumes a per capita demand of 179 R-GPCD, which likely overestimates future demand because it doesn't account for the conservation achievements demonstrated during the drought that</p>

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RA2-33	Page 4.15-30 Treatment Plant: Paragraph four should be revised to reflect that the SCRWA produces approximately 680 to 700 million gallons of recycled wastewater each year.	show per capita water use of less than 100 R-GPCD, nor does it account for the ongoing decreases in demand associated with long-term conservation and efficiency measures. Anticipated future published reports with water demand projections include: 1) Morgan Hill's pending Water Infrastructure Master Plan, and 2) the SCVWD's 2015 UWMP; however, these reports are not yet available. Currently, the City anticipates preparing an Addendum or Supplemental EIR to the General Plan EIR when the City's Waster Infrastructure Master Plan is completed; that document could also contain updated demand information from SCVWD's UWMP if it is available at that time. The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA3	Neelima Palacherla, Executive Director, Santa Clara County LAFCO, 3/14/2016	These are introductory comments; no response is needed.
RA3-1	The Santa Clara Local Agency Formation Commission ("LAFCO") appreciates the opportunity to review and comment upon the Draft Environmental Impact Report ("DEIR") (SCH No. 2015022074) for the Morgan Hill General Plan 2035 ("General Plan") and the proposed Residential Development Control System ("RDCS").	These are introductory comments; no response is needed.
RA3-2	Due to competing workload obligations, we have only been able to complete a very cursory review of the document as it relates directly to the analysis and conclusions concerning certain environmental impacts. As we began to conduct a similarly cursory review of the more policy related parts of the DEIR, we identified what seems to be a misunderstanding or misinterpretation of a County General Plan policy. Specifically, in the Land Use and Planning Section, on Page 4.10-18, the DEIR states that "One of the three basic strategies of the County General Plan is to "Promote Eventual Annexation." Please note that this strategy relates solely to the annexation of urban unincorporated areas located within the Urban Service Area of a city and it is unclear why this County General Plan policy and not others are referenced as it relates to the DEIR's analysis of the proposed General Plan's consistency with County General Plan policies. There may be other instances in the DEIR where such misunderstanding or	County General Plan Policy U-LM1 is provided in the Draft EIR immediately below the quoted text, and states "Urban unincorporated areas within City Urban Service Areas should eventually be annexed into the City." It is followed by additional County General Plan policies that Page 4.10-17 of the Draft EIR notes that "Both the proposed General Plan and the Santa Clara County General Plan support focused growth within incorporated cities." The remainder of the text in the quoted section does not interpret or state an understanding of County General Plan policy but simply provides the text from the County General Plan itself. However, in response to this comment, the text of additional County General Plan strategies, policies, and implementing recommendations have been added to Chapter 4.10, as shown in Chapter 3 of this Final EIR.

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	misinterpretation of local policies exist.	
RA3-3	Please clarify the methodology and assumptions underlying the 2035 Horizon Year (Table 3-2) and Full Buildout (Table 3-3) growth projections. On Page 3-20, the text reads, “The ‘full buildout’ of the proposed General Plan... would be the development of underutilized and vacant parcels at the mid-point of the maximum allowed density under the General Plan, based on the past and projected development patterns in Morgan Hill.” In contrast, the text explains that the 2035 horizon buildout “is based on past development history.” It seems as though at least one scenario should be based solely on the maximum buildout allowed under the proposed General Plan.	Please see the Master Response at the beginning of this chapter for an in-depth explanation of the rationale and legal basis for analyzing 2035 horizon year buildout as opposed to full buildout. The project analyzed in the Draft EIR is not the conceivable future development according to the land use designation applied to each parcel projected as far out into the future as long as it may take for that development to happen, which would take well beyond 20 years for the non-residential development. Rather, the Project is the foreseeable residential and non-residential development allowed under the General Plan over the next 20 years, according to past and anticipated future development trends.
RA3-4	Specifically, please explain what “mid-point of the maximum allowed density” means. Does this mean for any given vacant parcel, we are assuming development ultimately built will only be half of square footage or dwelling units allowed under the General Plan? Does the DEIR anywhere provide projections based on full buildout allowed under the General Plan?	<p>The approach of using the mid-point of the maximum allowed density for the 2035 horizon projections reflects the reality that past development projects in Morgan Hill are rarely developed at the maximum allowed density. For example, the Calle Siena project, currently under construction, is 12 units on 3.178 acres (3.8 dwelling units per acre (du/ac)), which was approved under the current SFM designation which allows for 3 to 6 du/ac. Another example is the Del Monte Giovanni project, also under construction, which is 6 units on 0.9 acres (6.7 du/ac), which was approved under the current MFL designation which allows for 5 to 14 du/ac.</p> <p>The full buildout projections are provided in Table 3-3 in the Draft EIR. Note that an error in the full buildout numbers for in Table 3-3 have been corrected, as shown in Chapter 3 of this EIR. As corrected, the net growth and total square footage of all non-residential categories is increased. However, this does not affect the analysis in the Draft EIR since, as explained in the Master Response at the beginning of this chapter, the full buildout scenario is not an appropriate basis for the analysis, and the analysis is instead based on the 2035 horizon development, which has not changed.</p>
RA3-5	Similarly, please clarify how the “full buildout” methodology is “based on the past and projected development patterns.” The 2035	The commenter is correct that both the full buildout projections and the 2035 horizon projections are based in part on past development

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	horizon buildout is also “based on past development history.” Are these the same? How did the projections take these into account?	history, as well as on current trends and the amount of land in a given land use designation under the proposed Draft General Plan. The difference between the two projections is the approach to applying those patterns to the future. The full buildout scenario is not associated with any specific future time horizon and would likely take substantially longer than 20 years to be reached. The 2035 planning horizon development scenario evaluates how past development patterns might be expected to play out over the next 20 years, by 2035, based on substantial evidence as provided in the Master Response at the beginning of this chapter.
RA3-6	The Project Description does not appear to explain the basis for discounting the anticipated growth under either scenario. Was a market-by-market or industry-by-industry analysis completed to determine that non-residential uses will not reach full buildout? If so, what data sources were relied upon? What economic factors were taken into consideration in determining that the mid-point of allowable density was the most likely buildout scenario?	As explained on pages 3-32 and 3-33 in the Project Description of the Draft EIR, the 2035 horizon projections for non-residential development were based on sector-specific economic analyses. The projected demand for retail and service square footage was estimated by the economist on the General Plan consultant team, based on the City's current average of 29.2 square feet of occupied shopping center space per capita multiplied by the projected population increase assumed in the Draft EIR. The anticipated demand for office and industrial space was based on the City's in-depth Industrial Land Study, first prepared in 2012 and updated in 2015 by Strategic Economics. In all cases, the square footage projections used in the Draft EIR analysis are higher than the amount of projected demand, in order to reflect the amount of non-residential land that would be available under the proposed General Plan and to ensure that the analysis is conservative. The use of "average" FARs that are somewhat below the maximum allowed FAR is based on a review of existing built non-residential projects, as explained on page 3-30 of the Draft EIR.
RA3-7	Finally, the text explains that full buildout of non-residential uses is not anticipated. However, the text also states that market demand for residential development is high, and full buildout of residential uses is anticipated. Yet, under the second paragraph below the heading “General Plan Development Projections” it seems as though, under even the full buildout scenario, residential development is discounted to just the mid-point of the maximum allowable density.	The Draft EIR acknowledges the high demand for residential development in Morgan Hill (see page 3-20). However, even taking into account high demand, it is important to acknowledge that not 100 percent of every parcel is physically able to be developed, whether due to site constraints such as slopes or waterways; the need to include roads and infrastructure; and/or regulatory restrictions such as setbacks and landscaping requirements. These reductions are

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	Given market demand, the DEIR should assume maximum buildout of residential with and without voter approval of the RDCS.	accounted for in the calculation of developable area, described on page 3-28 of the Draft EIR. The developable area is generally assumed to be 80 percent of a given site; this is based on the reality of physical constraints and not on demand. As explained in response to comment RA3-4, above, assuming the mid-point of the density range is consistent with the evidence of past approved and built residential projects. As stated on page 3-22, the Draft EIR does not assume that the RDCS will be in place, and therefore does assume substantially more residential buildout than would be allowed under either the existing RDCS or the proposed Draft RDCS.
RA3-8	The EIR does not analyze the impacts of the full buildout scenario. Even if full buildout is unlikely under a given forecasting model or economic analysis (see comments above regarding the need for such analysis), the environmental impacts of the full buildout scenario should be analyzed in the DEIR, given that the proposed General Plan land use designations provide the theoretical capacity for such a buildout. (See e.g., <i>City of Redlands v. County of San Bernardino</i> (2002) 96 Cal.App.4th 398, 409; <i>Rio Vista Farm Bureau Center v. County of Solano</i> (1992) 5 Cal. App. 4th 351, 370-371.)	See the Master Response at the beginning of this chapter, which explains the use of the 2035 horizon development and relevant court cases that support its use. Based on the evidence described in the Draft EIR and the Master Response, only a fraction of the full buildout allowed under the Draft General Plan is likely to occur by 2035. In fact, the evidence shows that full buildout of the General Plan area will occur many years beyond the General Plan horizon year of 2035. Because there is no requirement under CEQA to analyze a speculative, unrealistic scenario, this approach of determining reasonably foreseeable impacts associated with a general plan or specific plan project is used by many lead agencies in California. For example, in <i>Molano v. City of Glendale</i> , (2009) 2009 WL 428800, the Court of Appeal rejected claims that the City of Glendale was required to analyze the maximum buildout permitted by a specific plan. The court upheld the City’s determination of what was a reasonable buildout scenario, which, similar to the EIR’s analysis here, relied on assumptions related to density and historic rates of development. A similar approach for a general plan update was upheld in <i>Sierra Club v. County of Tehama</i> (2012) 2012 WL 5987582. There, the County used historic growth rates to estimate a 55-percent increase in population over the life of the Project versus the 918-percent increase in population that would be permitted under a full buildout scenario.
RA3-9	The DEIR, in Section 3.7, indicates that one of the intended uses of the EIR is for “annexation of land into the city limits.” However,	In response to this comment, Santa Clara County LAFCO has been listed as a Responsible Agency in a new section added to Chapter 2,

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	nowhere does the DEIR identify LAFCO as a Responsible Agency pursuant to CEQA. Please clarify whether the City intends to rely on this EIR to seek approvals from LAFCO with regard to annexations, urban service area amendments, or other LAFCO approvals, in which case LAFCO must be identified in the EIR, as well as noticed by the City, as a responsible agency. Further, we suggest that an additional section be added to Chapter 2 or Chapter 3 wherein all Responsible Agencies for the project are identified.	Introduction, of the Draft EIR. The new section notes that the proposed Plan analyzed in the Draft EIR does not propose any changes to the City limit boundary or the Sphere of Influence. However, the City may choose to utilize this EIR in the future to seek approval for eventual annexations that would be consistent with the proposed General Plan. Therefore, the Santa Clara County Local Agency Formation Commission (LAFCO) is a Responsible Agency per CEQA Guidelines Section 15096.
RA3-10	Page 4.2-13 states that the proposed General Plan would designate approximately 1,125 acres of farmland for non-agricultural uses. However, it is unclear what uses these parcels will be re-designated as and whether agricultural uses are permitted uses under these designations.	<p>In response to the comment, the text on page 4.2-13 of the Draft EIR has been revised to provide a new table quantifying how many acres of farmland of concern would be designated with various non-agricultural land use designations, including most of the residential and non-residential designations in the proposed Draft General Plan.</p> <p>Under the new designations, agriculture would be allowed to continue at the discretion of the landowner. However, it would be anticipated that market pressure and/or surrounding development would make long-term continuation of agriculture unlikely.</p>
RA3-11	Also, it is unclear from Figure 4.2-4 which of these agricultural areas are within the City’s proposed Urban Growth Boundary and Urban Service Area. We suggest clarifying within the text and also adding the UGB and USA lines to Figure 4.2-4.	As requested by the commenter, Figure 4.2-4 has been revised to show the Urban Service Area and the Urban Growth Boundary, as shown in Chapter 3 of this Final EIR. A revised Figure 4.2-4 is presented in Chapter 3 of this Final EIR.
RA3-12	Similarly, on the bottom of page 4.2-15, the text states that “the majority” of the farmland designated for development is within the UGB. However, is this the existing UGB, or the proposed UGB? And how many of the 1,125 total acres are located outside of the UGB and outside of the USA?	As requested by the commenter, the text on page 4.2-15 of the Draft EIR has been revised to provide additional information on impacted farmlands of concern in relation to the USA and the UGB. A total of 298 acres of farmland of concern are designated for development within the USA, and 720 acres are designated for development outside of the USA but within the UGB. The relevant text changes are shown in Chapter 3 of this Final EIR. They do not affect the analysis or conclusions of the Draft EIR.
RA3-13	On page 4.2-16, the text reads, “[t]he proposed General Plan would convert less farmland of concern under CEQA for non-agricultural uses than the existing General Plan...” Please provide additional clarification. The proposed General Plan will designate 1,126 acres of farmland to non-agricultural uses, and therefore it seems like the	The commenter is correct; the statement that the proposed General Plan would convert less farmland of concern should be removed. However, this does not affect the Draft EIR's analysis or conclusion regarding impacts to farmland because CEQA requires impact findings to be based on a comparison to existing conditions rather than a

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	proposed General Plan would convert more farmland than the existing General Plan.	comparison to adopted policies.
RA3-14	Finally, on page 4.2-18, the text identifies “applicable regulations” including the LAFCO Agricultural Mitigation Policies and the City’s Municipal Code. However, neither are discussed in the analysis of Impact AG-1. We suggest expanding the analysis to explain how LAFCO’s policies and the City’s code address impacts relating to farmland conversion.	In response to this comment, the text on page 4.2-16 has been revised to mention the City’s Right-to-Farm Ordinance and the LAFCO Agricultural Mitigation Ordinance, as shown in Chapter 3. As noted in the revised text, because the type and intensity of development foreseen in the General Plan would be expected to happen under the City’s jurisdiction, it is anticipated that individual projects would be required to comply with the City’s Agricultural Mitigation Ordinance rather than the LAFCO Agricultural Mitigation Ordinance; both ordinances require a similar 1:1 mitigation.
RA3-15	<p><u>Baseline Emissions Inventory</u></p> <p>Page 4.7-20 states that Morgan Hill’s baseline emissions inventory totaled 279,407 MTCO_{2e} in 2010. However, no explanation is provided as to why the use of 2010 levels is appropriate. Has any significant development or other activities occurred since 2010 that might change the baseline emissions levels in 2015 (the year the NOP was issued for this project)? If not, we suggest adding a discussion explaining that none have occurred and why the 2010 baseline is likely a reliable estimate of baseline 2015 emissions. However, if changes have occurred that call the applicability of the 2010 emissions levels as a proper baseline into question, we suggest analyzing this and adjusting the baseline either up or down to accommodate such changes.</p>	The use of the 2010 baseline for GHG emissions is an appropriate choice and is consistent with State guidance on greenhouse gas (GHG) analysis. An emissions inventory conducted for year 2010 more closely corresponds with the statewide emissions inventory years available from the California Air Resources Board (CARB). For example, the Bay Area Air Quality Management District (BAAQMD) directs lead agencies in their CEQA Guidelines to identify a GHG baseline as a model year between 2005 to 2008. This is because these inventory years corresponded to the 2008 baseline emissions inventory conducted in CARB’s 2008 Scoping Plan, from which GHG significance thresholds are derived. For the City of Morgan Hill, in addition to the preceding reasons, 2010 was chosen because it was the consistent inventory year for the Santa Clara County regional GHG reduction plan. Therefore, energy, water, and solid waste activity data was collected as part of the City’s and Santa Clara County’s regional GHG reduction efforts and was the data available at the time of the environmental analysis. For the GHG emissions analysis, existing ‘2010’ emissions levels represent a more conservative CEQA baseline because GHG emissions in 2015 are likely higher than they were in 2010, and therefore selecting a lower emissions baseline from 2010 serves to calculate a larger net GHG increase when compared to 2035 GHG emissions. The DEIR identifies the total magnitude of emissions increases by year 2035, from the more conservative 2010 baseline, and significance is based on the long-term GHG reduction goals of Executive Order B-30-15 and

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RA3-16	Further, a footnote on page 4.7-22 implies that while the baseline emissions inventory is from 2010, the transportation emissions have been updated to reflect more recent VMT data. Is this correct? If so, we suggest explaining this in the text on page 4.7-20.	Executive Order S-03-05. Chapter 4.7, GHG includes several references to the fact that the transportation sector was updated to reflect the vehicle miles traveled utilized for the General Plan update provided by Hexagon, including table notes in Table 4.7-6, Table 4.7-7, and Table 4.7-8, to ensure internal consistency in the transportation model methodology. No additions are necessary.
RA3-17	Please provide additional explanation as to how the efficiency threshold of 6.6 MTCO ₂ e per service population per year translates to the 3.3 MTCO ₂ e and 1.3 MTCO ₂ e thresholds for 2035 and 2050, respectively. (See pages 4.7-24 and -25.)	At the request of the commenter, additional language has been added to the EIR that describes how the post-2020 efficiency thresholds for year 2035 and year 2050 were derived. The efficiency projections have been updated based on the latest available population projections from the California Department of Finance and employment projects from the California Employment Development Department.
RA3-18	The text on page 4.7-38 states that Plan Bay Area allocates 1,420 new dwelling units to the Downtown Transit Center PDA. The text states that the proposed General Plan would encourage development in this PDA, but the DEIR does not say outright that the proposed General Plan designations would accommodate this allocated growth. Please clarify.	At the request of the commenter, additional language has been added to the EIR that describes how the proposed General Plan is consistent with MTC's projected development in Plan Bay Area. Specifically, the proposed General Plan incorporates the land use designations of the adopted Downtown Specific Plan, which is the basis of the PDA and of MTC's development assumptions. Consistent with the adopted Downtown Specific Plan, the Downtown Mixed Use designation in the proposed General Plan does not have a maximum density and therefore would not prevent the development of 1,420 new dwelling units in the Downtown PDA. In addition, pages 4.10-15 and 4.10-16 of the Draft EIR provide a detailed discussion of how the associated policies in the Transportation and Natural Resource Elements of the proposed General Plan further support Plan Bay Area and intensified development in the Downtown PDA. While the proposed General Plan is consistent with the assumptions upon which Plan Bay Area is based, it should be noted that, as explained on page 4.10-3 of the Draft EIR, MTC does not have land use authority over local jurisdictions and that the City is not required to adopt land use designations that are consistent with the growth assumptions used by MTC for Plan Bay Area.

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RA3-19	<p><u>Baseline Year</u> On the bottom of page 4.12-4 there is reference to 2014 being the EIR’s baseline year. Should this be 2015?</p>	<p>The commenter is correct; the reference to the baseline year has been corrected to 2015, as noted in Chapter 3 of this Final EIR.</p>
RA3-20	<p><u>Impact POP-1: Growth Inducement</u> At the bottom of page 4.12-8, the text reads, “This Draft EIR considers the ‘reasonably foreseeable’ effects of adopting the proposed General Plan, which would result from development allowed between the adoption of the document and its horizon year of 2035.” However, doesn’t the DEIR only analyze the buildout that is expected (i.e. the 2035 horizon year) as opposed to the buildout that is allowed (i.e. the “full buildout”)? Please clarify.</p>	<p>As explained on pages 3-20 and 3-32 in the Project Description of the Draft EIR, the 2035 horizon projections for residential development are the same as the full buildout projections. Therefore, for residential development, "allowed" development and "expected" development, as used in the comment, are synonymous. This is because the Draft EIR does not make any assumptions about what RDCS might be put in place by Morgan Hill voters. However, given Morgan Hill’s nearly 40 year history of approving growth control measures, it is likely that some population cap and/or annual allocation limit will be in place during the next 20 years, and the actual residential development in Morgan Hill will be considerably less than what is analyzed in the Draft EIR. See the Master Response for additional explanation.</p> <p>For non-residential development, as explained on page 3-34 of the Draft EIR, the quantitative analyses in the Draft EIR (traffic generation, air pollution, greenhouse gas emissions, noise generation, population growth, and impacts on public services and recreation) are based on the 2035 horizon buildout. However, Policy CNF-2.5 of the proposed General Plan requires the City to monitor the projected growth, both residential and non-residential, as analyzed in the Draft EIR:</p> <ul style="list-style-type: none"> ▪ 2,500,373 square feet of retail space ▪ 1,150,486 square feet of office space ▪ 7,712,385 square feet of industrial space ▪ 1,402,557 square feet of commercial service space ▪ 750,377 square feet of public facilities space <p>When approved development within the city reaches the maximum number of residential units or any of the non-residential square footages projected in the Morgan Hill 2035 EIR, the Community Development Director shall require that environmental review</p>

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		<p>conducted for any subsequent development project address growth impacts that would occur due to development exceeding the Morgan Hill 2035 EIR's projections."</p> <p>As explained in the Master Response at the beginning of this chapter, the proposed policies and existing monitoring systems will prevent the 2035 horizon development assumptions contained in the EIR from being exceeded unless subsequent environmental review is conducted. Because this policy is part of the Project, and it requires development beyond the amount analyzed in this EIR to be evaluated through subsequent environmental analysis, the horizon-year projections used in the quantitative analyses accurately capture the potential impacts of development that would be "allowed" under the proposed General Plan. The General Plan guides growth over the 20 year planning horizon, and, based on past development history and City and regional projections, the City does not over the next 20 years expect development of every parcel in the City to occur to its theoretical buildout under the land use designation applied to each parcel on the Land Use Map.</p>
RA3-21	<p>Similar to our comments above on the Project Description, it is still unclear whether the 68,057 residents that are assumed on page 4.12-9 are based on a buildout of all residential-designated parcels to their maximum density, or just to the "mid-point of the maximum allowed density" as described on page 3-20. Please clarify.</p>	<p>The total number of residents anticipated in 2035, in the absence of a voter-approved RDCS, is based on the development assumptions explained in detail on pages 3-20 through 3-38 of the Draft EIR, which, as the comment notes, reflect the use of a mid-point density range to accurately reflect past development history in Morgan Hill as a basis for what is reasonably foreseeable in the future.</p>
RA3-22	<p>On page 4.12-9, the text states that there would be a total of approximately 21,299 housing units within the SOI at buildout. However, according to Tables 3-2 and 3-3, it seems as though there would be a total of 22,400 dwelling units at buildout (13,181+9,219). Please clarify.</p>	<p>In response to this comment, the text on page 4.12-9 has been corrected to clarify that there would be a total of 22,400 housing units within the SOI at buildout, as correctly stated in Tables 3-2 and 3-3. The number 21,299 is based on adding 7,431 units of net new development in both the City limit and the SOI to the 13,868 existing units shown in Table 4.12-3 on page 4.12-5. However, as noted in Table 4.12-3, that number of existing units includes the City limit only and does not include an additional 1,100 units in the SOI.</p>
RA3-23	<p>Finally, Table 4.12-7 (page 4.12-10) is titled "Projected Buildout", however it seems like this table is only showing net growth as</p>	<p>Table 4.12-7 in the Draft EIR shows total projected 2035 population (including existing residents) of 68,057, as noted in the top row of the</p>

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	<p>opposed to total buildout. Is this correct? As such, it is difficult to understand what numbers the Jobs/Housing Balance (Citywide) is based upon, as the numbers in the table seem to be the new housing units and new jobs added and does not seem to account for existing units or jobs.</p>	<p>table. The remaining numbers of housing, non-residential square footage, and jobs are net new, as noted in each respective section of the table. The calculation of the Citywide jobs/housing balance is based on the <u>total</u> number of 2035 jobs and 2035 housing units and <u>does</u> take into account existing units and jobs. However, since the City does not have reliable data on the existing number of jobs in the SOI, the jobs/housing ratio in Table 4.12-7 is based on existing jobs and housing in the City limit only, plus net new jobs and housing in both the City limit and the SOI. The existing number of jobs in the City is 17,947, as stated on page 4.12-7 of the Draft EIR. The existing number of housing units in the City is 13,868, as shown in Table 4.12-3. Net new jobs are 9,326, as shown in Table 4.12-7, and net new housing units are 2,360 + 5,071 = 7,431. Total jobs of 27,273 divided by total housing units of 21,299 equals a ratio of 1.28.</p>
<p>RA3-24</p>	<p><u>Impact POP-2: Displacement of Existing Housing</u> At the bottom of page 4.12-11, the text reads, “While the population cap cited in Policy CNF-3.4 would exceed ABAG projections, given the requirements for planning associated with this growth, its impact would be less than significant.” Please expand upon the meaning of “requirements for planning associated with this growth.” Is this referring to specific policies (e.g., Policy CNF-4.3 [Prerequisites for Urban Development], or Policy CNF-4.1 [USA Expansions within UGB], etc.)? Or is it referring to some other type of development control or regulation? It is unclear what the conclusion that impacts are less than significant is based upon here.</p>	<p>The text in question refers to both the list of 14 policies related to growth management that are provided on pages 4.12-9 through 4.12-11, immediately above the conclusory paragraph, as well as the City’s robust and comprehensive Residential Development Control System, which requires all residential projects to compete and win in a rigorous competitive application process. The RDCS is also referenced in the conclusory paragraph.</p>
<p>RA3-25</p>	<p><u>Cumulative Impacts</u> Page 4.12-14 refers to “Mitigation Measure POP-1” however there is no mitigation identified in this DEIR chapter. Is a mitigation measure necessary to reduce cumulative impacts to less than significant?</p>	<p>The comment points out an erroneous reference to a non-existent mitigation measure. The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, to clarify that the proposed General Plan would include a robust planning framework to guide and accommodate population and housing growth, and would therefore result in a less-than-significant impact. As correctly stated on page 4.12-15 of the Draft EIR, no mitigation measures are necessary to reduce cumulative impacts to a less-than-significant level.</p>

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RA3-26	<p><u>Full Buildout</u></p> <p>The text on page 4.12-15 states that the under the “full buildout” methodology, significantly more non-residential development would occur than under the 2035 horizon year. The text goes on to state, “therefore, the potential for impacts related to population and housing would increase.” How is this so? It is unclear how an increase in development on parcels designated for non-residential uses would (1) induce substantial unexpected population growth (Impact POP-1); (2) displace substantial numbers of existing housing units (Impact POP-2); or (3) displace substantial numbers of people. Please clarify.</p>	<p>The mechanisms by which increased non-residential development might impact population growth are explained on page 4.12-7 of the Draft EIR. As stated there, a high number of jobs, exceeding local housing supply, attracts workers in to a community, thereby increasing the demand for housing in the community from workers who would prefer to live closer to where they work. However, based on past economic cycles, the City does not anticipate economic conditions for such substantial job growth to occur over the 20 year planning horizon that job growth would induce unplanned residential growth.</p>
RA3-27	<p>Page 4.15-1 states that the Water Infrastructure Master Plan will not be complete before publication of the DEIR, and that impact analyses for water supply services may be subject to change through a subsequent CEQA document, such as an addendum, after the Water Infrastructure Master Plan is approved. Is this the Santa Clara Valley Water District’s Master Plan, or the City’s Master Plan? Please clarify.</p>	<p>The reference on page 4.15-1 refers to the City of Morgan Hill’s Water Infrastructure Master Plan, which is not currently complete. The City’s Water Infrastructure Master Plan will assess what types of improvements are needed to meet projected future demand. Elsewhere in the DEIR reference is made to the SCVWD’s Water Supply Infrastructure Master Plan. As the primary water resources agency for Santa Clara County, the SCVWD; or, District, adopted the 2012 Water Supply and Infrastructure Master Plan which provides a water supply strategy for planning activities and projects needed in the future to meet the County’s water needs and provides a roadmap for future District investments in water supply reliability.</p>
RA3-28	<p>Please provide an explanation in the text that describes what the Water Infrastructure Master Plan is, and why it is not required prior to the certification of the EIR for the proposed General Plan. Please describe how the Water Infrastructure Master Plan relates to the Water System Master Plan described on page 4.15-7.</p>	<p>The City’s pending Water Infrastructure Master Plan will further assess water supply and demand and determine what types of improvements are needed to meet projected future demand. The 2002 Water Master Plan addressed future infrastructure investments based on assumptions at the time concerning the location and extent of growth. The pending Water Infrastructure Master Plan will provide a baseline for identifying future infrastructure needs going forward. The pending Water Infrastructure Master Plan is not required prior to the certification of the EIR for the General Plan because 1) an addendum to the EIR can be prepared and 2) the General Plan EIR is a programmatic EIR and any potential impacts associated with infrastructure improvements identified in the Water Infrastructure Master Plan can be addressed in project-specific CEQA analysis focused on the project-specific improvements. Most General Plan</p>

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RA3-29	It seems as though the 2004 Recycled Water Master Plan should be identified under “Local Regulations” and described here.	Updates are completed and adopted in the absence of concurrent infrastructure master plans; a Water Master Plan is not a requirement or prerequisite for General Plan adoption or EIR certification. The 2004 Recycled Water Master Plan is discussed on page 4.15-9 of the Draft EIR.
RA3-30	<p>While the DEIR identified Senate Bill (SB) 610 and its requirements for the preparation of a Water Supply Assessment (page 4.15-2), it does not appear that a WSA was prepared for the proposed General Plan Update. As you know, CEQA and the Water Code require the preparation of a WSA for project that will result in:</p> <ul style="list-style-type: none"> * Residential development of more than 500 dwelling units. * Shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor area. * Hotel or motel, or both, having more than 500 rooms. * Industrial, manufacturing or processing plant, or industrial park planned to employ more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area. * Mixed-use project that includes one or more of the projects specified above. * Project that would demand an amount of water equivalent to, or greater than, the amount of water required for 500 dwelling units. <p>On page 3-23 the DEIR states that full buildout of the proposed General Plan and proposed Residential Development Control System would result in:</p> <ul style="list-style-type: none"> * 13,181 total single-family residential units * 9,219 total multi-family residential units · 2.70 million square feet of total retail space * 1.89 million square feet of total office space * 10.33 million square feet of total industrial space * 1.15 million square feet of total service space <p>Full buildout as to any one of these development categories requires preparation of a WSA. Given this, we request that a WSA be prepared</p>	<p>The comment states the requirements of SB 610. However, SB 610 is required for specific development projects or Specific Plans. The proposed Draft General Plan does not include any specific development proposals. The court in <i>Watsonville Pilots Association vs. City of Watsonville</i> (2010) 183 CA4th 1059, 1092, 108 CR3d 577, held that it is not necessary for an EIR on a General Plan to establish a likely source of water. Relying on the principles outlined in the Supreme Court’s opinion in <i>Vineyard Area Citizens for Responsible Growth, Inc., v. City of Rancho Cordova</i> (2007) 40 C4th 412, CR3d 821, the court ruled that because general plan EIRs are conceptual, they need only address:</p> <ul style="list-style-type: none"> ▪ The reasonably foreseeable impacts of supplying water to the project, ▪ Note any uncertainties that prevent identification of future water sources, ▪ Identify and describe alternatives, and Discuss the environmental impacts of those alternatives. <p>On pages 4.15-16 through 4.15-26, the Draft EIR describes existing and reasonably foreseeable future water supplies to serve development allowed under the proposed General Plan, as identified in the 2010 UWMP, as well as needed infrastructure such as supply wells and distribution pipelines. Table 4.15-4, on pages 4.15-22 and -23, describes the reasonably foreseeable impacts of these improvements for each of the relevant topics in CEQA Appendix G.</p> <p>The sources of groundwater supply (rainfall, reservoirs, and imported water) are described on page 4.15-8 through 4.15-10 of the Draft EIR and discussed in detail in the 2010 UWMP. The uncertainties of these</p>

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	for the development contemplated in the DEIR.	sources in the future, due primarily to drought as well as to changes in regulation, are acknowledged on pages 4.15-9, 4.15-10, 4.15-13 through 4.15-15, 4.15-17, and 4.15-24 through 4.15-25. In responses to these uncertainties, alternatives such as recycled water and ongoing conservation measures are discussed on pages 4.15-9, 4.15-17, and 4.15-25, among others. Therefore, the EIR analysis is consistent with the direction provided by the court in the <i>Watsonville</i> case.
RA3-31	At the bottom of page 4.15-9, the text states that the City used 6.778 acre-feet per year of water. This should be 6,778 acre-feet per year.	The text of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
RA3-32	<p>Page 4.15-26 states that the City is preparing a Wastewater Infrastructure Master Plan, but that it will not be complete before publication of the DEIR, and that impact analyses for wastewater treatment and collection services may be subject to change through a subsequent CEQA document. Is there an existing Wastewater Infrastructure Master Plan that applies in the interim? The text states that the Wastewater Infrastructure Master Plan “will assess existing wastewater demand and capacity and determine what types of improvements are necessary to meet projected future demand.” It seems as though the Wastewater Infrastructure Master Plan is therefore needed to assess the impacts of development permitted under the General Plan on wastewater demand. Please explain why this is not deferral of environmental analysis.</p> <p>Please provide an explanation in the text that describes what the Wastewater Infrastructure Master Plan is, and why it is not required prior to the certification of the EIR for the proposed General Plan.</p>	<p>As noted in the comment, the City's pending Wastewater Infrastructure Master Plan will assess existing wastewater demand and capacity and determine what types of improvements are necessary to meet projected future demand. The pending Wastewater Infrastructure Master Plan will provide a baseline for identifying future infrastructure needs going forward. It is not required prior to the certification of the EIR for the General Plan because the General Plan EIR is a programmatic EIR and any potential impacts associated with infrastructure improvements identified in the Water Infrastructure Master Plan can be addressed in project-specific CEQA analysis focused on the project-specific improvements. Further, if it is determined that information in the Wasterwater Infrastructure Master Plan, upon completion, is considered substantial with respect to the circumstances under which the project is undertaken, a subsequent EIR [see CEQA Guidelines Section 15162] may be prepared reflecting the information contained in the Wastewater Infrastructuere Master Plan, in the form of an Addendum to the EIR [see CEQA Guidelines Section 15164]. Most General Plan Updates are completed and adopted in the absence of concurrent infrastructure master plans, rather, most updated General Plans include an implementing action to prepare or update an infrastructure master plan to serve forecasted growth; a Wastewater Master Plan is not a requirement or prerequisite for General Plan adoption or EIR certification.</p>
RA3-33	<p><u>Impact UTIL-4: Wastewater Treatment Requirements</u> Pages 4.15-32 and -33 conclude that “with continued compliance with applicable regulations... and in accordance with the goals,</p>	Impact UTIL-4 evaluates whether the proposed project would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB). Wastewater treatment plant capacity

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	<p>policies, and actions in the proposed General Plan... wastewater generated from buildout of the Project Area would not exceed Central Coast RWQCB's applicable treatment requirements..." However, on pages 4.15-30 and -31, the text explains that wastewater flow projections indicate that the SCRWA wastewater treatment facility will soon exceed capacity. Please explain how the capacity of the SCRWA facility is relevant to the analysis of Impact UTIL-4.</p>	<p>is closely tied to the terms of the permit, which expresses the requirements of the RWQCB. An exceedance of capacity would violate the terms of the permit and therefore RWQCB requirements. The Central Coast RWQCB wastewater treatment requirements are identified in the NPDES permit (CA0049964) for the SCRWA plant. The permit issued in 2010 specifies a facility design flow of 8.5 mgd for secondary treatment. Specifically, the permit states that average dry weather flow from the wastewater treatment facility (the average daily flow in the three driest months of each year) shall not exceed the facility's dry weather treatment capacity of 8.5 mgd. The permit also specifies a facility design flow of 9 mgd for tertiary treatment. In addition, the permit establishes a discharge effluent limit of 9 mgd. The permit was slated to expire on March 2015. The RWQCB has acknowledged receipt of the permit renewal application from SCRWA and has indicated that review is ongoing, and has administratively extended the old permit until adoption of the new permit.</p> <p>As noted in the Existing Conditions section of the Draft EIR (page 4.15-29 and -30), it is the goal of SCRWA to build, maintain, and operate infrastructure required to support the treatment facility and to continue to provide high quality wastewater treatment and reclamation services professionally and competitively to preserve the environment and ensure the health, safety, and economic vitality of the Gilroy-Morgan Hill region. To achieve this goal, SCRWA prepared a Capital Improvements Strategic Plan to identify the projects necessary to maintain permit compliance; improve redundancy, efficiency and reliability; and expand future treatment capacity in accordance with both cities' General Plans. Existing plans and budgets adopted for the SCRWA show the timeline for designing, planning and constructing increased plant capacity, as needed. In response to this comment, the EIR consultant contacted SCRWA staff regarding plant expansion plans. The SCRWA's current plans are to expand the capacity of the treatment plant with the addition of a parallel treatment system utilizing membrane bioreactor (MBR) technology to achieve a plant treatment capacity of 11.0 MGD by 2022 to accommodate the growth</p>

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RA3-34	<p><u><i>Impact UTIL-5: Wastewater Treatment Facility Expansion</i></u> Page 4.15-35 concludes that the impacts of the proposed wastewater treatment expansion will not result in significant environmental effects. However, the analysis on page 4.15-36 states that actual impacts from the expansion are too speculative to evaluate at this time. How can we know that the “example” impacts provided in Table 4.15-4 will be less than significant?</p>	<p>projections of both Morgan Hill and Gilroy. This project is next phase of a series of expansion and upgrade projects that will be designed, constructed, and commissioned at the SCRWA facility. The long-term growth of each community and any potential growth factors resulting from the new General Plans will be evaluated and will provide further information as to long-term expansion needs at the SCRWA beyond the 2022 planned expansion. The next major expansion after 2022 is currently anticipated to be in the mid-2030’s, which will provide a plant capacity of 13.5 MGD. The plant capacity expansion plans ultimately will reflect the most recent projected wastewater demands from the Cities of Morgan Hill and Gilroy, including the projections in this EIR. [Personal communication, Mr. Saeid Vaziry, SCRWA, Environmental Programs Manager, May 12, 2016.]</p>
RA3-35	<p>Further, CEQA requires that the proposed General Plan be compared against the existing conditions on the ground (which here, do not include the expanded wastewater treatment facility), not against plans for future projects that will change the existing conditions (here, the plans to expand the facility once by 2022, and again in the 2030s). For this reason, it seems as though the impact analysis should not rely on the future expansion absolutely coming to pass.</p> <p><u><i>Impact UTIL-6: Wastewater Treatment Capacity</i></u> Regarding SCRWA’s expansion of the treatment facility, what will happen if the facility is not completed by 2022, when capacity is projected to be exceeded? What impacts would occur in that scenario? As discussed above, CEQA requires that the proposed General Plan be compared against the existing conditions on the ground (which here, do not include the expanded wastewater</p>	<p>The Draft EIR acknowledges that existing plant capacity is not adequate to serve projected development. SCRWA’s existing plans and budget, when implemented, would expand the capacity of the treatment plant to 11.0 mgd by 2022 and to 12.5 mgd by 2035 to serve projected growth in both Morgan Hill and Gilroy. The existing plans and budgets show, and recent correspondence with SCRWA in the process of preparing this Final EIR reiterate that it is SCRWA’s clear intent to iteratively analyze flow projections and expand future treatment capacity, as needed. SCRWA prepared a Capital Improvements Strategic Plan to identify the projects necessary to maintain permit compliance; improve redundancy, efficiency and reliability; and expand future treatment capacity in accordance with the General Plans of both Gilroy and Morgan Hill.</p> <p>If, however, the planned and funded expansion did not occur, the</p>

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	<p>treatment facility). For this reason, it seems as though the impact analysis should not rely on the future expansion.</p> <p><u>Impact UTIL-7: Cumulative Wastewater Impacts</u> Same comment as above. The cumulative impacts analysis determines that because no expansions are required beyond those anticipated in 2022 and the 2030s the Project will not result in the need for expanded facilities or the impacts associated with the same. Please explain how impacts will be less than significant, given CEQA’s mandate to compare projects against existing (not planned) conditions.</p>	<p>result would be that additional development in Morgan Hill could not be approved until capacity was available. Propopsed General Plan policy CNF-3.6, Adequate Services and Infrastructure, states that the City will “[a]llow residential growth only if it is within the ability for the City to provide adequate public services and infrastructure for new development and the community at large.” Therefore, even if the exapansion does not occur, no new environmental impacts would occur because the plant capacity would not be exceeded.</p>
<p>RA3-36</p>	<p><u>Impact UTIL-11: Energy Impacts</u> State CEQA Guidelines Appendix F requires that EIRs address “avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.” While the analysis on pages 4.15-54 through -57 addresses effects on service demands, energy conservation, and infrastructure needs, it does not seem to address whether the Project will result in “inefficient, wasteful, or unnecessary” energy consumption or any of the provisions of CEQA Guidelines Appendix F. Further, as you know, California Clean Energy Committee v. City of Woodland holds that an EIR fails to appropriately assess energy impacts consistent with Appendix F of the State CEQA Guideline when it fails to investigate renewable energy options that might be available and appropriate for a project. Given this, we request that added analysis of the potential application of Appendix F to the project be added to the EIR, and that the EIR’s energy discussion be revised and expanded.</p>	<p>Contrary to the assertions in the comment, the energy impact discussion on pages 4.15-54 through 4.15-57 responds point-by-point to the impacts to energy conservation listed in Appendix F. Appendix F is described in some detail on page 4.15-53 of the Draft EIR, and the discussion in section 4.15.4.2, Standards of Significance, explains how the language of Appendix F was used as the basis for determining an appropriate threshold of significance (which Appendix F does not provide), consistent with the thresholds used for other types of utilities in Appendix G. The following impact discussion addresses specific components listed in Appendix F, including energy supplies, energy standards, energy resources, and transportation energy use.</p> <p>With respect to renewable energy options, the Existing Setting discussion on page 4.15-52 describes PG&E's existing renewable energy sources as well as plans to increase PG&E's use of renewable energy. The impact discussion on page 4.15-57 addresses renewable energy impacts.</p> <p>It should be noted that energy, and the proposed General Plan policies that encourage and support renewable energy, such as Policy NRE-16.7, are also analyzed throughout the impact discussion in the Greenhouse Gas Emissions chapter of the Draft EIR. See pages 4.7-24 through 4.7-37. For example, Table 4.7-8 presents GHG emissions from the energy sector in 2035, with the proposed Plan, and Table 4.7-9</p>

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		presents quantified GHG emissions reductions from the GHG reduction measures in the proposed Plan, including measures relating to solar energy and community choice aggregation, two renewable energy options that are available and appropriate and are included in the proposed Plan.
RA3-37	Page 7-4 states that the policies enacted under the General Plan would ensure that adequate planning occurs to accommodate any growth, and that these policies would control the geographic extent of growth. Please provide additional detail. For example, which policies would do so? How would growth be controlled?	See the response to comment RA3-24, above. In addition to the numerous policies relating to growth management in the proposed Plan, and the proposed RDCS which carefully manages residential growth, the City's General Plan land use map and legal planning boundaries will control the geographic extent of growth.
RA3-38	Similarly, the text on this page states that the General Plan commits to only allowing development where infrastructure is in place or is planned. Please describe how the General Plan does this.	<p>The proposed General Plan includes a range of policies to guide growth in an orderly and efficient manner, including policies to locate new growth along existing or planned infrastructure. Specifically, the following goals and policies directly and explicitly commit the City to this approach:</p> <p>Goal CNF-2 An improved, orderly, and efficient pattern of urban development.</p> <p>Policy CNF-2.1 Orderly Development. Encourage the orderly development of the City, with concentric growth and infill of existing developed areas.</p> <p>Goal CNF-3 A growth management system that maintains a population cap, a metered pace of development, and high level of community amenities, and that is clear, fair, flexible, and streamlined.</p> <p>Policy CNF-3.1 RDCS Purpose. Maintain a Residential Development Control System (RDCS) to manage the amount, rate, type, and location of residential development in Morgan Hill.</p> <p>Policy CNF-3.6 Adequate Services and Infrastructure. Allow residential growth only if it is within the ability for the City to provide adequate public services and infrastructure for new development and the community at large.</p> <p>Goal CNF-4 Orderly and limited expansion of City boundaries.</p>

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		<p>Policy CNF-4.1 Future Growth Areas. Use the current Urban Service Area and Urban Growth Boundary to identify future urban development areas based on adequacy and availability of municipal services.</p> <p>Policy CNF-4.3 Prerequisites for Urban Development. Consider land within or adjacent to the City as available for urban development only when it is included within the Urban Service Area and Urban Growth Boundary, and can be developed in a manner that will be cost-effective to the City, and will be served by adequate public services and facilities.</p> <p>Policy CNF-4.7 Urban Growth Boundary Modification Criteria. Evaluate future proposals to modify the UGB in light of the need to maintain a 15-year supply, on average, of available land for accommodating projected growth. The determination of the amount of land needed for a 15-year supply should be based on past and assumed rates of growth and policies relating to development and conservation of land contained in the General Plan. The UGB should only be expanded for those general land use categories (i.e., residential, commercial, industrial) for which less than a 15-year supply remains, in accordance with the following criteria:</p> <ul style="list-style-type: none"> ▪ Demonstrates consistency with the applicable goals and policies in the General Plan and the surrounding General Plan Land Use designations. ▪ Demonstrates it will have a fiscally neutral effect on City finances at the time of development in the future. ▪ Can adequately be served by public services and infrastructure without decreasing City adopted level of service standards. ▪ Is adjacent to existing or approved development on at least two sides. ▪ Demonstrates the proposed development cannot occur within the existing UGB.

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RA3-39	Finally, there does not seem to be any significance determination provided at the conclusion of this analysis. Would the growth inducing impacts of the proposed General Plan be less than significant, or significant and unavoidable?	<ul style="list-style-type: none"> ▪ Demonstrates a public benefits such as the preservation of sensitive habitat or prime farmland, provision of affordable housing, provision of public park or open space land, or a public benefit established by the Morgan Hill City Council. ▪ Demonstrates that without the modification, the owner would be deprived of any economically viable use of his/her land. <p>In addition to these General Plan policies, the Draft RDCS further supports the City’s goals of orderly growth and efficient provision of infrastructure by awarding points to projects that utilize existing infrastructure. For example, Section 18.82.030, Infrastructure and Services, states that “The City shall award points to projects that contribute to the efficient use of public infrastructure and services. Points shall be awarded to projects that [r]equire no off-site extension of water lines and storm drains.”</p>
RA3-40	The proposed Chiala Development, as described under 3.5.1.4, lacks specifics and the associated environmental analysis is insufficient.	<p>Section 15126.2 of the CEQA Guidelines, which sets forth the requirements for the analysis of growth-inducing impacts in the EIR, does not require a determination regarding growth inducement, but rather a discussion only. In fact, the last sentence in Section 15126.2(d) states that “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.” Therefore, this section appropriately does not include significance determination.</p> <p>Pages 3-27 and 3-28 of the Draft EIR describe the proposed Chiala development and provide numbers of acres, numbers of units, and a map of both the receiving area and the preservation area, shown in Figure 3-7. This is in fact a greater level of detail than any other parcel or area considered in the Draft EIR and is an appropriate level of detail for a programmatic EIR. The Chiala proposal is included in the 2035 horizon estimates and therefore is analyzed at the same programmatic level of detail as all other potential development allowed under the proposed General Plan. Without further specifics on the alleged insufficient environmental analysis it is not possible to respond in</p>

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		<p>greater detail. However, the Chiala development would be subject to appropriate project-level environmental review upon the filing of planning applications for specific development on the Chiala property, which would analyze potential environmental impacts as more details are provided.</p>
LOCAL AGENCIES		
LA1	<p>Kirsten Perez, Assistant Superintendent Business Services, MHUSD, 3/7/2016</p>	
LA1-1	<p>Morgan Hill Unified School District ("MHUSD") appreciates the opportunity to communicate with you concerning the Draft Environmental Impact Report for the Morgan Hill 2035 Project ("DEIR"). We oppose the DEIR because it fails to recognize that the City has been unable to identify sufficient land within the City of Morgan Hill ("City") to meet the District's needs thereby requiring the MHUSD to identify land for acquisition outside the current city limits.</p>	<p>This comment notes that the EIR fails to recognize that the City has not identified adequate land to meet MHUSD's needs for future school sites. Although identification of future school sites is an important question, it is not the appropriate role of the Draft EIR but rather a policy issue and an inter-governmental coordination issue.</p> <p>The City's current General Plan Map (adopted in 2001) includes a potential school site designation that signifies that a school may be needed in the general vicinity of the designation. While this designation does not commit a specific property to school use, it prompts the City to coordinate with MHUSD to discuss potential school sites when development occurs in the vicinity of the designation. It also provides MHUSD with a picture of potential growth in the future so that schools can be planned accordingly. To advance the continuation of this concept, City staff has discussed possible locations for the school site designation with MHUSD staff and based on their input, recommends that the City continue to include such a designation on the new General Plan Land Use Map as shown (see attached). The City also received a letter from MHUSD commenting on the project EIR and specifically requesting the addition of this designation and continuing this practice was agreed upon by the City/School Liaison representatives at their April 22, 2016, meeting. On April 27, 2016, the City Council directed staff to add a symbol designating potential future school sites to the proposed General Plan land use map. The updated map will be considered by the Planning Commission and City Council as part of the adoption hearings.</p>

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		<p>Furthermore, it is specified in the proposed General Plan that the City would prepare a specific/neighborhood plan for the area around Live Oak High School. The envisioned collaborative process would ensure that public facilities (schools, parks, trails, etc.) be included in the plan so that these future needs are planned for prior to development commencing.</p>
		<p>The City also acknowledges that both school capacity and program capacity are concerns that make it even more important for the City and MHUSD to work together in a collaborative process. MHUSD decisions to reduce classroom size (number of students per classroom) and to close Burnett Elementary school have affected MHUSD's school capacity. As part of this collaborative process, the City is encouraging and supporting MHUSD's expansion of Britton school as MHUSD plans the school's reconstruction.</p>
		<p>Adequate and well-located future school sites are a concern for the City and the proposed General Plan includes several policies to support ongoing coordination with MHUSD, as presented on pages 4.13-22 and -23 of the Draft EIR:</p>
		<p>Goal HC-1 Coordinated urban and school development.</p>
		<p>Policy HC-1.1 Neighborhood Schools. Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.</p>
		<p>Policy HC-1.2 Coordinate School Development. Work with the Morgan Hill Unified School District to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.</p>
		<p>Policy HC-1.3 Quality Education. Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to</p>

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		<p>ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.</p> <p>Policy HC-1.4 Strategic Plan. Encourage the Morgan Hill Unified School District, Gavilan College, and private schools to develop a strategic plan for and construct schools to coincide with the planned future growth of the City.</p> <p>Policy HC-1.5 Site Selection. Work with the Morgan Hill Unified School District in selecting sites for new schools to optimize educational and community development goals.</p> <p>Policy HC-1.6 Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs.</p> <p>Policy HC-1.7 Neighborhood Activities. Encourage the Morgan Hill Unified School District to design, site, and upgrade elementary schools with flexible facilities that serve as the focal point of each neighborhood's diverse and changing social, cultural, vocational, recreational, and educational activities.</p> <p>Policy HC-1.8 Park Coordination. Work with the Morgan Hill Unified School District to locate parks and schools together to optimize their use as community facilities and reduce fiscal strain on both agencies.</p> <p>Policy HC-1.12 School Availability. Use the RDCS to meter residential growth consistent with school capacity.</p> <p>Action HC-1.2 Funding. Support the development of additional and innovative financing techniques for school improvements and construction.</p> <p>In addition, the proposed RDCS includes criteria that award points to residential projects that are served by adequate school capacity.</p> <p>However, whether a proposed project identifies adequate future school sites is not a threshold of significance in Appendix G or a</p>

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LA1-2	The DEIR appears inconsistent with the City's General Plan and General Plan Amendment which indicate that the City shall work in partnership with the MHUSD to develop school facilities. School districts and local government depend on each other.	threshold that has been adopted by the City. Instead, CEQA focuses on potential impacts to the physical environment from construction of new school facilities that could be needed due to the proposed Plan. The Draft EIR includes this CEQA-required analysis on pages 4.13-20 through -24. Tables 4.13-4 and 4.13-5 include a quantitative estimate of the number of new students that would be generated from residential development allowed under the proposed General Plan, based on two different recent student generation rates provided by MHUSD, as well as existing capacity provided by MHUSD, and clearly discloses that expected enrollment in 2035 would exceed existing capacity by about 2,110 to 3,857 students. The Draft EIR then acknowledges that “Given the large influx of students generated by the proposed General Plan, a significant burden would be placed on MHUSD to purchase land and build new schools at a time when there are no State resources or grants to support educational facilities.” (page 4.13-21). The analysis in the Draft EIR meets CEQA requirements and no revisions are proposed in response to this comment.
LA1-3	A growing community places greater demands on the school system, thereby creating a need for more or expanded schools. Likewise, a new school often stimulates significant traffic as well as residential development near the new school site. Thus, the actions of one entity affect the interests of the other. Given this fact, it is imperative	The comment states that the Draft EIR is inconsistent with the proposed General Plan. It is important to understand that the Draft EIR is not a policy document and does not set City policy. Rather, it is an informational document to analyze and disclose the potential physical impacts of adopting the proposed General Plan as the City’s policy document. Its role is to describe the physical impacts of potential future school construction; it does that, as described in response to comment LA1-1, above. The City acknowledges and agrees that school districts and local governments are interdependent and has therefore included a robust policy framework in in the proposed General Plan and the RDCS to support ongoing collaboration, also as described in response to comment LA1-1. The Draft EIR does not conflict with or affect the implementation of these policies. The City agrees that MHUSD and the City should work together on future school sites and, in advance of General Plan adoption, will continue to meet and communicate with MHUSD staff and decision-makers on this topic. The Draft EIR clearly acknowledges and quantifies the number of new students that might be expected to impact the

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	that MHUSD and the City work together to site schools.	school system. The traffic generated by these future students is included in the traffic modeling of 2035 horizon development because residential trip rates in the model include trips to and from school. No change to the Draft EIR is needed.
LA1-4	The Santa Clara County Local Agency Formation Commission ("LAFCO") has given written objections to schools being built outside of City limits. As LAFCO is the state mandated local agency established to oversee the boundaries of cities and special districts, MHUSD has shared with LAFCO its present concerns about lack of available land within the current City of Morgan Hill boundaries as the justification for the need to purchase and develop property in the South East Quadrant ("SEQ").	This comment notes communications between LAFCO and MHUSD regarding future school sites in or around Morgan Hill. It is not a comment on the Draft EIR.
LA1-5	<p data-bbox="365 695 537 719">Insufficient Land</p> <p data-bbox="365 727 1100 971">The DEIR fails to recognize that there is not sufficient land within the city limits to accommodate the District's needs. Based on the DEIR, which currently recommends increasing the population limit for the City of Morgan Hill to 64,600, the District anticipates that it would need to construct a minimum of four elementary schools and two secondary schools. According to tables 4.13-4 and 4.13-5 of the DEIR, MHUSD enrollment is projected to be between 11, 864 and 13,611 students, which greatly exceeds the current facility capacity of 9,754.</p>	<p data-bbox="1136 695 1908 906">As noted in response to comment LA1-1, the question of sufficient land for MHUSD needs is not a threshold of significance under CEQA and therefore would not typically be addressed in a General Plan EIR. The comment concurs with the information disclosed in the Draft EIR, which notes that future enrollment would be expected to substantially exceed capacity given the residential growth allowed under the proposed General Plan and RDCS.</p> <p data-bbox="1136 954 1908 1141">It should be noted that, since the Draft EIR calculated student generation based on housing units rather than on population, the student projections in Tables 4.13-4 and 4.13-5 are based on the 2035 horizon development of 7,431 new units (as shown in footnotes 37 and 38) rather than on a population cap of 64,600, as stated in the comment.</p>
LA1-6	MHUSD has the responsibility of anticipating the changing school facility needs of the Morgan Hill community to ensure a physical environment that is comfortable, safe, secure and accessible. The District believes that "neighborhood schools" enhance the social, economic and physical character of the City. In addition to educating young people, "neighborhood schools" provide physical places for the community to gather for cultural or sporting events, walk the dog, or play in the playground or school field.	<p data-bbox="1136 1157 1908 1304">This comment states MHUSD's support for the neighborhood school concept and the California Department of Education requirements for new school sites. The City of Morgan Hill also supports the neighborhood schools concept, as reflected in several policies under Goal HC-1 regarding coordinated urban and school development:</p> <p data-bbox="1136 1328 1908 1416">Policy HC-1.1 Neighborhood Schools. Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a</p>

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	<p>Acquiring new school sites is a big challenge, in part because of the California Department of Education's regulations which determine the acreage requirements. According to the California Department of Education, MHUSD is required to obtain a minimum of 10 acres to build an elementary school, 25 acres for a middle school and 40 acres for a high school.</p>	<p>community resource facility.</p> <p>Policy HC-1.3 Quality Education. Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.</p> <p>Policy HC-1.5 Site Selection. Work with the Morgan Hill Unified School District in selecting sites for new schools to optimize educational and community development goals.</p> <p>In addition, as described on the pages 4.13-23 and 4.13-24 of the Draft EIR, the proposed Draft RDCS also includes provisions that would reward residential projects that pay school fees above the minimum required by MHUSD, are located near existing schools, are located near schools with capacity, and contribute funds to MHUSD for student transportation.</p> <p>This is not a comment on the adequacy of the EIR analysis, and no change to the Draft EIR is needed.</p>
LA1-7	<p>The District has requested the assistance of the City of Morgan Hill Planning Department in determining potential locations within the City's current boundaries for future schools and planning for serving our community with sensible education school building placement. In discussions with the City of Morgan Hill staff, it was determined that they are few available parcels within the City that currently meet District's requirements. The lack of available land within the City's current boundaries has forced the District to examine potential school sites along the urban periphery including the unincorporated county. Locating a school outside of the City is contrary to the District's belief in "neighborhood schools" but at this point the District has very limited options.</p>	<p>As noted in response to comment LA1-6, above, the City agrees with MHUSD's position on neighborhood schools and has incorporated a number of policies in the proposed General Plan to express and implement that support.</p> <p>In response to this comment, and as a result of ongoing dialogue with MHUSD staff, City staff will forward a recommendation to the Planning Commission and the City Council that the proposed General Plan be revised to include the following changes:</p> <ul style="list-style-type: none"> ▪ Revise the name of the Public Facility designation to Public/Quasi-Public to reflect that this designation also allows important non-public community uses such as hospitals, utilities, and MHUSD uses. Note that the description of the designation already includes this language; the change would be to the name of the designation only.

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LA1-8	<p>Conflicts with the City's Current General Plan The City's Current General Plan Goal of useful, accessible and high-quality park, recreation and trail facilities and programs includes (page 49 and page 50):</p> <p>18.2 Encourage partnerships with other agencies and organizations, including the Morgan Hill Unified School District (MHUSD) and other schools, Santa Clara Valley Water District, and the Santa Clara County Parks and Recreation Department, to acquire and develop parks and recreation facilities.</p> <p>18.3 Work in partnership with MHUSD and other schools where appropriate to identify potential locations for future parks adjacent to future schools in areas currently underserved by parks. Where feasible, the lead agency (MHUSD or the City) shall acquire the full amount of land needed for the school/park, with the other agency agreeing to pay its fair share. Also consider partnerships to enhance community recreational use of existing and proposed school facilities.</p>	<ul style="list-style-type: none"> ▪ A “floating” symbol indicating the general location of several future school sites located throughout Morgan Hill and its SOI. Some planned residential growth is located outside of existing City limits; therefore, it is appropriate to also plan schools outside of the existing City limits so that they would be in proximity to new development. ▪ A new action HC-1.14: Sobrato High School. Support and collaborate with MHUSD in discussions with the City of San Jose to arrive at agreement on additional development at the Sobrato High School site, including, if needed, changes to the current Sphere of Influence. <p>This comment lists three actions that are in the current General Plan. All three remain a part of the proposed General Plan, although they have been renumbered (as have all policies and actions) and are now labeled as policies to more accurately reflect that they are an ongoing statement of intention rather than a one-time activity that will be completed. These three policies remain in the parks and recreation section under Goal HC-3 in the new Healthy Communities Element.</p> <ul style="list-style-type: none"> • Former Action 18.2 regarding partnerships is now Policy HC-3.25. • Former Action 18.3 regarding parks adjacent to schools is now Policy HC-3.22. • Former Action 18.4 regarding joint use agreements is now Policy HC-3.23. <p>While some revisions have been proposed to the current language of these policies, they remain largely unchanged and the intent of each is carried forward in the proposed General Plan.</p> <p>This is a comment on General Plan policies and not on the EIR; no</p>

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	<p>18.4 Joint use agreements between the City and MHUSD shall be developed for all new school/neighborhood parks identifying maintenance responsibilities and maximizing shared use of resources where mutually beneficial. Also consider partnerships to enhance community recreational use of existing and proposed school facilities.</p>	<p>changes to the EIR are needed.</p>
LA1-9	<p>The DEIR fails to recognize the need to develop parks and recreation facilities in partnership with MHUSD and the plan does not identify areas where future facilities and schools can likely be placed for with adequate land needed for a park/school. The areas specified for development and school use are, in fact, ignoring any public school need to meet general plan goals. The document does not recognize any predictable public school placement in the area to be annexed. The DEIR disregards the impacts the necessary school development will have on traffic, land use, noise, and planned recreational facilities.</p>	<p>As explained in response to comment LA1-1 above, the EIR is not a policy document. The City’s policy document, the proposed General Plan, does address partnerships with MHUSD. Healthy Communities Element Policy HC-3.23 Educational Joint Use is to “[d]evelop joint use agreements between the City and Morgan Hill Unified School District for all new school or neighborhood parks and school facilities, identifying maintenance responsibilities and maximizing shared use of resources where mutually beneficial to enhance educational and community recreational use.” Policy HC-3.25, Partnerships, states that the City will “[u]tilize joint use agreements, memorandums of understanding, and other agreements to partner with public, nonprofit, and private agencies and organizations, including the Morgan Hill Unified School District and other schools, Santa Clara Valley Water District, and the Santa Clara County Parks and Recreation Department, to acquire, develop, and maintain parks and recreation facilities. When appropriate, prioritize partnerships where revenues beyond operations and maintenance costs must be reinvested in the facility or elsewhere within the community to enhance recreation opportunity.”</p> <p>The EIR does identify and discuss future parkland demands on pages 4.13-26 through 4.13-43 and acknowledges the projected need for 132 acres of additional parkland between now and 2035 to serve a 2035 population of 68,057 residents. The City is currently completing a Bikeways, Trails Parks and Recreation Master Plan that will further analyze future needs and lay out a plan for addressing those needs.</p> <p>The Draft EIR does consider the impacts of future school development on traffic, noise, and recreational facilities since the students of future</p>

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LA1-10	<p>No conversations or agreements have been reached between the City and MHUSD for cooperative activities and partnerships to enhance community recreational use of proposed school facilities. MHUSD has communicated to City staff that the District is currently seeking to acquire property for future school development. Given where the MHUSD schools are currently located and where the population needs and trajectories are going, we have explained that one of the preferred places for the two additional secondary schools is in the SEQ.</p> <p>MHUSD looks forward to working cooperatively with the City to develop a new secondary site in the SEQ which would allow MHUSD access to the City's sports and recreation facilities in accordance with action 18.4 of the current General Plan.</p>	<p>schools are included in the 2035 population estimate used as the basis for those quantitative analyses. As mentioned above in response to comment LA1-3, the traffic modeling completed for the Draft EIR does include assumptions regarding increased student enrollment in the City and increased school trips to and from residential uses. For all future development in the City, traffic modeling conducted for a programmatic EIR is general in nature and is based on traffic analysis zones rather than on parcel-specific development assumptions. Most parcel specific development, (including schools, will be required to complete a subsequent near-term traffic impact assessment that identifies the impacts of that specific development. Nevertheless, the Draft EIR is an accurate assessment of potential Citywide impacts in 2035.</p> <p>This conversation reiterates that MHUSD is seeking to acquire property for future school development and is considering locations in the SEQ in order to allow MHUSD to share access to the City's sports and recreation facilities. It is a policy question rather than a comment on the EIR, so no response is required.</p>
LA1-11	<p>LAFCO's Objections</p> <p>Due to the land restraints within the city limits of Morgan Hill, building school sites outside of city limits would be necessary. However, MHUSD in receipt of a letter from LAFCO, dated February 2, 2016, regarding their objections to "urban sprawl" and is encouraging the District to look within city limits for future facility needs. The letter also reiterates Santa Clara County's refusal to allow urban developments in unincorporated areas, its inability to provide "urban</p>	<p>This comment introduces the LAFCO letter to MHUSD enclosed with the MHUSD comment letter (see comment LA1-13, below) and reiterates MHUSD's preference to find future school sites within the City. As noted in response to comment LA1-1, above, the City has assisted in identifying existing sites where schools could be built, within the existing City limits, but the sites were prohibitively expensive. Therefore, City staff are continuing to engage with MHUSD staff to identify possible locations for neighborhood schools and to further</p>

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	<p>services such as sewer and water service" as well as the need for LAFCO's approval to provide services outside of its boundaries, per State law.</p> <p>Without LAFCO's support, expanding MHUSD's school sites outside of the city limits is improbable and increases the burden placed on the District to locate preferred sites within the city limit.</p>	<p>strengthen the support for collaborative school planning in the Draft General Plan through the specific changes listed in response to comment LA1-7, above.</p>
<p>LA1-12</p>	<p>Conclusion The impact of the DEIR is quite significant to the facility needs of MHUSD. Without proper consideration, it would cause issues in the future as the District will not have sufficient sites to accommodate the projected population growth. MHUSD requests that the DEIR take into account the needs of the students of Morgan Hill for preferred school sites.</p>	<p>The comment states that the Draft EIR would impact MHUSD. While the future development that would be allowed under the proposed General Plan would impact MHUSD's facility needs, it is the role of the Draft EIR to analyze and disclose that potential impact on the physical environment. As discussed in response to comment LA1-1, above, the Draft EIR does include a detailed quantitative analysis of potential future impacts on MHUSD, including both school capacity and student generation rate numbers provided by MHUSD. The Draft EIR further clearly discloses that future enrollment would be expected to exceed capacity by 2,110 to 3,857 students. However, as explained on pages 4.13-22 and 4.13-23, California Government Code Section 65995, also known as SB 50, requires that the EIR find payment of developer impact fees adequate mitigation for school impacts, regardless of whether those fees are adequate to fund construction of expanded capacity equal to the number of new students projected.</p>
<p>LA1-13</p>	<p>Dear Mr. Betando,</p> <p>It has come to our attention that the Morgan Hill Unified School District's (MHUSD) February 2, 2016 Board Meeting Agenda includes a Closed Session Item A.2.e. "Conference with Real Property Negotiators" involving six parcels (APNS 817-18-001 & 002; and APNs 817-16-002, 003, 004, & 005) within an unincorporated area known as the Southeast Quadrant, a predominantly agricultural area. It appears that the District may be considering whether to purchase the properties as potential sites for facilities such as a future middle school and/ or a high school.</p> <p>As you may be aware, the Local Agency Formation Commission of Santa Clara County (LAFCO) is a state mandated independent local</p>	<p>This comment is an enclosed letter from LAFCO to MHUSD. It is not a comment letter on the Draft EIR and does not address issues related to environmental analysis. No response is needed.</p>

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	<p>agency with countywide jurisdiction. Its primary goals are to discourage urban sprawl, preserve agricultural and open space lands, and encourage efficient delivery of services. LAFCO regulates the boundaries of cities and special districts; and the extension of services outside an agency's boundaries. State law and LAFCO policies encourage the development of vacant lands within existing city limits and require that urban development be steered away from existing agricultural lands. Therefore we encourage the District to explore opportunities within the Morgan Hill city limits for future school sites or other facilities.</p>	
	<p>The subject properties are also part of a major urban service area amendment application from the City of Morgan Hill that is currently under review by LAFCO staff and which will be considered by LAFCO at its March 11, 2016 Public Hearing. According to the documentation that LAFCO received from the City in support of this request, these parcels are planned for sports, recreation, and leisure type of uses and not for a public facility use. If LAFCO does not approve the City's request, these lands will remain unincorporated.</p>	
	<p>You may also be aware that Santa Clara County does not allow urban development to occur in the unincorporated area and does not provide urban services such as sewer and water service in the unincorporated area, consistent with the longstanding countywide urban development policies which state that urban development should occur only on lands annexed to cities and not within unincorporated areas; and that the cities should be responsible for planning, annexing and providing services to urban development within their urban service areas in an orderly, planned manner. Additionally, State law does not allow a city to provide services outside of its boundaries without LAFCO's approval and LAFCO policies discourage such extension of services outside jurisdictional boundaries.</p>	
	<p>Therefore, we respectfully request that you consider these issues prior to considering siting schools or district facilities in the</p>	

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	<p>unincorporated area. Please distribute this letter to the District's Board of Directors for their consideration of Agenda Item A.2.e.</p> <p>If you have any questions regarding the information presented in this letter, please contact me at (408) 299-5127.</p>	
LA2	Harry Freitas, Director, Department of Planning, Building, and Code Enforcement, City of San Jose, 3/11/2016	
LA2-1	This letter is in response to the Notice of Availability for Public Review of the Draft Environmental Impact Report prepared for the Morgan Hill 2035 DEIR (Project) from the City of San Jose. The proposed Project evaluated in this Draft EIR is the adoption and implementation of the proposed General Plan and proposed Residential Development Control System (RDCS). The City of San José has the following comments on the project and DEIR.	These are introductory comments; no response is needed.
LA2-2	<p>Global Comment For All CEQA Resource Sections</p> <p>The DEIR states that the full buildout (Table 3-3) of the project would include significantly more non-residential development than the 2035 horizon year (Table 3-2). The conclusions of the DEIR raise issues with respect to the inconsistencies of the DEIR only analyzing the full buildout of residential development, but not the full buildout of non-residential development. It is encouraged that the General Plan 2035 DEIR analyze the full buildout of both residential and non-residential development to represent the worse-case scenario.</p>	Please see the Master Response at the beginning of this chapter.
LA2-3	<p>Utilities and Service Systems</p> <p>It is encouraged that the Water Infrastructure Master Plan and Wastewater Infrastructure Master Plan be completed prior to the finalization of the Morgan Hill 2035 DEIR. This would ensure that the Morgan Hill 2035 EIR would fully analyze and disclose environmental impacts pertaining to the most updated utilities and service systems information before reaching the Less-Than-Significant level of significance, as indicated in the EIR.</p>	Please see responses to comments RA3-28 and RA3-32 which explain why the infrastructure master plans are not required to be completed prior to finalization of the EIR. Infrastructure master plans are most typically completed as an implementation action soon after a General Plan Update; the infrastructure master plans are anticipated to be covered in an Addendum to this EIR when they become available.
LA2-4	The City of San Jose would like to request notices of availability of any environmental review document related to the future Water Infrastructure Master Plan and Wastewater Infrastructure Master	Comment noted. No further response is required.

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	Plan for review.	
	<p>Thank you for the opportunity to comment on the Morgan Hill 2035 DEIR. If you have any questions, please contact Jason R. Rogers, Division Manager at (408) 793-5543, or jason.rogers@sanjoseca.gov. We can make ourselves available to meet with the City of Morgan Hill at your earliest convenience to discuss our comments and concerns in more detail. The City looks forward to partnering with the City of Morgan Hill to support future development.</p>	
LA3	Kirk Girard, Director, County of Santa Clara Department of Planning and Development, 3/14/2016	
LA3-1	<p>Please find enclosed comments from the County regarding the Draft Environmental Impact Report (DEIR) for the Morgan Hill 2035 General Plan Update. Our submittal includes comments from the Departments of Planning and Development, Parks and Recreation and Roads and Airports.</p> <p>The attached comments outline several concerns the County has with the 2035 General Plan Update and associated DEIR.</p> <p>If you have any questions regarding planning comments or coordination of comments on the Revised Draft Program EIR from the County, please contact Planning Manager Rob Eastwood at (408) 299-5792 in the County Department of Planning and Development. Feel free to contact Hanna Cha at (408) 355-2238 in the Department of Parks and Recreation, and Aruna Bodduna at (408) 573-2462 in County Roads and Airports with questions specific to their comments.</p>	<p>These are introductory comments; no response is needed.</p>
LA3-2	<p>Part I-Comments on the 2035 General Plan Update The County commends the City of Morgan Hill ("The City") on removing the designation of an Urban Limit Line (ULL) and related policy concepts from its General Plan. This previous ULL designation was confusing with respect to its relationship with the City's Urban Service Area (USA) and Urban Growth Boundary (UGB).</p>	<p>This comment is a policy recommendation from the County regarding the proposed General Plan and is not a comment on the adequacy of the Draft EIR. The Morgan Hill Planning Commission and City Council will consider revisions to proposed General Plan policies as part of the ongoing public review and adoption process.</p>

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	<p>The County encourages the City to include a paragraph and policies to the effect that USAs and UGBs, where UGBs adopted, are part of a longstanding countywide system of urban growth management, built on jointly-adopted policies in effect for over 40 years, to effectively limit urban sprawl, promote managed, balanced urban growth, with cities responsible for planning and accommodating urban growth and development, and the County being primarily responsible for responsible resource conservation, open space, and rural character preservation of lands outside USAs not intended to become part of the urbanized area.</p> <p>Under the proposed 2035 Plan, original policy language tying major modifications of UGB to comprehensive general plan updates would be eliminated. The County strongly discourages the City from taking this approach. Such decisions should not be made on annual basis, and given that Morgan Hill often updates its general plan on a 10+ year basis, tying UGB to General Plan (GP) updates is not unreasonable.</p>	
	<p>The 2035 Plan includes a proposed Transfer of Development Rights ("TDR") program in association with development of a 50 acre parcel owned by the Chiala Family for residential development. Under this TDR proposal, development of residential lots within this TDR area would fund the purchase of conservation easements on approximately 211 acres of agricultural land in the unincorporated County. The County is currently starting work on preparing a Sustainable Agricultural Lands Policy Framework for Southern Santa Clara County ("Framework"), funded in part by a grant from the California Department of Conservation. As part of this framework, the County intends to identify and implement policy tools to ensure long term preservation of agriculture and the farming industry in Southern Santa Clara County. The use of TDR's is one tool that could be used within this program. While the proposed Chiala TDR is a good first step at demonstrating how TDR's can be used as an effective policy</p>	<p>This comment is a policy recommendation from the County regarding the City's consideration of a TDR program and is not a comment on the adequacy of the Draft EIR. The County's Framework, referenced in the comment, will not have specific recommendations until sometime in 2017 at the earliest. The City of Morgan Hill does not intend to preclude participation in the County's Framework and will consider any recommendations specific to Morgan Hill that are produced by the Framework when it is available, however, in the interest of pursuing all possible avenues for agricultural preservation, the City does not plan to abandon the proposed TDR program, the timing of which is tied to the current proposed General Plan and RDCS updates. As noted in response to comment RA3-18, the proposed General Plan does not include a maximum density in the Downtown PDA; it is therefore challenging to provide additional development potential in that area. The proposed RDCS update, however, also includes two avenues that</p>

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	<p>tool to convert preserved development rights on agricultural lands into higher urban residential density, the County encourages the City to wait on implementing a TDR program until the County's Framework has been prepared. While the City's TDR program could be compatible with this future Framework, the County is concerned the TDR program is occurring in advance of the Framework and thus could be potentially in conflict with the Framework.</p> <p>The City should provide for additional development potential in selected areas such as Downtown, transit corridors, or other specially designated areas such as Priority Development Areas ("PDA's") to receive development rights potentially transferred through future open space and agricultural preservation programs, without necessitating voter approval or general plan amendments.</p>	<p>would encourage development within the City's existing boundaries to contribute to agricultural preservation (projects may receive points for contributions to agricultural land conservation and/or may make use of set-aside (exempt) units for directly establishing permanent agricultural conservation easements).</p>
	<p>The County encourages the City to adopt policies to annex unincorporated lands in Holiday Lake Estates, areas that are already within city USA within first 5 years of General Plan adoption.</p> <p>The Healthy community sections of the 2035 Plan are appropriate but could do more to correlate sound urban planning, age- and child-friendly communities, and other subjects with improved health outcomes, in order to make explicit the link between the two.</p>	<p>This comment is a policy recommendation from the County regarding the proposed General Plan and is not a comment on the adequacy of the Draft EIR. The Morgan Hill Planning Commission and City Council will consider revisions to proposed General Plan policies as part of the ongoing public review and adoption process.</p>
LA3-3	<p>The 2035 Plan Transportation element envisions widening of 101 to 8 full travel lanes to accommodate projected traffic demand through 2035. Such widening projects seem unlikely, and will be challenging to coordinate with other jurisdictions, VTA, state and federal agencies, much less fund. Consider augmenting policies with assistance from VTA regarding the most appropriate means of achieving GHG reductions and managing travel demand, including high occupancy lanes, and other possibly strategies, rather than merely relying on increased capacity.</p>	<p>The commenter is correct that the Year 2035 General Plan transportation network includes the planned widening of US 101 to 8 lanes, including an HOV lane in both the southbound and northbound directions between Cochrane Road and Monterey Road in Gilroy, as identified in the Valley Transportation Plan (VTP) 2040 adopted by the VTA in October 2013. This comment is a policy recommendation from the County regarding the proposed General Plan and is not a comment on the adequacy of the Draft EIR. As mentioned on page 4.14-55 of Chapter 4.14, Transportation and Traffic, of the Draft EIR, Mitigation Measure TRAF-2 states that although VTA and Caltrans are responsible for planning and implementing improvements within the US 101 corridor, the City would work collaboratively with San Jose, Gilroy,</p>

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		<p>Santa Clara County, counties to the south (Monterey, San Benito, and Merced), VTA, and Caltrans, to prepare and develop a funding a strategy for South County roadway improvements, as well as contribute their fair share of roadway improvements if and when improvements to US 101 are implemented. However, in addition to planning for regional roadway improvements, the proposed General Plan also includes numerous other policies to reduce GHGs and trips. See response to comment SA2-9 for additional discussion of those policies.</p>
LA3-4	<p>The 2035 Plan policies regarding use and purposes of greenbelts state purposes including greenbelt separation of Morgan Hill and San Martin, but maps show no areas designated or intended to serve such purposes in the area of interface between the city and San Martin.</p>	<p>Figure NRE-1 of the Draft General Plan has been revised to show an additional new greenbelt area between Morgan Hill and San Martin. This revision to the General Plan will be considered by the Planning Commission and City Council.</p>
LA3-5	<p>Executive Summary Table Table 1-1 does not contain the impacts and summary for greenhouse gas emissions and should be revised to include this resource topic.</p>	<p>Table 1-1 of the Draft EIR has been revised in response to this comment, as shown in Chapter 2 of the Final EIR.</p>
LA3-6	<p>Project Description The project description and all related environmental analysis in the DEIR should be revised to reflect that on March 11, 2016 LAFCO denied the City's request for an expansion of the Urban Service Area, including the Southeast Quadrant.</p>	<p>LAFCO's action on March 11, 2016 does not require amendments to the text or analysis of the Draft EIR. The proposed General Plan is the City's planning document and has a 20-year time horizon. As of the time of publication of this Final EIR, the inclusion of the Southeast Quadrant (SEQ), which has been approved by the Morgan Hill City Council, represents the City's vision for its future development over the 20 year planning horizon. Therefore, it is appropriate to leave the SEQ in the proposed General Plan as is, and therefore in the Draft EIR as is.</p>
LA3-7	<p>Agricultural Resources On Page 4.2-15 (2d paragraph), it is noted that although development under the Southeast Quadrant (SEQ) Land Use Plan is anticipated, development has not yet occurred. Here it should also be noted that although the Morgan Hill has approved a Land Use Plan for this area, on March 11 LAFCO denied the expansion of the Urban Service Area.</p>	<p>The text on page 4.2-15 of the Draft EIR has been revised to note the LAFCO action, as requested in the comment. The addition of this text does not affect the analysis or conclusions of the Draft EIR with regard to agricultural resources.</p>
LA3-8	<p>On Page 4.2-17, the DEIR concludes that the mitigation measure "Designation of Agricultural Land with Open Space or Rural County Designation" is infeasible because it would create increasing conflicts</p>	<p>The City agrees that caretaker or agricultural worker housing can be an important component of long-term agricultural viability. However, caretaker housing is not the type of housing the County has recently</p>

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	<p>between residential and agricultural uses and result in increasing pressure on existing agricultural operations. It is true that County General Plan designations, such as Agriculture, Medium Scale, allows development of a single residence on a legal parcel, and this development can impact agricultural operations. In rural areas, it is standard planning practice to allow an owner or caretaker to live on agricultural property. It is also not unusual for these properties to have agricultural employee housing. In fact, this ancillary land use often supports the economic viability of agricultural use of such properties. While the County is evaluating if County land use ordinances should be modified to moderate the potential negative effects of residences on agriculture, the County cannot support the City's contention that maintaining the County rural land use designations is an infeasible mitigation measure.</p>	<p>approved in the Morgan Hill SOI. Most recently, in 2015, five new homes were built in the unincorporated County near the intersection of Trail Drive and Barrett Avenue, on land mapped as Prime Agriculture by the California Department of Conservation (as shown on Draft Figure 4.2-1, Important Farmland). These homes are over 5,000 square feet and one, 16429 Trail Drive, is currently listed for sale for \$1,998,000. [Zillow listing, http://www.zillow.com/homedetails/16429-Trail-Drive-Morgan-Hill-CA-95037/2099369725_zpid/, accessed online April 12, 2016]</p> <p>As noted on page 4.2-17 of the Draft EIR, since much of the agricultural land within Morgan Hill's SOI is already parcelized, the evidence provided by the recent construction of single-family homes in the County demonstrates that the ability of property owners to build a single residence per parcel could have significant effects on agriculture in this area. This evidence supports the City's conclusion that retaining the current Rural County designation would not prevent residential development and therefore would not avoid or mitigate the potential impact to agricultural resources.</p>
LA3-9	<p>Alternatives</p> <p>The DEIR states on page 6-14 (first paragraph) that the No Project Alternative would allow development that could result in potentially incompatible urban uses next to farms or ranches, referencing rural residential development. However, under County land use policies, these residential uses are not urban uses but rural uses that are ancillary to agriculture uses (e.g., owner living on farm, caretaker or agricultural worker housing) that support the economic viability of agricultural. In addition, the Transfer of Development Rights system that the City is proposing is not in place and may not be feasible. Therefore, the County disputes the conclusion in Table 6-2 (page 6-10) that the No Project Alternative would represent a "slight deterioration compared to the proposed project" on the topic of Agriculture and Forestry Resources. On the contrary, the No Project</p>	<p>Please see response to comment LA3-8 regarding the assertion that residential development in Morgan Hill's SOI is caretaker or ancillary housing, and response to comment LA3-2 regarding the City's commitment to its proposed TDR program. As explained in page 4.2-17 of the Draft EIR and reiterated in response to comment LA3-8, the existing land use designations, which would continue under the No Project Alternative, do not currently prevent urban uses; on the contrary, urbanization of Prime Farmland is occurring under the County's jurisdiction in the SOI under the existing designations. Therefore, the City stands by its conclusion that the No Project Alternative, which would not include any new measures to preserve agriculture, such as the City's proposed TDR program, would be a slight deterioration compared to the proposed General Plan.</p>

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	Alternative would be a substantial improvement compared to the proposed project as it would not allow urban uses.	
LA3-10	The DEIR states on page 6-66 that the Compact Development Alternative would meet all project objectives except Objective #6: "Support a diverse local economy and an expanded tax base by preserving our existing job-generating land." However, LAFCO has determined that the City has 45 years of vacant commercial and 27-67 years of vacant industrial lands within its boundaries which allow for development (February 15 LAFCO staff report for "Area 1: Tennant-Murphy Morgan Hill Urban Service Area Amendment 2015"). Therefore, the Compact Development Alternative, which the DEIR concludes is the Environmentally Superior Alternative, actually meets all of the objectives of the proposed project.	The City of Morgan Hill has conducted its own detailed study of job-generating land. The Industrial Land Supply study, originally prepared in 2012 and updated in 2015 by respected Bay Area economic firm Strategic Economics, arrived at different conclusions than LAFCO's analysis. Regardless of LAFCO's conclusions, the smaller amount of job-generating land under the Compact Development Alternative would, as noted on page 6-66 of the Draft EIR, make it more difficult for the City to meet its economic and fiscal objectives.
LA3-11	The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the draft environmental impact report (DEIR) and is submitting the following comments. <ul style="list-style-type: none"> • Page 4.14-5 5 of the DEIR, Mitigation Measure TRAF- I B states: <i>"The City of Morgan Hill shall install a signal at the intersection of Tennant Avenue and Murphy Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is less than significant. "</i> <p>The County concurs with the proposed traffic signal mitigation measure at this intersection. Please work with County staff on the implementation of the mitigation measure when ready. Because of the close proximity of this location to US 101 northbound ramps, signal coordination may be required.</p>	This comment supports Mitigation Measure TRAF-1. No response is required.
LA3-12	<ul style="list-style-type: none"> • When individual development projects are to move forward, please provide a Transportation Impact Analysis (TIA) for these projects. The TIAs should be prepared following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant 	This comment requests TIAs for future individual development projects. Comment noted. This is not a comment on the adequacy of the EIR, so no further response is required.

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	<p>impacts. The preliminary Circulation and Mobility Plan should be consulted for a list of mitigation measures for significant impacts to the County roadways. Should the Circulation and Mobility Plan list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.</p>	
LA3-13	<p>The County of Santa Clara, Parks and Recreation Department, is submitting the following comments on the Draft Environmental Impact Report (DEIR) for the Morgan Hill 2035 Project. The County Parks Department's comments are primarily focused on potential impacts related to the Santa Clara County Countywide Trails Master Plan Update relative to countywide trail routes, public access, and regional parks.</p>	<p>These are introductory comments; no response is needed.</p>
LA3-14	<p>Relationship to the <i>Santa Clara County Countywide Trails Master Plan Update</i> The DEIR listed several of the major trails found in the <i>Countywide Trails Master Plan Update</i>. The following are additional trail routes found within the vicinity of the Project's Sphere of Influence. The DEIR should describe these countywide trail routes and evaluate the potential impacts to these trails as a result of the project.</p> <ul style="list-style-type: none"> • <i>Juan Bautista de Anza NHT</i> (Route RI-A) - designated as an on-street bicycle route with parallel trail; route within road right-of-way. • <i>Benito - Clara Trail</i> (Route R3) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian. (Already noted in Traffic & Transportation Chapter.) • <i>Bay Area Ridge Trail: El Sombrero - Lake Anderson</i> (Route R5-D) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian. • <i>West Valley Sub-regional Trail</i> (Route S6) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian. • <i>Willow Springs Connecting Trail</i> (Route C24) - designated as an on-street bicycle route within road right-of-way. 	<p>Page 4.14-8 of the Draft EIR has been revised to add descriptions of these trails, as noted in Chapter 3 of this Final EIR. As noted on page 4.15-52 of the Draft EIR, the proposed General Plan includes policies supporting the implementation of the Countywide Trails Master Plan and ongoing collaboration with Santa Clara County regarding trails. None of the proposed roadway improvements in the Transportation Element would affect roadways that include these on-street trails or bicycle routes. No changes are needed to the analysis or conclusions of the Draft EIR regarding impacts to pedestrian and bicycle circulation (TRAF-5).</p>

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	<ul style="list-style-type: none"> • Main Street Connecting Trail (Route C25) - designated as an on-street bicycle route with parallel trail; route within road right-of-way. (Already noted in Traffic & Transportation Chapter.) • Paradise Valley Connecting Trail (Route C26) - designated as an on-street bicycle route within road right-of-way. (Already noted in Traffic & Transportation Chapter.) • San Martin - South Valley Connecting Trail (Route C27) - designated as an on street bicycle route with parallel trail; route within road right-of-way. (Already noted in Traffic & Transportation Chapter.) • Center Ave Trail (Route C27) - designated as an on-street bicycle route with parallel trail; route within road right-of-way. 	
LA3-15	<p>Section 4.13.5 Parks and Recreation Cumulative Impact PS-12: Implementation of the proposed Project would not contribute to cumulative parks and recreation impacts in the area.</p> <p><i>"Future growth in the county would result in increased demand for park and recreational facilities throughout the county. As a result, the County would potentially need to expand and construct additional parks and other recreational facilities to meet the increased demand."</i></p> <p>The County Parks Department has concerns regarding the analysis of the impacts of the proposed project within the City of Morgan Hill described as suggesting the County would need to expand its park system. The County Parks Department recommends that this section be reworded to the following:</p> <p><i>Future growth in the county would result in increased demand for park and recreational facilities throughout the Santa Clara County county including the City of Morgan Hill. As a result, the County City of Morgan Hill would potentially need to expand and construct additional parks and other recreational facilities partner with other regional park providers. such as the County of Santa Clara Parks and Recreation Department, to expand and construct additional parks</i></p>	<p>The City accepts the recommended rewording; the text on page 4.13-43 of the Draft EIR has been revised consistent with the comment, as shown in Chapter 3 of this Final EIR.</p>

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LA3-16	<p><u>and other recreational facilities in Santa Clara County and the City of Morgan Hill to meet the increased demand.</u></p> <p>Section 4.14 Traffic and Transportation County Parks Department encourages that while implementing the planned road improvements, the Project should also plan to implement proposed local and regional trails concurrently. The Draft EIR should include an analysis of the potential traffic and circulation conflicts and opportunities to the regional trail routes and incorporate mitigations where appropriate.</p>	<p>See response to comment LA3-14, above. The Draft EIR acknowledges the regional trail network; the proposed General Plan does not include any changes to roadways that would negatively affect existing or planned regional trail routes, so no mitigations are needed.</p>
ORGANIZATIONS AND PRIVATE INDIVIDUALS		
ORG1	<p>Julie Hutcheson, Legislative Advocate, Committee for Green Foothills, 3/14/2016</p>	<p>This is a comment on the policy content of the proposed General Plan and is not a comment on the EIR; no response is required. However, to clarify the process for General Plan adoption, the City offers the following response.</p> <p>As explained in the Project Description, and noted in the following comment ORG1-5, the Project Description and EIR analysis cover both the proposed Draft General Plan and a proposed Draft RDCS. The proposed RDCS would be consistent with and would implement the proposed Draft General Plan. The proposed RDCS will be placed on the ballot by the City Council, and therefore is a discretionary act subject to CEQA (<i>Friends of Sierra Madera v. City of Sierra Madera</i> (2001) 25 Cal. 4th 165). A certified EIR on the proposed Draft RDCS is a prerequisite for the Council to place the proposed Draft RDCS on the ballot for voter consideration; therefore, the City is obligated to analyze the proposed Draft RDCS and has done so in the EIR.</p> <p>However, The comment is correct that the existing RDCS can only be superseded by the voters. It would be superseded by the proposed RDCS, which was drafted by the RDCS Working Group, refined by the Planning Commission, and will be placed on the ballot by the City</p>
ORG1-1	<p>The Committee for Green Foothills (CGF) submits the comments below on the Morgan Hill 2035 Draft EIR. We note as a preliminary matter that on the substance of the General Plan and the Residential Development Control System revision process to date, the City has erred in changes and should instead:</p> <p>1. retain the essential aspects of voter-approved control over sprawl that have been removed the Draft General Plan, most importantly that the City shall not support the addition of any land to its Urban Service Area unless “the amount of undeveloped, residentially developable land within the existing Urban Service Area is insufficient to accommodate five years’ worth of residential growth” beyond the next development allotment competition</p>	<p>This is a comment on the policy content of the proposed General Plan and is not a comment on the EIR; no response is required. However, to clarify the process for General Plan adoption, the City offers the following response.</p> <p>As explained in the Project Description, and noted in the following comment ORG1-5, the Project Description and EIR analysis cover both the proposed Draft General Plan and a proposed Draft RDCS. The proposed RDCS would be consistent with and would implement the proposed Draft General Plan. The proposed RDCS will be placed on the ballot by the City Council, and therefore is a discretionary act subject to CEQA (<i>Friends of Sierra Madera v. City of Sierra Madera</i> (2001) 25 Cal. 4th 165). A certified EIR on the proposed Draft RDCS is a prerequisite for the Council to place the proposed Draft RDCS on the ballot for voter consideration; therefore, the City is obligated to analyze the proposed Draft RDCS and has done so in the EIR.</p> <p>However, The comment is correct that the existing RDCS can only be superseded by the voters. It would be superseded by the proposed RDCS, which was drafted by the RDCS Working Group, refined by the Planning Commission, and will be placed on the ballot by the City</p>

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ORG1-2	2. keep the level of consultation with County-level agencies on outward growth of the City found in the existing General Plan as opposed to cutting that consultation short	<p>Council. Until and unless the voters approve the revised RDCS, the provisions of the existing RDCS will remain in effect. Therefore, to avoid a temporary inconsistency between the adopted General Plan and the RDCS in effect, the Draft General Plan will be revised prior to adoption to incorporate the General Plan provisions that are required by Ordinance No. 1665 N.S. The RDCS ballot measure will then include necessary General Plan amendments to bring the adopted General Plan into consistency with the updated RDCS, if it is approved by the voters. If the updated RDCS is not approved, then the General Plan provisions consistent with the current RDCS will remain in place. By Ordinance, these provisions, including provisions relating to the Urban Service Area boundary, will remain in effect until 2019/20 or until superceded.</p> <p>Voters have approved revisions to and extensions of the voter-approved components of the RDCS system in elections in 2004 (Measure C), 2006 (Measure F), and 2009 (Measure A); it is therefore reasonable to assume that the proposed Draft RDCS, which retains the majority of the existing provisions of the current RDCS, will also be approved by voters, and therefore it is reasonable to expect that the provisions proposed Draft RDCS will ultimately be in place. Nevertheless, in order to provide a conservative analysis of the physical impacts of potential development (as opposed to policy or regulatory conflicts arising from discrepancies between two regulatory documents), the quantitative analyses in the Draft EIR do not assume that an RDCS population cap is in place, as explained on page 3-32 of the Draft EIR.</p>
ORG1-3	3. retain the best aspects of the existing General Plan that are proposed for removal	This is a comment on the policy content of the proposed General Plan and is not a comment on the EIR; no response is required.
ORG1-4	DEIR fails to describe the significant adverse impacts from conflicting with the reasonably foreseeable circumstance that the existing RDCS	The comment asserts that a significant adverse impact would result from a conflict between the proposed General Plan and the existing

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	will still be in place.	RDCS currently in effect. See response to comment ORG1-1 explaining that the proposed General Plan considered for adoption by the City Council will be consistent with the current RDCS, and voter consideration of the proposed RDCS will include specific General Plan amendments to bring the General Plan into consistency with the updated RDCS, if it is approved by voters. Therefore, no inconsistency will occur.
ORG1-5	The DEIR Chapter 3 Project Description purports to describe the project as both a revised General Plan and a revised Residential Development Control System (RDCS). This description is inadequately vague because the two components require approval by separate bodies – the City Council for the General Plan and the voters for the RDCS – and the description fails to describe how and when the two portions of the supposedly single project will interact.	<p>The commenter is correct that the General Plan would be approved by the City Council, while the RDCS will ultimately be approved by the voters. However, the proposed RDCS will be placed on the ballot by the City Council, and therefore is a discretionary act subject to CEQA (<i>Friends of Sierra Madera v. City of Sierra Madera</i> (2001) 25 Cal. 4th 165). The Draft EIR serves as that CEQA document.</p> <p>In response to this comment, the Project Description has been revised to provide additional detail on the timing and interaction between voter approval of the RDCS and City Council adoption of the General Plan, as explained in response to comment ORG1-1, above. See Chapter 3 of this Final EIR.</p>
ORG1-6	Specifically, the existing RDCS conflicts with the proposed General Plan and cannot be superseded by the proposed General Plan, only by Morgan Hill voters. The DEIR creates a situation where the new General Plan could be approved by the City Council when the revised RDCS has not yet been approved (or has been voted down) by City residents. It is therefore unclear what the project is that this DEIR purports to evaluate.	<p>The Draft EIR Project Description clearly explains the project evaluated. As explained in response to comment ORG1-1, the EIR covers both the proposed Draft General Plan and a proposed Draft RDCS, which would be internally consistent. The City is obligated to analyze this project in order to place the proposed RDCS on the ballot and in order to have internally consistent planning documents.</p> <p>The comment is correct that the existing RDCS can only be superseded by the voters. It would be superseded by the proposed RDCS drafted by the RDCS Working Group, refined by the Planning Commission, and finalized and placed on the ballot by the City Council. Until and unless the voters approve the revised RDCS, the provisions of the existing RDCS will remain in effect. As explained in response to comment ORG1-1, the Draft General Plan will be revised to incorporate the General Plan provisions that were adopted as part of Ordinance No. 1665 N.S.</p>

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ORG1-7	<p>A revised General Plan without a revised RDCS, allowable under the DEIR Project Description, has unaccounted-for, significant, adverse environmental impacts.</p> <p>As described above, the DEIR permits a revised General Plan to be enacted without a revised RDCS, and the revised GP directly conflicts with the existing RDCS. In particular, the existing RDCS states the Urban Service Area can be expanded only when “the amount of undeveloped, residentially developable land either within the existing Urban Service Area is insufficient to accommodate five years’ worth of residential growth”. That language is removed from the proposed General Plan that corresponds with the proposed RDCS, which calls for an “average” instead of a maximum of five years. By conflicting with a controlling land use policy (the existing RDCS) that could be in effect at the same time as the revised General Plan, the project creates a foreseeable, significant land use policy impact that is not disclosed in the DEIR.</p>	<p>By Ordinance, these provisions would remain in effect until 2019/20 or until superceded. The proposed RDCS ballot measure will specify the General Plan amendments necessary to bring the General Plan into consistency with the updated RDCS, if it is approved by voters.</p> <p>As explained in response to comment ORG1-6, and in the revisions to the Project Description presented in Chapter 3 of this Final EIR, the proposed General Plan will be amended to retain policy language that is consistent with the current RDCS, including policies that address Urban Service Area expansion and the population cap, among others. Therefore, no land use policy impact will occur. The ballot measure the Council places on the ballot for voter consideration will include the RDCS itself as well as a clear documentation of the amendments to the adopted General Plan that would be made if the updated RDCS is approved. The General Plan amendments will bring the adopted General Plan into consistency with the voter-approved RDCS. If the voters do not approve the updated RDCS, then the adopted General Plan will retain the policy language that is consistent with the existing RDCS, until those provisions sunset or are superceded.</p>
ORG1-8	<p>Significant agricultural impacts are not disclosed in the DEIR.</p> <p>Section 4.2 of the DEIR correctly acknowledges significant impacts to agriculture from the General Plan but inadequately describes their extent, characterizing them as “Significant and Unavoidable” when the impacts could be reduced by retaining the existing restriction on City expansion – not allowing the City to apply for or support an expansion of the Urban Service Area unless the current area is insufficient for five years’ residential growth. By allowing Urban Service Area expansions to occur even when more than five years’ residential growth is available, the DEIR allows for agricultural impacts that would not occur under the existing baseline – and as existing conditions have shown, those impacts are avoidable. The DEIR is incorrect in characterizing them as unavoidable. CEQA further requires agencies to apply feasible mitigations that reduce significant impacts, and retaining the existing maximum requirement before</p>	<p>As explained on page 3-34 of the Draft EIR, the analysis of agriculture is a spatial analysis, meaning that it considers whether the proposed General Plan would allow <i>any</i> development in a geographic area that could trigger potential impacts. Therefore, in this case, the analysis of impacts to agricultural resources is not tied to assumptions about development over a specific time period or at a specific rate. An assumption about the rate of Urban Service Area expansion or the conditions under which Urban Service Area expansions would be sought or approved would not affect the conclusions of the analysis because the analysis assumes that every acre designated with a non-agricultural designation would ultimately be developed. While restricting the conditions under which Urban Service Area expansions would occur might affect the rate or timing at which agricultural land would be developed, it would not affect the ultimate outcomes of the proposed General Plan land use map, and therefore would not be a</p>

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	pursuing a USA expansion is shown to be a feasible mitigation.	feasible mitigation measure. The impacts of the proposed General Plan on farmlands of concern are described on pages 4.2-13 through 4.2-19 of the Draft EIR; this discussion includes three possible mitigation measures that are considered and deemed in feasible. As noted in the comment, the Draft EIR therefore concludes that impacts to farmland would be significant and unavoidable.
ORG1-9	<p>LAFCO denial of the Morgan Hill USA Amendment 2015 (both Area 1 and 2) is significant new information requiring recirculation of the DEIR.</p> <p>The recent decision by LAFCO denying the City’s request to expand their USA boundary into the Southeast Quadrant renders inaccurate all projections in the DEIR and the General Plan for the City. That one planned expansion likely had a larger effect on Morgan Hill than any other ones proposed in the revised GP, and it has now been disallowed. The project description inaccurately describes the future use of SEQ that has been denied, including the additional residential development in a northeast area of the SEQ (to accommodate a purported transfer of development rights involving Chiala property elsewhere in the SEQ) that was not contemplated in the previously-approved SEQ proposal.</p>	Please see response to comment LA3-7. LAFCO’s action on March 11, 2016 does not require amendments to the text or analysis of the Draft EIR. The proposed General Plan is the City’s planning document and has a 20-year time horizon. As of the time of publication of this Final EIR, the inclusion of the Southeast Quadrant (SEQ), which has been approved by the Morgan Hill City Council, represents the City’s vision for its ultimate future development. Therefore, it is appropriate to leave the SEQ in the proposed General Plan as is, and therefore in the Draft EIR as is.
ORG1-10	Projections of the City’s overall population, number of jobs, and relevant infrastructure all need to be revised.	See response to comment ORG1-9, above.
ORG1-11	Whether the DEIR accurately describes numerous impacts as “significant and unavoidable” is also brought into question because City resources that would have been used to accommodate expansion into the SEQ may now be available and make feasible some mitigations that were not considered feasible before.	See response to comment ORG1-9, above.
ORG1-12	For the above reasons, the City should not proceed with approving the revised General Plan and RDCS based on the inadequate DEIR.	This is a conclusory statement; no response is needed.
ORG2	Doug Muirhead, 3/14/2016	
ORG2-1	Here are some minor comments for the Morgan Hill 2035 DEIR dated January 13, 2016 with the comment period ending March 14, 2016. Sadly, I only got through page 281 of 732. Thank you for your consideration,	These are introductory comments; no response is required.

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ORG2-2	Please replace the word "appurtenant" in the GP and EIR with a common vocabulary word.	This comment refers to text of the proposed General Plan that is reproduced in the Draft EIR Project Description. The term "appurtenant," meaning "associated with" or "pertaining to," has specific legal meaning and is carried forward from the Residential Estate land use designation of the currently adopted General Plan. However, in response to this comment and in an effort to be clear and user-friendly, City staff will recommend to Planning Commission and the City Council that the word "appurtenant" be replaced with "associated" in the updated General Plan.
ORG2-3	<p>TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES UTILITIES AND SERVICE SYSTEMS</p> <p>UTIL-1: Sufficient water supplies would be available to LTS/LTS N/A serve the proposed Project from existing entitlements and resources and new or expanded entitlements would not be required.</p> <p>[comment] According to the SCVWD South County Water Supply Planning Project, dated July 2010, referenced in Todd Groundwater Screening Level Assessment included in South County Recycled Water Master Plan Update 2015, groundwater demands will increase by about 7000 AFY by 2030 and between 4000 and 16000 AFY of additional water supplies would be needed to meet groundwater management objectives and a reliable water supply.</p>	<p>The analysis under UTIL-1 in the DEIR was based on the water demand of the General Plan buildout and a variety of resources addressing water supply and demand. These resources included the 2010 UWMPs of the City and the SCVWD (which are the most recent adopted UWMPs), water conservation mandates, the City's conservation achievements, General Plan policies, the City's water supply infrastructure, and others. The original purpose of the SCVWD South County Water Supply Planning Project was to develop a long-term water supply plan for the Llagas Groundwater Subbasin area in southern Santa Clara County. Around the same time as the Water Supply Planning Project planners were developing their recommended water supply plan for the Llagas Subbasin, the SCVWD embarked on a countywide Water Supply and Infrastructure Master Plan (Master Plan). It was then decided that the South County planning work would be completed as part of the SCVWD Water Supply and Infrastructure Master Plan, which was completed in October 2012 and adopted by the District's Board of Directors. The SCVWD Water Supply and Infrastructure Master Plan provides a water supply strategy for planning activities and projects needed in the future to meet the county's water needs and provides a roadmap for future District investments in water supply reliability. The District does not have an adopted Comprehensive Water Resources Management Plan. The District is currently in the process of developing an integrated water resources master plan. Information on this planning effort can be found here: http://www.valleywater.org/IWRMPThe analysis.</p>

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ORG2-4	<p>TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES UTILITIES AND SERVICE SYSTEMS</p> <p>UTIL-11: The proposed Project would result in a LTS/LTS N/A substantial increase in natural gas and electrical service demands, would use appropriate energy conservation and efficiency measures, and would not require new energy supply facilities and distribution</p> <p>[comment] While I have heard Planning Commission and Council discussions about the supply of industrial land</p> <p>(often based on a new consultant study), I have never heard a discussion about whether we will have enough power.</p> <p>One of the benefits PG&E advertises for their South County Power Connect is that it responds to projections that we will need more power for residential and industrial use. When I asked at their recent open house where their forecasts came from, they said CalISO. But they also said they had recently met with City staff to get Morgan Hill input.</p> <p>If the City has projections, what are they? If the City foresees limitations, what are they?</p>	<p>The City does not have projections or information regarding limitations on power to support future industrial uses beyond what is discussed in the Draft EIR.</p>
ORG2-5	<p>3.2.1 LOCATION</p> <p>Additional access is provided by the Monterey-Salinas Transit (MST) Bus Service, which provides bus service between the Morgan Hill Caltrain Station and the Monterey Transit Plaza in Monterey.</p> <p>[comment] MST actually continues north into San Jose, serving SJSU.</p>	<p>Comment noted. The text on page 3-2 of the Draft EIR has been revised, as shown in Chapter 3.</p>
ORG2-6	<p>3.2.2 EXISTING LAND USE</p> <p>Significant parts of the City may appear vacant, including large parcels in the industrial areas of the City....residential parcels that have received RDCS allocations may appear vacant, but in fact have pending development.</p> <p>[comment] The City of Morgan Hill submitted information on the City's vacant lands as part of its LAFCO USA amendment application</p>	<p>The specific revision being requested in the comment is unclear. The City is aware of LAFCO's vacant lands inventory and does not agree with the methodology and assumptions used. The City's assessment of development potential and areas with capacity for development is described on pages 3-20 through 3-34 of the Draft EIR.</p>

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	<p>material. The maps and vacant lands data / reports submitted by the City are included in Appendix Z of the March 11 hearing staff report. Using the City's information, LAFCO staff prepared a vacant lands inventory that describes the current supply of vacant land within the City's existing boundaries as Appendix X.</p> <p>This might go well with 3.4.4.2 PROPOSED PLANNING BOUNDARY CHANGES, Table 3-2, the horizon-year 2035 projection for net growth</p>	
ORG2-7	<p>3.2.3 SURROUNDING LAND USE Chesbro Reservoir County Park to the west.</p> <p>[comment] I always thought that Chesbro was just a Water District reservoir. So thanks for the education.</p>	This is not a comment on the adequacy of the EIR; no response is needed.
ORG2-8	<p>3.4.1 PROPOSED GENERAL PLAN OBJECTIVES 13 Guiding Principles outline the objectives of the proposed General Plan. 7. Provide high-quality internet connectivity.</p> <p>[comment] This has never made sense. Other than City Government intranet and two public access TV channels through the Cable TV franchise agreement with Charter Communications, all internet connectivity is controlled by commercial non-public entities. The City didn't even put in dark fiber as part of Downtown utility undergrounding.</p>	This is a comment on the proposed General Plan objectives. It is not a comment on the adequacy of the EIR; no response is needed.
ORG2-9	<p>3.4.2 GENERAL PLAN UPDATE PROCESS [M]ore than 20 GPAC meetings, and four community workshops have been held during the planning process, all of which were open to the public and included public comment periods.</p> <p>[comment] The GPAC meetings were not recorded, so there is no reviewable record.</p>	Comment noted. The commenter is correct that GPAC meetings were not recorded; however, written summaries of past GPAC meetings are available at http://morganhill2035.org/workshops-meetings/general-plan-advisory-committee/ . This is not a comment on the adequacy of the EIR; no response is needed.
ORG2-10	<p>3.4.2.6 PUBLIC REVIEW AND ADOPTION The remaining tasks of the General Plan Update process will include</p>	Because the City Council and Planning Commission have the ability to make further revisions to the General Plan land use map, the

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	<p>the review and adoption of final documents and the certification of this EIR. This phase includes the 60-day public review period of this EIR,</p> <p>[comment] What is the schedule for the EIR for the infrastructure plans? What is the linkage between the infrastructure master plans and the General Plan and its EIR? Joanna Jansen, at the February 23 meeting of the Planning Commission to receive comments on the draft GP EIR, stated that the infrastructure master plans were not complete enough to be covered in this EIR, so that a subsequent CEQA document will be required.</p>	<p>infrastructure plans will be completed when the General Plan land use map is finalized. Once the infrastructure plans have been drafted, a CEQA document will be prepared. Based on the current General Plan land use map, the civil engineer on the Morgan Hill 2035 consultant team believes it is likely that the type and location of improvements needed, such a new pump stations or larger pipelines, will be accommodated within the footprint of development already analyzed in the Draft EIR. However, a determination of the potential impacts will ultimately be made in the CEQA document. If the infrastructure master plans do not have new impacts or require new mitigation measures, then it is likely that an Addendum to the General Plan EIR will be prepared.</p>
<p>ORG2-11</p>	<p>From 3.6.5 ANALYSIS OF THE PROPOSED RDCS IN THIS EIR Projects successive to this EIR include, but are not limited to, the following:</p> <p>- Updates to the City's Municipal Service Review and Comprehensive Annexation Plan, and other utility infrastructure master plans, such as the Water, Wastewater, Stormwater, and Telecommunications Master Plans.</p> <p>Note that there are also the Parks and Trails Master Plan and the Public Safety Master Plan.</p>	<p>The commenter is correct that these plans are in progress or anticipated. The Bikeways, Trails, Parks and Recreation Master Plan Update is scheduled to be adopted late Summer/Fall 2016 (http://www.morganhill.ca.gov/1429/Master-Plan-for-Parks-Trails-and-Bikeway) and the Public Safety Master Plan is anticipated for completion in July 2016. They have been added to the list of successive projects as shown in Chapter 3 of this Final EIR.</p>
<p>ORG2-12</p>	<p>3.5.1.4 OPPORTUNITY SITES input from the Technical Advisory Committee (TAC) [comment] I obtained the members of the TAC via PRR. You should identify them.</p>	<p>The TAC included: Karl Bjarke, Public Works Joseph Burdick, Police Nick Calubquib, Recreation Scott Creer, Public Works Ken Deluna, Community Development Anessa Espinosa, Morgan Hill Unified School District Anthony Eulo, Environmental Services Chris Ghione, Community Services Steve Golden, Community Development Dwight Good, CAL FIRE</p>

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Comment #	Comment	Response
ORG2-13	<p>3.6.1 PROPOSED RDCS OBJECTIVES</p> <p>Overall, the RDCS promotes an orderly, efficient, and sustainable residential development pattern and provides certainty to residents that residential development patterns will reflect local goals and values.</p> <p>[comment] At the Council Goals workshop in January 2013, when Council member Siebert expressed a desire for neighborhood associations, Council member Carr responded that our piece-at-a-time development policy discourages that.</p> <p>And I believe that the Planning Commission had an example last year where part of a project was built and an HOA was formed. The remainder of the project was purchased by a different developer and the new plans were objected to by the existing residents.</p>	<p>Mario Iglesias, Public Works Leslie Little, Community Development Steve Maxey, Community Development Mitch Oshinsky, Community Development Shane Palsgrove, Police Edith Ramirez, Community Development Tina Reza, Finance Kevin Riper, Finance Jeff Rosenberger, Information Services Jim Rowe, Community Development Sidney Stone, Community Development Maureen Tobin, Community Services</p> <hr/> <p>This is a policy-related comment and is not a comment on the EIR. No response is needed.</p>
ORG2-14	<p>4.1 AESTHETICS 4.1.1.1 REGULATORY FRAMEWORK City's Planning Division staff routes projects to the Design Review Committee.</p> <p>City's Design Review process, which is established in Section 18.74 of the City's Municipal Code</p> <p>[comment] I can find no reference to the Design Review Committee</p>	<p>The City routes development applications to an internal Design Review Committee that is made up of staff from different divisions/ departments (e.g., Building, Fire, Police, Public Works). The quoted sentence has been revised to clarify that the Design Review Committee is an internal, staff-level committee,, as shown in Chapter 3 of this Final EIR. This edit does not affect the analysis or conclusions of the aesthetics section.</p>

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	<p>in the Municipal Code. And it has not been mentioned in the Planning Commission design workshops and discussion about the Architectural Review Handbook.</p>	
ORG2-15	<p>4.1.3 IMPACT DISCUSSION AES-3 Implementation of the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings. To some people, this change in appearance from agricultural or rural residential landscapes to land developed with attractive neighborhoods, parks, and schools would be a deterioration of the visual character, while others may consider it an improvement. General Plan Significance Before Mitigation: Less than significant. RDCS Significance Before Mitigation: No impact.</p> <p>[comment] So those people who hold the view that this is deterioration are ignored?</p>	<p>Comment noted. The quoted text from the Draft EIR seeks to acknowledge that changes in visual character are highly subjective and differ from person to person. Even if the change in appearance would be a deterioration from existing conditions in the eyes of some viewers, the threshold is whether the change would “substantially degrade” the visual character of the site. The Draft EIR analysis on pages 4.1-11 through 4.1-15 lays out the extensive policies in the proposed General Plan that would regulate visual character in Morgan Hill and concludes that, given these policies, while the visual character of the city would certainly continue to change over time, the change would not “substantially degrade” the city’s existing visual character. While some viewers may interpret the change as a negative, the threshold of significance would not be exceeded.</p>
ORG2-16	<p>4.3 AIR QUALITY 4.3.3 IMPACT DISCUSSION AQ-1 Implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan. proposed General Plan would reduce VMT per population and VMT per service population (SP, defined as residents and employees).</p> <p>[comment] And yet we are encouraging large numbers of people in the region to drive to Morgan Hill for Sports Tourism.</p>	<p>This is not a comment on the adequacy of the EIR; no response is required.</p>
ORG2-17	<p>4.6 GEOLOGY, SOILS, AND SEISMICITY 4.6.1.1 REGULATORY FRAMEWORK The City of Morgan Hill lies within the jurisdiction of both the San Francisco Bay RWQCB (Region 2) and the Central Coast Bay RWQCB (Region 3) and is subject to the Waste Discharge Requirements (WDRs) of the Phase II Small MS4 Permit. The northern portion of Morgan Hill and the sphere of influence (SOI) lies within the jurisdiction of San Francisco Bay RWQCB (Region 2), which covers watersheds that drain primarily into San Francisco Bay. The Central Coast RWQCB (Region 3) covers the state's central coast, including</p>	<p>The statement in the Draft EIR that the City is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB) is accurate. The San Francisco Bay RWQCB southern boundary generally follows the ridgelines west of Hale Avenue south to roughly the intersection of Cochrane Avenue and Monterey Road, then generally follows Cochrane Avenue east to the ridgelines above Anderson Lake. Therefore the northernmost and easternmost portions of both the City limits and the SOI are within the San Francisco Bay RWQCB, although, as noted in the quoted EIR text, the majority of the City and its SOI are in the Central Coast RWQCB. Jurisdictional</p>

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Comment #	Comment	Response
	<p>most of Morgan Hill and its SOI. The watersheds within the Central Coast RWQCB jurisdiction drain primarily into the Pacific Ocean.</p> <p>[comment] That we are subject to San Francisco Bay RWQCB is news to me.</p> <p>We partner with Gilroy and the County to comply with the Storm water Pollution Prevention Plan authorized by the Central Coast Bay RWQCB.</p> <p>And the Municipal Regional Stormwater NPDES Permit issued by the San Francisco Bay RWQCB list of jurisdictions includes cities from San Jose to the north county border plus the County and SCVWD; collectively, those cities implement the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).</p>	<p>boundaries of all nine RWQCBs are available online at http://www.waterboards.ca.gov/waterboards_map.shtml.</p>
ORG3	Robert J. Benich, P.E.	
ORG3-1	<p><u>Reference: Draft EIR, Section 3.6.3</u></p> <p>Specifically, the draft EIR states:</p> <ol style="list-style-type: none"> 1.The proposed RDCS establishes a population limit of 64,600 in 2035. 2. The City Council may award a maximum of 300 allotments each year. <p>The figures of a population cap of 64,600 in 2035 and building allocations of 300/year is inconsistent with historical trends and is incompatible with a good growth pattern for the City of Morgan Hill (refer to Fig. 1).</p> <p><u>Analysis</u></p> <p>Time frame: 2035 – 2020 = 15 years</p> <p>Population change: 64,600 - 48,000 = 16,600</p> <p>Avr. Pop. Change = 16,600/15 = 1,107 persons/year</p> <p>Persons/Dwelling Unit (DU) = 3.08 (ABAG set number)</p> <p>Max. Building allocations = 1,107/3.08 = 359/year</p> <p>To have a calculated maximum 359 building allocations per year is way beyond what the City of Morgan Hill has given out during the</p>	<p>The proposed population limit is established in the proposed Draft RDCS; the EIR simply restates what the Draft RDCS contains. The proposed population cap was arrived at through extensive discussions of the RDCS Working Group, the Planning Commission, and the City Council in a series of public meetings. See the RDCS Working Group packet materials for their June 17, 2015 meeting, available on the Morgan Hill 2035 website here: http://morganhill2035.org/workshops-meetings/rdcs-working-group/ for tables with a number of different housing and population growth scenarios that the Working Group reviewed and considered. The comment actually addresses a component of the RDCS rather than the analysis or conclusions of the Draft EIR; however, a clear explanation of these numbers is important to community understanding of the RDCS and its analysis in the EIR.</p> <p>The RDCS Working Group started not from a projected population of 48,000 in 2020 but from an existing population of 41,779 in January 2015, as reported by the California State Department of Finance Population Research Unit. In addition, their calculations were based on a persons per household figure of 3.11, also from the Department of Finance. They then considered various average annual growth rates</p>

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Comment #	Comment	Response
	<p>past 20 years. Yet, the EIR states that only a maximum of 300 allotments will be awarded each year.</p>	<p>ranging from 1.0 percent to 3.5 percent, resulting in 2035 populations from about 51,000 to over 83,000. The Working Group also considered the number of annual allotments to be issued, including numbers based on growth rate supported by Measure C (about 270 annual allotments), the recent historical growth rate in Morgan Hill (238 households per year from 1995-2015) and recent building permits issued (192 per year 2004-2015).</p> <p>After discussing the issue, a majority of Working Group members supported establishing an annual cap of 300 allotments but exempting Downtown units from this cap. Exempting the Downtown units was considered important so that if a large number of Downtown units came in one competition year it would not detract from the regular competition process. Because of the exemptions to encourage Downtown development, the population of 64,600 may not be translatable directly into a number of units issued through the RDSCS competition each year.</p> <p>It should also be noted that the population cap of 64,600 published in the Draft RDSCS for discussion has been reconsidered by the Planning Commission and the City Council over the past several months. For example, at a joint study session of the Council and Planning Commission on November 18, 2015, multiple decision-makers expressed that the proposed draft number was too high. The population cap is the subject of ongoing deliberations and no final number has been set. The Draft EIR is based on anticipated 2035 horizon development of 68,057 rather than on a population cap figure.</p>
ORG3-2	<p>Therefore, using the 300 allotments/year number:</p> <p>Time frame: 2035 – 2020 = 15 years Building allocations /year = 300 Persons/Dwelling Unit (DU) = 3.08 (ABAG set number) Population projection: 300 DU/yr. x 3.08 pp/DU x 15 yrs. = 13,860 Population maximum in Year 2035: 48,000 + 13,860 = 61,860</p>	<p>See response to Comment ORG3-1 for additional detail on the process for arriving at a population cap of 64,600.</p>

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Comment #	Comment	Response
	<p>This is still <u>inconsistent</u> with the aforementioned EIR number of 64,600.</p> <p>To solve this problem and make the various documents more consistent and, to make it easier for the general public to understand the proposed changes, I recommend that the draft EIR and all associated references and documents be changed, as follows:</p>	
ORG3-3	<p>Reference: EIR Section 3.6.3</p> <ol style="list-style-type: none"> 1. The proposed RDCS establishes a population limit of 60,000 in 2035. 2. The City Council may award a maximum of 250 allotments each year. <p><u>Re-Analysis</u> Time frame: 2035 – 2020 = 15 years Population change: 60,000 - 48,000 = 12,000 Aver. Pop. Change = 12,000/15 = 800 persons/year Persons/Dwelling Unit (DU) = 3.08 (ABAG set number) Max. Building allocations = 800/3.08 = 260/year</p> <p>A population cap of 60,000 persons in 2035 and a limit of 250 building allotments per year is more consistent with the historical growth of Morgan Hill and still allows for good planned development of a variety of housing types.</p>	<p>Comment noted. As noted in response to comment ORG3-1, the population cap is the subject of ongoing community, Planning Commission, and Council discussions. This comment is a suggestion of a different population cap than is currently proposed in the Draft RDCS; it is not a comment on the EIR so no further response is needed.</p>
ORG4	Doug Muirhead, 3/22/2016	
ORG4-1	<p>Senior Planner John Baty,</p> <p>Here are a second group of minor comments for the Morgan Hill 2035 DEIR dated January 13, 2016- but after the close of the comment period which ended March 14, 2016.</p> <p>Regards, Doug Muirhead, Morgan Hill</p>	<p>These are introductory comments; no response is required.</p>

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Comment #	Comment	Response
ORG4-2	<p>4.9 HYDROLOGY AND WATER QUALITY</p> <p>Typical groundwater levels in the downtown Morgan Hill area are typically found at 15 feet bgs.</p> <p>[comment] What is your source for this data? The September 2015 Groundwater Condition Report from SCVWD shows Llagas Subbasin Well 09S03E22P005 (Morgan Hill) 5 Year Average Depth to Water of about 60 feet and a high mark between Aug-10 and Aug-15 of 40 feet. The respective values for Llagas Subbasin Well 10S03E13D003 (San Martin) are 50 feet and 20 feet.</p>	<p>This statement is taken from the July 2009 Morgan Hill Downtown Specific Plan Draft Master EIR; see page 148. That Master EIR cites a Geologic Map prepared by Pacific Geotechnical Engineering for the City of Morgan Hill in December 1991. However, it is noted that groundwater levels throughout the Llagas Subbasin can vary dramatically over time due to rainfall, groundwater pumping, and other factors.</p>
ORG4-3	<p>4.13.2 POLICE PROTECTION SERVICES</p> <p>The MHPD reports that existing staff and equipment levels are not sufficient to meet current or future demands for service.</p> <p>[comment] What is your source for this data regarding current demands?</p> <p>--- The City of Morgan Hill FY 2015-16 Operating and CIP Budget has no mention of existing staff and equipment levels being insufficient. They did hire 5 new police officers to replace sworn staff who retired.</p> <p>--- LAFCO Cities Service Review (December 2015) reported that the City of Morgan Hill did not anticipate difficulty in continuing to provide services or maintain infrastructure or facilities related to service delivery for a population of up to 70,000.</p> <p>--- Only the LAFCO USA Amendment for Area 1: Plan for Services as of October 2015 indicates that the City anticipates a significant increase in service costs based on an increased number of large events that would draw in large numbers of people. In addition to a multiservice officer for addressing issues associated with the proposed private high school, the City anticipates it would need to hire three additional sworn officers, a part time records specialist, and a public safety dispatcher in order to adequately respond to the increased demand generated by the project. The cost associated with adding 5.5 FTE is expected to be approximately \$699,300 and the cost for purchasing new equipment is expected to be approximately \$42,300.</p>	<p>This statement was made by David Swing, Police Chief, Morgan Hill Police Department, in communication with Alexis Mena, a PlaceWorks staff member, on August 20, 2015. The Police Chief was responding specifically to questions posed as part of the data gathering for the Draft EIR.</p>

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Comment #	Comment	Response
	<p>--- LAFCO USA Amendment for Area 2 anticipated no increase in service.</p>	
ORG4-4	<p>4.13.5 PARKS AND RECREATION</p> <p>When calculating parkland per thousand residents the City includes City parks, special use facilities, trails, and schools with a joint-use agreement for City use, as well as 10 percent of recreational open space and fifty percent of parks within home owners associations (HOAs). Based on these calculation criteria, there is a total of approximately 208 acres of parkland, which equates to 5 acres per thousand residents based on a 2015 population of 41,779. Therefore, the City is currently meeting its standard of 5 acres per thousand residents.</p> <p>[comment] General Plan Implementation Report to the State Office of Planning & Research (OPR) for calendar year 2013, presented to City Council on September 17, 2014, under heading of Open Space and Conservation Element:</p> <p>The General Plan calls for a standard of 5 acres of parkland per thousand in population. With the current population of 41,194, there are approximately 4 acres per thousand.</p>	<p>The figure of 4 acres per thousand taken from the September 2014 report to OPR appears to be based on the figures of 167 acres designated as City parks/developed park land divided by 41.194 (a population of 41,197 divided by 1,000). By contrast, the Draft EIR uses a broader definition of “parkland,” consistent with the City’s Parks, Facilities, and Recreation Programming Master Plan, as explained on page 4.13-33 to -34. This broader definition results in an estimate of 208 acres rather than 167 acres. The comment is noted; this difference in methodology between the two documents does not affect the analysis of potential parks and recreation impacts in the Draft EIR.</p>

PUBLIC HEARINGS

HRG1	Planning Commission Hearing, 2/23/16	
HRG1-1	Does the DEIR take into consideration the traffic that comes off Highway 101 and into Morgan Hill?	Yes. The Morgan Hill traffic demand forecasting model was developed specifically for the City, but it includes estimates of trips that come to Morgan Hill from outside the city, trips that leave the city on Highway 101, and trips that pass through Morgan Hill on 101 without an origin or destination in the city.
HRG1-2	Is Monterey Road, the road with the single highest traffic volume, analyzed in the DEIR? The Planning Commissioner didn’t see it mentioned in the document.	<p>Yes. Monterey Road is discussed in Chapter 4.14 of the Draft EIR. Of the 45 intersections selected for study to represent citywide conditions, 12 are along Monterey Road:</p> <p>The Study Intersections included:</p> <ol style="list-style-type: none"> 1. Monterey Road and Madrone Parkway 2. Monterey Road and Cochrane Road

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Comment #	Comment	Response
		<ul style="list-style-type: none"> 11. Monterey Road and Wright Avenue 12. Monterey Road and Central Avenue 15. Monterey Road and Main Avenue 18. Monterey Road and First Street 19. Monterey Road and Second Street 20. Monterey Road and Third Street 21. Monterey Road and Fourth Street 22. Monterey Road and Fifth Street 26. Monterey Road and Dunne Avenue 36. Monterey Road and Tennant Avenue <p>The Study Roadway Segments include:</p> <ul style="list-style-type: none"> 7. Monterey Road, between Kirby Avenue and Tilton Avenue 8. Monterey Road, between Peebles Avenue and Madrone Parkway 9. Monterey Road, between Cochrane Road and Old Monterey Road 10. Monterey Road, between Wright Avenue and El Toro Street 11. Monterey Road, between 3rd Street and 4th Street 12. Monterey Road, between San Pedro Avenue and Cosmo Lane 13. Monterey Road, between Vineyard Boulevard and Watsonville Road 14. Monterey Road, between Starswept Lane and East Middle Avenue 15. Monterey Road, between Church Avenue and Carlis Court
HRG1-3	Why does the GHG model only go to 2020?	The GHG analysis in the Draft EIR evaluates emissions in 2020 as well as 2035, as discussed on pages 4.7-24 through -27. It evaluates 2020 emissions (see Table 4.7-7) in order to assess consistency with the State’s adopted AB 32 GHG emissions targets. It evaluates 2035 emissions (see Table 4.7-8) because 2035 is the horizon year of the proposed General Plan.
HRG1-4	Does the DEIR consider air traffic noise?	While people in Morgan Hill do hear aircraft over-flight events, which commonly last for only a minute or two, the standard metric used for community impact assessment is the CNEL metric, which is a 24-hour energy-averaged sound level. The 24-hour CNEL noise value for any given airport or heliport includes the contributions from all the

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HRG1-5	How was the Morgan Hill Unified School District included in the preparation of the document if at all?	<p>separate aircraft over-flight events, but also includes the sound levels for times between the fly-overs, which are much quieter than when an aircraft is overhead. Thus, an airport’s CNEL levels will be several decibels quieter than for a single over-flight event (that many people may find to be annoying or a nuisance). The use of the CNEL metric is required by statute for General Plan noise elements, by Title 24 for interior noise levels, and per FAA regulations. The Draft EIR uses the mandated noise metric in the consideration of potential aircraft-related noise impacts. It did not find that air traffic noise is an impact in Morgan Hill. It should also be noted that the proposed General Plan itself would not have any effect on worsening or increasing air traffic or related noise.</p> <p>As the Morgan Hill 2035 project and the General Plan Update commenced, the City Council requested that the Morgan Hill Unified School District (MHUSD) have a formal school representative on the City General Plan Advisory Committee. This was to ensure that school needs were understood, discussed, and addressed during the General Plan update process. This same request was made when the City Council formed the RDCS Working Committee. In both instances, MHUSD had representatives designated and staff appreciates MHUSD’s input and role they have played throughout the process.</p> <p>In addition, City staff and the EIR consultant team contacted MHUSD staff in the preparation of the Draft EIR. MHUSD provided the information on demographic projections, existing and projected enrollment, school capacity, and student generation rates that was used for information on existing conditions and potential school impacts. Kristen Perez, MHUSD Assistant Superintendent of Business Services, also communicated with City staff regarding the difficulties of funding and constructing new school facilities; see footnotes 39 and 40 on pages 4.13-21 and -22 of the Draft EIR.</p>
HRG1-6	The traffic analysis uses the standard AM/PM peak traffic metric. However, traffic associated with the outdoor sports complex and aquatic center would not be captured by this metric. This is also true	The commenter is correct that the Draft EIR traffic analysis evaluates AM/PM peak periods for analysis of future level of service (LOS) at study intersections. However, it should be noted that the analysis of

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	with noise since noise associated with the outdoor sports complex and aquatic center is not an intermittent event since activities begin on May 1 and go through Labor Day weekend.	the 45 study roadway segments is based on average daily traffic, which considers total traffic volume for the year divided by 365 days. This metric would capture traffic from weekend and special events. In addition, the City can require project-specific Traffic Impact Analyses for projects that may affect or be affected by traffic from the sports complex or aquatic center to include off-peak analyses, as appropriate.
HRG1-7	The noise analysis was done on a Thursday and Friday in August, which I don't think would have caught the outdoor sports noise.	As explained above in response to comment HRG1-4, above, the General Plan its EIR use the 24-hour CNEL metric to evaluate ambient noise levels. Therefore, while intermittent noise from outdoor sports events would be higher than the overall average, the noise from these events is not long enough or loud enough to exceed General Plan standards.
HRG1-8	The existing General Plan says the City only needs to do traffic studies when you reach certain thresholds. It also requires the City to perform traffic analyses every five years. Does the traffic analysis of the DEIR fulfill that requirement?	The existing General Plan includes Circulation Action 2.4, which says in part: "Ensure that the city's transportation model is kept up to date to reflect development as it occurs, and schedule Morgan Hill traffic model updates in conjunction with General Plan Updates and/or to coincide with or incorporate VTA model updates. Approximately every 5 years, strive to update the model with updated land use and circulation network projections..." This is carried forward in the proposed General Plan as Action TR-11.C. The traffic analysis in the Draft EIR constitutes this update and fulfills the directive of the policy.
HRG1-9	Was the traffic associated with the high school currently proposed to be built in the SEQ considered in the analysis? The trip generation characteristics would be relatively low for the peak periods, but would be higher at non-peak times.	Yes, all development in the SEQ, including the private high school and sports and recreation uses, is included in the traffic analysis in the Draft EIR. All land uses shown on the proposed General Plan land use map were considered.
HRG1-10	The DEIR made an assumption that no development is happening in Coyote Valley – but there is a huge distribution center being planned there. Gilroy is planning for a 100% population growth. I didn't see a regional view in this EIR. The DEIR needs to clearly state the assumptions for the regional growth.	The commenter is correct that the City of San Jose has received an application for a Site Development Permit to allow for the construction of an approximately 517,000 square foot warehouse/distribution center on a site designated for Industrial Park uses and that Gilroy's proposed General Plan includes significant growth. However, it is important to note that neither of these projects has been approved. The Gilroy General Plan website, www.gilroy2040.com , indicates that on April 4, 2016, the Gilroy City Council approved the postponement of further work on the Gilroy 2040 General Plan and Environmental

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Comment #	Comment	Response
		<p data-bbox="1136 293 1293 318">Impact Report.</p> <p data-bbox="1136 363 1892 841">The Draft EIR is focused on Morgan Hill since the proposed Plan would have the greatest and most direct impacts on the community itself. However, the Draft EIR does include a regional perspective; each section of the analysis includes an analysis of cumulative impacts considering the Morgan Hill General Plan and RDCS as well as regional growth and development outside of the city. Rather than rely on speculative, unapproved projects, the quantitative analyses of traffic, air quality, greenhouse gases, and noise in the Draft EIR are calculated using data from the City of Morgan Hill travel demand forecasting model, which uses traffic analysis zone (TAZ) data from the VTA 2035 Traffic Demand Forecasting model. This model includes growth projections for areas north and south of Morgan Hill that are consistent with ABAG 2035 projections as published in <i>Projections 2013</i>. See pages 4-3 through 4-5 for an explanation of the context for cumulative impact analyses in each section of the Draft EIR.</p>

6. *Mitigation Monitoring and Reporting Program*

This chapter provides a Mitigation Monitoring and Reporting Program (MMRP) for the Morgan Hill 2035 General Plan and RDCS. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The MMRP includes the following information:

- A list of mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The City of Morgan Hill must adopt this MMRP, or an equally effective program, if it approves the General Plan and RDCS with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
AQ-2a-1: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM ₁₀ (Table 8-1, <i>Basic Construction Mitigation Measures Recommended for All Proposed Projects</i> , of the BAAQMD CEQA Guidelines).	Project Applicant	Prior to issuance of construction permits	City of Morgan Hill Community Development Department	Technical Assessment of Construction-Related Impacts Review and Approval	Once per project subject to CEQA
AQ-2a-2: Prior to issuance of a planning permit, development project applicants that are subject to CEQA shall prepare and submit to the City of Morgan Hill a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the Bay Area Air Quality Management District (BAAQMD) methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Morgan Hill shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (Table 8-2, <i>Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold</i> of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City’s Community Development Department.					
AQ-2b Prior to issuance of a planning permit development project applicants that are subject to CEQA shall prepare and submit to the City of Morgan Hill a technical assessment evaluating potential project operation-phase-related air	Project Applicant	Prior to issuance of construction permits	City of Morgan Hill Community Development Department	Technical Assessment of Operation-Phase Impacts Review and Approval	Once

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>quality impacts. The evaluation shall be prepared in conformance with the Bay Area Air Quality Management District’s (BAAQMD) methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD’s CEQA Guidelines, the City of Morgan Hill Community Development Department, Planning Division, shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities.</p>	Project Applicant	Prior to approval of future non-residential land uses that exceed the thresholds listed	City of Morgan Hill Community Development Department	Health-Risk Assessment Review and Approval	Once per project for non-residential land uses
<p>AQ-4a Applicants for future non-residential land uses within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of the proposed Project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Morgan Hill prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. 					

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. <p>Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project.</p>					
<p>AQ-4b: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Morgan Hill within 1,000 feet of a major sources of TACs (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the a project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Morgan Hill prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Air intakes located away from high volume roadways and/or truck loading zones. ▪ Heating, ventilation, and air conditioning systems of the 	Project Applicant	Prior to approval of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) within 1,000 feet of TACs	City of Morgan Hill Community Development Department	Health Risk Assessment Review and Approval	Once per project for residential and other sensitive land use projects within 1,000 feet of TACs

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.</p> <p>Mitigation measures identified in the HRA shall be included as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed Project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City’s Community Development Department.</p>					
TRANSPORTATION AND TRAFFIC					
<p>TRAF-1A: The City of Morgan Hill shall install a signal at the intersection of Monterey Road and Central Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is <i>less than significant</i>.</p>	City of Morgan Hill	When the intersection reaches LOS F	City of Morgan Hill Public Works Department	Install a signal at the intersection of Monterey Road and Central Avenue, or a different equally effective measure to reduce delays at the intersection	Once
<p>TRAF-1B: The City of Morgan Hill shall install a signal at the intersection of Tennant Avenue and Murphy Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is <i>less than significant</i>.</p>	City of Morgan Hill	When the intersection reaches LOS F	City of Morgan Hill Public Works Department	Install a signal at the intersection of Tennant Avenue and Murphy Avenue, or a different equally effective measure to reduce delays at the intersection	Once
<p>TRAF-2: Full mitigation of significant impacts on freeway segments would require freeway widening to construct five lanes through Morgan Hill, thereby increasing freeway capacity.</p> <p>Ultimately, the VTA and Caltrans are the responsible agencies for planning for and implementing improvements within the US 101 corridor. A fair share contribution from the City of Morgan Hill towards freeway improvement costs is an acceptable mitigation measure.</p>	Project Applicants/City of Morgan Hill/VTA/Caltrans	Ongoing payment of traffic impact fees and fair share contributions	City of Morgan Hill Public Works Department	Prepare Funding Strategy in collaboration with San Jose, Gilroy, Santa Clara County and counties to the south (Monterey, San Benito, and Merced) for South County roadway improvements; make fair share contributions	Prepare and adopt strategy once; collect traffic impact fees as projects are approved; make fair share contributions as regional projects are developed.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>However, the City of Morgan Hill does not have a funding strategy in place to contribute towards regional improvements. City representatives should work collaboratively with San Jose, Gilroy, Santa Clara County, counties to the south (Monterey, San Benito, and Merced Counties), the Valley Transportation Authority, and Caltrans to prepare and develop a funding strategy for South County roadway improvements. Payment of traffic impact fees or a fair share contribution is expected to fulfill the City's obligations for mitigating regional traffic impacts; however, unless other funding sources such a new regional impact fee, additional sales tax measures, contributions from other developers, or state funds are made available, feasible roadway improvements will not be implemented, and the identified freeway impacts will remain significant and unavoidable.</p>					



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Memorandum

Date: January 14, 2016
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2015022074
Morgan Hill 2035 General Plan and Residential Development Control System

The State Clearinghouse forwarded the above-mentioned project to your agency for review on **January 13, 2016** with incorrect review dates. Please make note of the following information for your files:

Review period began: **January 13, 2016**

We apologize for any inconvenience this may have caused. All other project information remains the same.

SA1-01

cc: John Baty
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2015022074

Project Title: Morgan Hill 2035 General Plan and Residential Development Control System
Lead Agency: City of Morgan Hill
Mailing Address: 17575 Peak Avenue
City: Morgan Hill
Contact Person: John Baly
Phone: (408) 778-8480
County: Santa Clara
Zip: 95037

Project Location: County: Santa Clara City/Nearest Community: Morgan Hill
Cross Streets: N/A Zip Code:
Longitude/Latitude (degrees, minutes and seconds):
Assessor's Parcel No.:
Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:
CEQA: [] NOP [] Early Cons [] Neg Dec [] Mit/Neg Dec
[] Draft EIR [] Supplement/Subsequent EIR
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other:

RECEIVED
JAN 13 2016
STATE CLEARING HOUSE

Local Action Type:
[] General Plan Update [] Specific Plan [] Rezoning [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Other: (Subdivision, etc.) [] Other: RDGS

Development Type:
[] Residential: Units 6,861 Acres
[] Office: Sq. ft. 628,688 Acres Employees
[] Commercial: Sq. ft. 1.0 mill Acres Employees
[] Industrial: Sq. ft. 1.7 mill Acres Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other: Public Facilities - 287,377 Sq. Ft.

Project Issues Discussed in Document:
[] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Archeological/Historic [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Biological Resources [] Minerals [] Soil Erosion/Compaction/Grading [] Growth Inducement
[] Coastal Zone [] Noise [] Solid Waste [] Land Use
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Other: GHG emissions

Present Land Use/Zoning/General Plan Designation:
Citywide

Project Description: (please use a separate page if necessary)
The proposed General Plan replaces the City's existing General Plan, which had its last comprehensive update in 2001, with the exception of the Circulation Element, which was updated in 2010. The proposed General Plan is intended to guide development and conservation in the City through 2035. The Morgan Hill 2035 project also includes amendments to the City's Residential Development Control System (RDGS). Established in 1977, the City of Morgan Hill's unique growth management system regulates population growth through the provision of residential building allotments. The updated RDGS will preserve the components of the existing system that meter growth, encourage high quality residential development, and provide a high level of community amenities.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 02-11-2016

SCH COMPLIANCE 02-26-2016

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#:
Please forward late comments directly to the Lead Agency

AQMD/APCD 20/2

(Resources: 01/16)

Project Sent to the following State Agencies

- Resources: Boating & Waterways, Coastal Comm, Colorado Rvr Bd, Conservation, CDFW # 3, Delta Protection Comm, Cal Fire, Historic Preservation, Parks & Rec, Central Valley Flood Prot., Bay Cons & Dev Comm., DWR, OES, Resources, Recycling and Recovery
State/Consumer Svcs: General Services, Cal EPA, ARB: ALL Other Projects, ARB: Transportation Projects, ARB: Major Industrial/Energy, SWRCB: Div. of Drinking Water, SWRCB: Div. Financial Assist., SWRCB: Wtr Quality, SWRCB: Wtr Rights, Reg. WQCB # 2, Toxic Sub Ctrl-CTC
Independent Comm: Energy Commission, NAHC, Public Utilities Comm, State Lands Comm, Tahoe Rgl Plan Agency
Other: HCD, Food & Agriculture, Conservancy, Other:

SA1-01 cont.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

DEVELOPMENT
SERVICES

JAN 20 2016

CITY OF MORGAN HILL

Date: January 26, 2016
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2015022074
Morgan Hill 2035 General Plan and Residential Development Control System

The Lead Agency has corrected some information regarding the above-mentioned project. Please see the attached materials for more specific information and **note that the review period is scheduled to end on March 14, 2016**. All other project information remains the same.

SA1-02

cc: John Baty
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037



TRANSMITTAL

DATE January 25, 2016
TO State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814
PHONE NUMBER (916) 445-0613
FROM Joanna Jansen
PROJECT Morgan Hill 2035 DEIR
PLACEWORKS PROJECT NUMBER COMH-01.0
VIA FedEx

Governor's Office of Planning & Research

JAN 26 2016

STATE CLEARINGHOUSE

AS REQUESTED PLEASE RETURN

THE FOLLOWING IS 15 CDs of the Morgan Hill 2035 DEIR (SCH Number: 2015022074)
TRANSMITTED

MESSAGE Attached, please find 15 CDs of the Morgan Hill 2035 DEIR. We originally submitted the DEIR to the State Clearinghouse on January 13, 2016. However, we were notified that the CD accompanying our original January 13, 2016 submittal only contained the DEIR appendices. The CDs attached to this transmittal should replace the CDs that accompanied the January 13 submittal.

As a reminder, the City of Morgan Hill is holding a 60-day public review period for the Morgan Hill 2035 DEIR. The public review period will end on March 14, 2016. Please call with any questions.

**SA1-02
cont.**

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2015022074

Project Title: Morgan Hill 2035 General Plan and Residential Development Control System
Lead Agency: City of Morgan Hill
Contact Person: John Baly
Mailing Address: 17675 Peak Avenue
Phone: (408) 778-8480
City: Morgan Hill
Zip: 95037
County: Santa Clara

Project Location: County: Santa Clara City/Nearest Community: Morgan Hill
Cross Streets: n/a
Zip Code:
Longitude/Latitude (Degrees, minutes and seconds):
Assessor's Parcel No.:
Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:
CEQA: [] NOI [] Draft EIR [] Supplement/Subsequent EIR [] NEPA: [] NOI [] EA [] Joint Document [] Final Document [] Neg Dec [] Mit Neg Dec [] Other:
[] Draft BIS [] FONSI

Local Action Type:
[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevlopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Other: RDCS

Development Type:
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[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other: Public Facilities - 287,377 Sq. Ft.

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[] Coastal Zone [] Noise [] Solid Waste [] Land Use
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Other: GHG Emissions

Present Land Use/Zoning/General Plan Designation: Citywide
Project Description: (please use a separate page if necessary)
The proposed General Plan replaces the City's existing General Plan, which had its last comprehensive update in 2001, with the exception of the Circulation Element, which was updated in 2010. The proposed General Plan is intended to guide development and conservation in the City through 2035. The Morgan Hill 2035 project also includes amendments to the City's Residential Development Control System (RDCS), established in 1977, the City of Morgan Hill's unique growth management system regulates population growth through the provision of residential building allotments. The updated RDCS will preserve the components of the existing system that meter growth, encourage high quality residential development, and provide a high level of community amenities.

State Clearinghouse Contact: (916) 445-0613
State Review Began: 1.13.2016
SCH COMPLIANCE: 3.14.2016

NOTE: REVIEW PER LEAD

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#:
Please forward late comments directly to the Lead Agency

AQMD/APCD 20/2

(Resources: 01/16)

Project Sent to the following State Agencies

- Resources
Boating & Waterways
Coastal Comm
Colorado Rvr Bd
Conservation
CDFW # 3
Delta Protection Comm
Cal Fire
Historic Preservation
Parks & Rec
Central Valley Flood Prot.
Bay Cons & Dev Comm.
DWR
OES
Resources, Recycling and Recovery
CalSTA
Aeronautics
CHP
Caltrans # 4
Trans Planning
Other
HCD
Food & Agriculture
State/Consumer Svcs
General Services
Cal EPA
ARB: ALL Other Projects
ARB: Transportation Projects
ARB: Major Industrial/Energy
SWRCB: Div. of Drinking Water
SWRCB: Div. Financial Assis.
SWRCB: Wtr Quality
SWRCB: Wtr Rights
Reg. WQCB # 2
Toxic Sub Ctrl-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Energy Commission
NAHC
Public Utilities Comm
State Lands Comm
Tahoe Rgl Plan Agency
Conservancy
Other:

SA1-02 cont.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



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MAR 03 2016

CITY OF MORGAN HILL

February 26, 2016

SCLGEN112
SCL/GEN/VAR
SCH #: 2015022074

Mr. John Baty
Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Dear Mr. Baty:

Morgan Hill 2035 General Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Plan referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability. Caltrans has reviewed the Draft Environmental Impact Report (DEIR) to ensure consistency with its mission and state planning priorities of infill, conservationism, and efficient development. Please refer to the previous comment letters on this Plan. Caltrans provides these comments consistent with the State’s smart mobility goals to support a vibrant economy and build communities, not sprawl.

SA2-01

Project Understanding

The City of Morgan Hill (City) is located on the US Highway (US) 101 corridor. For most of the City, including single-family residential neighborhoods and the Downtown area, the current land use designations established by the 2001 General Plan, will remain unchanged. The primary locations where land use designations would change from the existing General Plan are within “opportunity sites,” a term developed through the land use alternatives process for the General Plan Update. While the Downtown area is listed as one of the opportunity sites, the land use designations remain the same as established in the Downtown Specific Plan, adopted in 2009. In addition, as described in detail below, new land use designations have been created and assigned to parcels that these new designations suit better than current designations. Several parcels on which existing parks are located or that have been dedicated as open space have been redesignated to Open Space from residential land use so that the designations accurately reflect actual uses.

SA2-02

The horizon-year 2035 projection for net growth plus pipeline projects includes the following:

- 2,360 new single-family residential units
- 5,070 new multi-family residential units
- 22,888 new residents
- 755,550 square feet of new retail space
- 628,700 square feet of new office space
- 1,777,400 square feet of new industrial space
- 417,600 square feet of new service space
- 287,400 square feet of new public facilities space
- 9,300 new jobs

SA2-03

Lead Agency

As the lead agency, the City of Morgan Hill (City) is responsible for all project mitigation, including any needed improvements to State highways. The Plan's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

SA2-04

Traffic Impacts

1. The Plan does not address the Traffic Forecasting comment in the letter, dated February 5, 2014, on the Southeast Quadrant Land Use Plan DEIR. Specifically:

Appendix H Transportation Impact Analysis (TIA), Turning Traffic Diagrams (see, pages 1 and 29): Table 9 demonstrates AM (PM) generated trip as 2,189 (2,654) vehicles per hour (vph), respectively, resulting from the proposed project. The proposed project consists of both the South County Catholic High School and the Southeast Quad (SEQ) Area. Figure 7 shows AM (PM) generated turning traffic assignment under High School Project Only Conditions. Figure 10 displays AM (PM) turning traffic under Year 2030 General Plan Plus High School Project Only Conditions. However, the TIA and the DEIR do not include AM (PM) generated turning traffic diagrams under: (1) SEQ Project Only Conditions; (2) High School Plus SEQ Project Only Conditions; and (3) 2030 General Plan Plus High School Plus SEQ. Please provide these turning diagrams to Caltrans for review. Caltrans recommends these diagrams be included in the TIA and DEIR.

SA2-05

Please address this comment in this Plan's EIR. In addition, this Plan's Table 3-3 Full Buildout Growth Projections within Sphere of Influence (SOI) shows large scale of land use, which likely generates significant new AM (PM) peak traffic. Caltrans recommends this Plan's TIA include turning traffic per study intersection under Projects or General Plan Only, Cumulative without Projects or General Plan, Cumulative with Projects or General Plan.

SA2-06

2. On pages 4.14-31 through 4.14-34 of the DEIR, Study Intersections 6 and 7 are missing from the 38 listed intersections. Also, in the "Study Area and Study Intersections" (Figure 4.14-4),

SA2-07

the intersection numbering sequence does not correspond to these listed intersections. Caltrans recommends these be corrected in the DEIR.

SA2-07
cont.

- Mitigation for any roadway sections or intersections with increasing VMT should be identified. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes. Also, Caltrans recommends the City mitigate by: 1) paying a fair share contribution toward VTA Express Lane project on US 101 from San Mateo County to Cochrane Road in Morgan Hill (eventually to be extended to 10th Street and State Route 25); 2) installing ramp metering on the impacted on-ramps; and 3) widening the ramps that have already been metered. The added ramp capacity will allow more storage on the on-ramps so that the ramp meter flow can be more restrictive, thereby reducing the congestion on the freeway. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

SA2-08

Vehicle Trip Reduction

Caltrans encourages the City to locate future housing, jobs, and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional VMT and traffic impacts. Suggested Transportation Demand Management (TDM) strategies include bicycle parking, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents. The project proponent should also work with VTA to decrease headway times and improve way-finding on bus lines to provide better connections throughout the City and regionally. TDM programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness.

SA2-09

Regarding the proposed alternatives, the Compact Development Alternative would have fewer environmental impacts than the preferred alternative. Caltrans recommends further clarification as to why the Environmentally Superior Alternative with fewer environmental impacts was not selected as the preferred alternative. Also, the Low-Growth Alternative is likely to result in lower VMT and fewer traffic impacts, thereby reducing impacts to the State Highway System (SHS). Caltrans recommends that this alternative be reconsidered as the preferred alternative.

SA2-10

SA2-11

Permitting less growth in exurbs (such as the City) can reduce average trip length. Caltrans does not consider freeway widening, as identified on page 4.14-55, as appropriate mitigation as it encourages further vehicular travel and would not meet Caltrans goals to reduce VMT and greenhouse gas emissions. Caltrans recommends the City focus the Plan on mitigation through multimodal transportation improvements, instead of the proposed sprawl-inducing development. No amount of multimodal improvements would sufficiently offset the significant impacts to US 101 caused by such large-scale sprawl by the City.

SA2-12

These smart growth approaches are consistent with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent. Also, these would meet Caltrans Strategic Management Plan target of increasing by 2020 non-auto modes in tripling bicycle and doubling both pedestrian and transit. Please refer to "Reforming Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage alternate forms of transportation, reduce regional VMT, and lessen future traffic impacts on US 101 and the SHS.

SA2-12
cont.

SA2-13

Traffic Impact Fees

Given the project's contribution to area traffic and its proximity to US 101, the project should contribute fair share traffic impact fees. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

SA2-14

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information:
www.dot.ca.gov/hq/traffops/developserv/permits.

SA2-15

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

- c: Scott Morgan, State Clearinghouse
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy
Robert Cunningham, Santa Clara Valley Transportation Authority (VTA) – electronic copy



March 11, 2016

City of Morgan Hill
 Community Development Department
 17555 Peak Avenue
 Morgan Hill, CA 95037-4128

Attention: John Baty

Subject: Morgan Hill 2035 General Plan Update

Dear Mr. Baty:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) for a comprehensive update to the City of Morgan Hill General Plan. We have the following comments.

DEIR and Draft General Plan - Land Use and Alternatives Analysis

In VTA's comment letter on the Notice of Preparation (NOP), VTA supported "Alternative C" presented in the *Morgan Hill 2035 Growth Alternatives Evaluation*. This alternative, which "proposes the most residential and non-residential development in the urban core," (*Growth Alternatives*, p. 54) was shown in the transportation analysis to result in the lowest vehicle miles traveled per capita (p. 120) and the greatest increase in transit ridership (p. 131) among the alternatives studied. This alternative is consistent with the VTA Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County, and identifies Downtown Morgan Hill as a "Local Core." The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

The Preferred Alternative presented in the Draft General Plan and DEIR appears to be closer to Alternative C than Alternatives A or B, in terms of jobs/housing balance, ratio of multi-family to single-family housing units, and concentration of mixed use and medium- to high-density residential uses near existing transit services along Monterey Street and near the Morgan Hill Caltrain Station. The City's advancement of this Preferred Alternative is consistent with VTA's previous comments supporting Alternative C.

The DEIR also includes an analysis of Alternatives to the Proposed Project (DEIR, Chapter 6), including "Low Growth" and "Compact Development" Alternatives. Of the project alternatives presented, the Proposed Project includes the greatest increase in jobs as compared to housing development, which would improve Morgan Hill's jobs/housing balance and could thereby

RA1-01

RA1-02

reduce the City's overall vehicle miles traveled per service population. VTA encourages the City to work with project applicants to increase development densities near existing transit services along Monterey Road and near the Caltrain station, consistent with the Compact Development Alternative, while still retaining opportunities for employment development consistent with the Proposed Project.

**RA1-02
cont.**

DEIR - VMT Analysis

VTA supports the City's progressive approach to transportation analysis in the DEIR, including the vehicle miles traveled (VMT) analysis provided for informational purposes, consistent with recent state legislation (p. 4.14-41). VTA is pleased that the VMT analysis shows that the 2035 General Plan would result in lower VMT/Service Population than Existing Conditions.

RA1-03

DEIR - Freeway Analysis

The DEIR identifies significant impacts to seven directional segments of US 101, based on Congestion Management Program (CMP) criteria. The DEIR notes in Mitigation Measure TRAF-2 that, "A fair share contribution from the City of Morgan Hill towards freeway improvement costs is an acceptable mitigation measure. However, the City of Morgan Hill does not have a funding strategy in place to contribute towards regional improvements. City representatives should work collaboratively with San Jose, Gilroy, Santa Clara County, counties to the south (Monterey, San Benito, and Merced Counties), the Valley Transportation Authority, and Caltrans to prepare and develop a funding strategy for South County roadway improvements." (p. 4.14-55)

VTA agrees that contributions towards freeway improvements (in particular, the US 101 Express Lanes project) would be an acceptable mitigation measure, and would be open to developing a funding strategy in collaboration with the City of Morgan Hill and other parties, as described in the mitigation measure. However, VTA also notes that voluntary contributions to regional transportation improvements can be included as mitigation measures in CEQA documents even in the absence of a comprehensive funding strategy as described. VTA notes that certain Cities in Santa Clara County have included such mitigation measures, which were executed via ad hoc funding agreements between the City and VTA, triggered when the project applied for a building permit or other approval milestones.

RA1-04

VTA requests that the City strengthen Mitigation Measure TRAF-2 by including a commitment that the City will make every effort to negotiate with project applicants to provide voluntary contributions to regional transportation improvements identified in VTP 2040/Plan Bay Area on the impacted freeway or parallel corridors in the interim period before the adoption of a funding strategy as described in the mitigation measure.

DEIR - Transportation Impact Analysis (TIA) Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. VTA's understanding is that this General Plan Amendment does not grant a specific development entitlement and therefore a CMP TIA is not required at this time (per Section 2.2 of the *TIA Guidelines*). It is our understanding that future specific developments within the project area would require separate discretionary approvals, and therefore would require CMP TIAs at that time. The October 2014 VTA *TIA Guidelines*, which can be found at <http://www.vta.org/cmp/tia-guidelines>, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. For any questions about the updated *TIA Guidelines*, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or Robert.Swierk@vta.org.

RA1-05

DEIR and Draft General Plan - Transportation Demand Management/Trip Reduction

VTA recommends including goals and policies related to Transportation Demand Management (TDM) programs in the General Plan, such as incentivizing or requiring employers and residential developments to adopt TDM programs to reach specific vehicle trip or vehicle miles traveled reduction goals, which would help mitigate associated Transportation and Air Quality impacts identified in the DEIR. TDM programs could be made more effective by including a specific target, monitoring, an enforcement component, and a requirement for future developments to participate in a Transportation Management Association (TMA). In addition, VTA recommends that the TDM programs include financial incentives for non-automobile travel such as transit fare incentives, parking cash out or parking pricing.

RA1-06

Draft General Plan – Roadway Connectivity

The updated Transportation Element does not identify new east-west crossings of US 101. VTA recommends that new crossings be considered as a priority to provide additional east-west travel options, increase network connectivity and improve bicycle and pedestrian access across the freeway. New crossings could also reduce congestion at existing US 101 interchanges by diverting local traffic away from freeway facilities. As such, VTA recommends that the City of Morgan Hill consider one or more potential east-west crossings of US 101 to improve connectivity: Maple Avenue, Diana Avenue, Half Road, San Pedro Avenue, and Fisher Avenue.

RA1-07

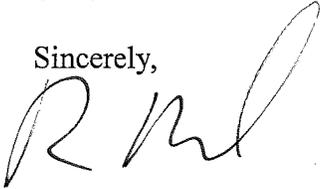
City of Morgan Hill

March 11, 2016

Page 4

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "R Molseed". The signature is fluid and cursive, with the first letter "R" being particularly large and stylized.

Roy Molseed
Senior Environmental Planner

cc: Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

MH1501

VTA Development Review Program Contact List

Last Updated: 12/18/2015

Please route development referrals to:

Environmental (CEQA) Documents, Site Plans, other miscellaneous referrals

Roy Molseed – Roy.Molseed@vta.org – 408.321.5784

Transportation Impact Analysis (TIA) Reports and Notification Forms:

Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

Eugene Maeda – Eugene.Maeda@vta.org – 408.952.4298

Electronic/email referrals are preferred, but please mail any hardcopy documents to:

[Name of recipient(s) as detailed above, depending on type of document]

Planning & Program Development Division

3331 North First Street, Building B-2

San Jose, CA 95134-1906

Contacts for specific questions related to VTA comments on a referral are below by topic area:

Transportation Impact Analysis (TIA) Guidelines (General Questions)

Robert Swierk – Robert.Swierk@vta.org – 408.321.5949

Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

Auto LOS Methodology

VTA Highway Projects & Freeway Ramp Metering

Shanthi Chatradhi – Shanthi.Chatradhi@vta.org – 408.952.4224

VTA Transit Service, Ridership & Bus Stops

Rodrigo Carrasco – Rodrigo.Carrasco@vta.org – 408.952.4106

Nicholas Stewart – Nicholas.Stewart@vta.org – 408.321.5939

TDM Programs

Congestion Management Program (CMP)

VTA Eco Pass Program Questions Before Project Approval (e.g. when writing Conditions of Approval)

Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

VTA Eco Pass Program Questions After Project Approval (e.g. Program Implementation)

Dino Guevarra – Dino.Guevarra@vta.org – 408.321.5572

BART Silicon Valley Extension

Kevin Kurimoto – Kevin.Kurimoto@vta.org – 408.942.6126

VTA Bicycle & Pedestrian Projects

Lauren Ledbetter – Lauren.Ledbetter@vta.org – 408.321.5716

RA1-08

VTA Real Estate

Jennifer Rocci – Jennifer.Rocci@vta.org – 408.321.5950

VTA Permits (Construction Access Permit, Restricted Access Permit)

Victoria King-Dethlefs – Victoria.King-Dethlefs@vta.org – 408-321-5824

Cheryl D. Gonzales – Cheryl.gonzales@vta.org – 408-546-7608

Other Topics and General Questions about VTA Comments

Roy Molseed – Roy.Molseed@vta.org – 408.321.5784

**RA1-08
cont.**



File: 33325
Various

March 14, 2016

Mr. John Baty, Senior Planner
Community Development Department—Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Morgan Hill 2035 General Plan

Dear Mr. Baty:

Santa Clara Valley Water District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the subject document, received on January 26, 2016. The District is a special district with jurisdiction throughout Santa Clara County. The District acts as the county’s groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

RA2-01

We appreciate the opportunity to comment on the DEIR for the City of Morgan Hill’s (City) 2035 General Plan. This letter transmits comments that focus on the areas of interest and expertise of the District.

Page 4.9-3 State Regulations—Porter-Cologne Water Quality Control Act: The California Department of Health Services (DHS) has changed names and was consolidated with the State Water Resources Control Board. The current name is the Division of Drinking Water.

RA2-02

Page 4.9-5 State Regulations—State Updated Model Water Efficient Landscape Ordinance: The current status of adopting an updated Water Efficient Landscape Ordinance should be provided as the State requirement to adopt one by February 1, 2016 has passed.

RA2-03

Page 4.9-6 Regional Regulations and Agencies—Santa Clara Valley Water District: The District’s Clean, Safe Creeks and Natural Flood Protection Plan was replaced by the voters with the Safe, Clean Water and Natural Flood Protection Program in 2012. The text in the DEIR should be updated to reflect the current Safe, Clean Water and Natural Flood Protection Program. Information can be found on our website at: <http://www.valleywater.org/SafeCleanWater.aspx>

RA2-04

The reference to the Santa Clara Basin, in the groundwater discussion of this section, is incorrect. The District manages groundwater in the Santa Clara Subbasin of the Santa Clara Valley Basin and the Llagas Subbasin of the Gilroy-Hollister Valley Basin.

RA2-05

The description of the District’s scope of development plan review should include reviewing water supply assessments for consistency with District plans, reviewing creek and floodplain

RA2-06

modifications for adverse impacts, reviewing developments for adverse impacts to the riparian corridor, reviewing the potential of new development to induce flooding on other properties, verifying the adequacy of receiving creeks and channels to receive increased runoff from new development, and assessing impacts to District water supply infrastructure, including source of supply.

RA2-06
cont.

Page 4.9-12 Existing Conditions—Watersheds: The Uvas-Llagas Watershed does not include parts of the City of San Jose. The Butterfield Channel sub-watershed is a tributary to the East Little Llagas Creek watershed and not related to the Fisher Creek Watershed, which is in the Coyote Creek watershed.

RA2-07

Page 4.9-14 Existing Conditions—Storm Drain System: There is a typographical error in paragraph four of this section—“Fisher Creek generally drains...Llagas Roach...”

RA2-08

Page 4.9-16 Existing Conditions—Groundwater and Figure 4.9-3: The Groundwater section incorrectly states that the Llagas Subbasin is within the Santa Clara Valley Groundwater Basin. As mentioned earlier, the Santa Clara Subbasin is a subbasin of the Santa Clara Valley Basin and the Llagas Subbasin is a subbasin of the Gilroy-Hollister Valley Basin. Figure 4.9-3 should be revised to reflect the correct nomenclature, as well.

RA2-09

Page 4.9-34 Hydro-2, General Plan: This section states that “...Morgan Hill’s 2010 UWMP indicates that there is a sufficient supply of water through 2035 even for multiple dry years.” However, the demands in Morgan Hill’s 2010 UWMP are different than the demands associated with the development in the General Plan and RDCS. The demands and potential impacts on groundwater supplies associated with the General Plan and RDCS should be evaluated. In addition, the discussion of water supplies in Chapter 4.15 Utilities and Service Systems is based on the City’s pumping capacity. It should be based on whether groundwater supplies are sufficient to meet demands rather than pumping capacity.

RA2-10

RA2-11

Page 4.9-35 Hydro-2, General Plan: The DEIR states that “The use of retention and detention design features...would reduce the impact of increased impervious surfaces on groundwater recharge and groundwater quality.” However, retention features have the potential to degrade groundwater quality if they bypass the natural groundwater protection afforded by surface soils. The General Plan should include policies and actions to ensure groundwater protection with the use of retention features in order to mitigate for this potential adverse impact.

RA2-12

Further, the conclusion that there is sufficient water supply in all year types with the proposed level of demands and existing and planned water supplies does not appear to be substantiated.

RA2-13

Page 4.9-44 Hydro-6 General Plan: The analysis of water quality impacts appears to only consider surface water quality impacts. Implementation of the listed stormwater control measures, such as retention features, has the potential to impact groundwater quality. Again, the District recommends that the General Plan include policies and actions to ensure groundwater protection with the use of retention features in order to mitigate for any adverse impacts to groundwater quality from those features.

RA2-14

Page 4.9-45 Hydro-7 General Plan: The DEIR states that “...the SCVWD requires construction/encroachment permits for construction or grading within 50 feet of the bank of a

RA2-15

watercourse.” In addition, footnote 42 references “SCVWD Ordinance 83-2.” The District’s Ordinance 83-2 was superseded by the District’s Water Resources Protection Ordinance whose permit requirements are not related to the distance from the bank of a watercourse. The District’s Water Resources Protection Ordinance permit requirements are properly described on pages 4.4-7 and 4.9-8.

RA2-15
cont.

Page 4.9-46 Hydro-7 General Plan: Proposed General Plan Policy SSI-5.1 is listed as a mitigation measure for impacts resulting from placing housing or structures within FEMA flood hazard areas. General Plan Policy SSI-5.1 states that development will be regulated to “...be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations.” However, the District does not have any floodplain regulations. The proposed General Plan policy should be amended to remove reference to “Santa Clara Valley Water District regulations.” Alternately, we suggest changing the phrase to “...and Santa Clara Valley Water District recommended guidelines” or a similar phrase reflecting that fact that the District has no regulation for floodplain management since the adoption of the Water Resources Protection Ordinance.

RA2-16

Page 4.15-6 Regulatory Framework—Local Regulations: The District does not have an adopted Comprehensive Water Resources Management Plan. The District is currently in the process of developing an integrated water resources master plan. Information on this planning effort can be found here: <http://www.valleywater.org/IWRMP/>

RA2-17

Additionally, the District’s Board of Directors adopted the 2012 Water Supply and Infrastructure Master Plan which provides a water supply strategy for planning activities and projects needed in the future to meet the count’s water needs and provides a roadmap for future District investments in water supply reliability.

Page 4.15-9 Existing Conditions—Recycled Water: The reference for the first sentence is not provided. Santa Clara County is currently experiencing severe shortages in the drought. The South County Recycled Water Master Plan update will be completed in June 2016.

RA2-18

Page 4.15-10 Existing Conditions—Water Demand and Supply Projections: The DEIR incorrectly states that the available groundwater supply is equal to the City’s maximum well capacity. Groundwater levels may decline during droughts and reduce the amount the City can pump, as noted at the bottom of the page (Nordstrom Well water levels). In addition, the demands provided in the DEIR are from the City’s 2010 UWMP and do not necessarily reflect the demands associated with the General Plan update and RDCS. Lastly, the DEIR should be clearer about long-term water conservation strategies (fixture replacement, turf conversion, etc) compared to the short-term water use reductions that are a drought response strategy.

RA2-19

RA2-20

RA2-21

Page 4.15-13 Existing Conditions—Drought Response: The DEIR describes the City’s water use reductions for July 2015 compared to July 2013. The results for a longer period should be provided rather than a single month.

RA2-22

Page 4.15-16 UTIL-1 General Plan: As noted above, the City’s pumping capacity is not equivalent to groundwater supply availability. Groundwater supply depends on demands (including other pumpers) and recharge.

RA2-23

Page 4.15-17 UTIL-1 General Plan: As noted above, the DEIR should be clearer about the differences between long-term water conservation savings (fixture replacement, turf conversion, etc.) and short-term responses to drought (two day per week watering, etc).

RA2-24

Page 4.15-18 and 19 UTIL-1 General Plan: The District strongly recommends adoption of the proposed General Plan policies NRE-7.1 and NRE-7.2 that require water conservation above the level required by the State as mitigation for the impact on water supply associated with all new development projects. Policy NRE-7.1 should be modified to include the same language as proposed Policy NRE-7.2—"Require development to exceed state standards for water efficiency."

RA2-25

The proposed General Plan Water Supply policies and Water Quality and Conservation policies should consistently include language that requires water conservation above the level required by the State.

RA2-26

Page 4.15-20 UTIL-1-General Plan and 4.15-21 UTIL-2 General Plan: As demands increase in the future, additional supplies and facilities may be needed to avoid groundwater overdraft. The supply and demand conditions in the current drought are not necessarily indicative of future conditions. Increases in demands and decreases in supplies may require the District to make additional investments in order to maintain groundwater levels.

RA2-27

Page 4.15-24 UTIL-3 General Plan: The 2010 UWMP did not analyze the demands associated with the same growth projections as in this DEIR. The conditions in the last four years are not necessarily indicative with future conditions. As demands in Morgan Hill and Gilroy increase and future conditions (increased regulations that affect the availability of local and imported sources and climate change) affect the supplies available for recharge, additional investments in water supply could be necessary to avoid groundwater overdraft.

RA2-28

District staff would add that mandatory demand reductions during this period were in effect. If demand was unrestricted and water supplies for recharged were reduced, a possible supply and demand deficit may have become an issue.

The District recommends the proposed General Plan policies and actions include policies and actions that require new and enhanced water conservation efforts in new development, rather than those similar to what is currently considered. Also, while future droughts may necessitate mandatory water use reductions, this should not be considered a reliable method to meet demands. The goal of the District's future water supply investments is to meet demand without having to require significant and prolonged water use restrictions. We would hope that would be the goal of this General Plan and the City's UWMP as well.

RA2-29

RA2-30

Contrary to the statement in this section, the District's UWMP does not show that carryover supplies are needed in all demand scenarios. Also, it is unclear where the statement about reducing treated water contract supplies comes from.

RA2-31

Page 4.15 – 25 UTIL-3 General Plan: The demand projections in the District's 2010 UWMP and 2012 Water Supply and Infrastructure Master Plan do not include all the demands associated with the General Plan update and potential demands associated with Gilroy's General Plan update. As a result, additional supplies and long-term conservation efforts may be

RA2-32

Mr. John Baty
Page 5
March 14, 2016

necessary to avoid groundwater overdraft. Further, as noted above, the District's goal is to minimize the need for short-term water use reductions in response to drought.

Page 4.15-30 Treatment Plant: Paragraph four should be revised to reflect that the SCRWA produces approximately 680 to 700 million gallons of recycled wastewater each year.

If you have any questions, you may contact me at (408) 630-2319, or by e-mail at yarroyo@valleywater.org. Please reference District File No. 33325 on future correspondence regarding this project.

Sincerely,



Yvonne Arroyo
Associate Engineer
Community Projects Review Unit

cc: S. Tippets, Y. Arroyo, V. De La Piedra, J. De La Piedra, T. Hemmeter, C. Tulloch, K. Jessop, H. Ashktorab, File

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RA2-32
cont.

RA2-33



March 14, 2016

SENT VIA EMAIL [JOHN.BATY@MORGANHILL.CA.GOV]

Mr. John Baty
Senior Planner
Community Development Department – Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Re: Draft Environmental Impact Report: Morgan Hill General Plan 2035

Dear Mr. Baty,

The Santa Clara Local Agency Formation Commission (“LAFCO”) appreciates the opportunity to review and comment upon the Draft Environmental Impact Report (“DEIR”) (SCH No. 2015022074) for the Morgan Hill General Plan 2035 (“General Plan”) and the proposed Residential Development Control System (“RDCS”).

RA3-01

Due to competing workload obligations, we have only been able to complete a very cursory review of the document as it relates directly to the analysis and conclusions concerning certain environmental impacts. As we began to conduct a similarly cursory review of the more policy related parts of the DEIR, we identified what seems to be a misunderstanding or misinterpretation of a County General Plan policy. Specifically, in the Land Use and Planning Section, on Page 4.10-18, the DEIR states that “One of the three basic strategies of the County General Plan is to “Promote Eventual Annexation.” Please note that this strategy relates solely to the annexation of urban unincorporated areas located within the Urban Service Area of a city and it is unclear why this County General Plan policy and not others are referenced as it relates to the DEIR’s analysis of the proposed General Plan’s consistency with County General Plan policies. There may be other instances in the DEIR where such misunderstanding or misinterpretation of local policies exist.

RA3-02

I. PROJECT DESCRIPTION

A. “2035 horizon year” and “full buildout” projections methodology.

Please clarify the methodology and assumptions underlying the 2035 Horizon Year (Table 3-2) and Full Buildout (Table 3-3) growth projections. On Page 3-20, the text reads, “The ‘full buildout’ of the proposed General Plan... would be the development of underutilized and vacant parcels at the mid-point of the maximum allowed density under the General Plan, based on the past and projected development patterns in Morgan Hill.” In contrast, the text explains that the 2035 horizon buildout “is based on past development history.” It seems as though at least one scenario should be based solely on the maximum buildout allowed under the proposed General Plan.

RA3-03

Specifically, please explain what “mid-point of the maximum allowed density” means. Does this mean for any given vacant parcel, we are assuming development ultimately built will only be half of square footage or dwelling units allowed under the General Plan? Does the DEIR anywhere provide projections based on full buildout allowed under the General Plan?

RA3-04

Similarly, please clarify how the “full buildout” methodology is “based on the past and projected development patterns.” The 2035 horizon buildout is also “based on past development history.” Are these the same? How did the projections take these into account?

RA3-05

The Project Description does not appear to explain the basis for discounting the anticipated growth under either scenario. Was a market-by-market or industry-by-industry analysis completed to determine that non-residential uses will not reach full buildout? If so, what data sources were relied upon? What economic factors were taken into consideration in determining that the mid-point of allowable density was the most likely buildout scenario?

RA3-06

Finally, the text explains that full buildout of non-residential uses is not anticipated. However, the text also states that market demand for residential development is high, and full buildout of residential uses is anticipated. Yet, under the second paragraph below the heading “General Plan Development Projections” it seems as though, under even the full buildout scenario, residential development is discounted to just the mid-point of the maximum allowable density. Given market demand, the DEIR should assume maximum buildout of residential with and without voter approval of the RDCS.

RA3-07

B. Failure to analyze the full buildout.

The EIR does not analyze the impacts of the full buildout scenario. Even if full buildout is unlikely under a given forecasting model or economic analysis (see comments above regarding the need for such analysis), the environmental impacts of the full buildout scenario should be analyzed in the DEIR, given that the proposed General Plan

RA3-08

land use designations provide the theoretical capacity for such a buildout. (See e.g., *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal. App. 4th 351, 370-371.)

RA3-08
cont.

C. Responsible Agencies.

The DEIR, in Section 3.7, indicates that one of the intended uses of the EIR is for “annexation of land into the city limits.” However, nowhere does the DEIR identify LAFCO as a Responsible Agency pursuant to CEQA. Please clarify whether the City intends to rely on this EIR to seek approvals from LAFCO with regard to annexations, urban service area amendments, or other LAFCO approvals, in which case LAFCO must be identified in the EIR, as well as noticed by the City, as a responsible agency. Further, we suggest that an additional section be added to Chapter 2 or Chapter 3 wherein all Responsible Agencies for the project are identified.

RA3-09

II. ENVIRONMENTAL REVIEW

A. Agriculture and Forestry Resources.

Impact AG-1: Conversion of Farmland

Page 4.2-13 states that the proposed General Plan would designate approximately 1,125 acres of farmland for non-agricultural uses. However, it is unclear what uses these parcels will be re-designated as and whether agricultural uses are permitted uses under these designations.

RA3-10

Also, it is unclear from Figure 4.2-4 which of these agricultural areas are within the City’s proposed Urban Growth Boundary and Urban Service Area. We suggest clarifying within the text and also adding the UGB and USA lines to Figure 4.2-4.

RA3-11

Similarly, on the bottom of page 4.2-15, the text states that “the majority” of the farmland designated for development is within the UGB. However, is this the existing UGB, or the proposed UGB? And how many of the 1,125 total acres are located outside of the UGB and outside of the USA?

RA3-12

On page 4.2-16, the text reads, “[t]he proposed General Plan would convert less farmland of concern under CEQA for non-agricultural uses than the existing General Plan...” Please provide additional clarification. The proposed General Plan will designate 1,126 acres of farmland to non-agricultural uses, and therefore it seems like the proposed General Plan would convert more farmland than the existing General Plan.

RA3-13

Finally, on page 4.2-18, the text identifies “applicable regulations” including the LAFCO Agricultural Mitigation Policies and the City’s Municipal Code. However, neither are discussed in the analysis of Impact AG-1. We suggest expanding the analysis to

RA3-14

explain how LAFCO's policies and the City's code address impacts relating to farmland conversion.

RA3-14
cont.

B. Greenhouse Gas Emissions.

Baseline Emissions Inventory

Page 4.7-20 states that Morgan Hill's baseline emissions inventory totaled 279,407 MTCO_{2e} in 2010. However, no explanation is provided as to why the use of 2010 levels is appropriate. Has any significant development or other activities occurred since 2010 that might change the baseline emissions levels *in 2015* (the year the NOP was issued for this project)? If not, we suggest adding a discussion explaining that none have occurred and why the 2010 baseline is likely a reliable estimate of baseline 2015 emissions. However, if changes have occurred that call the applicability of the 2010 emissions levels as a proper baseline into question, we suggest analyzing this and adjusting the baseline either up or down to accommodate such changes.

RA3-15

Further, a footnote on page 4.7-22 implies that while the baseline emissions inventory is from 2010, the transportation emissions have been updated to reflect more recent VMT data. Is this correct? If so, we suggest explaining this in the text on page 4.7-20.

RA3-16

Efficiency Targets

Please provide additional explanation as to how the efficiency threshold of 6.6 MTCO_{2e} per service population per year translates to the 3.3 MTCO_{2e} and 1.3 MTCO_{2e} thresholds for 2035 and 2050, respectively. (See pages 4.7-24 and -25.)

RA3-17

Plan Bay Area and the Downtown Transit Center PDA

The text on page 4.7-38 states that *Plan Bay Area* allocates 1,420 new dwelling units to the Downtown Transit Center PDA. The text states that the proposed General Plan would encourage development in this PDA, but the DEIR does not say outright that the proposed General Plan designations would accommodate this allocated growth. Please clarify.

RA3-18

C. Population and Housing.

Baseline Year

On the bottom of page 4.12-4 there is reference to 2014 being the EIR's baseline year. Should this be 2015?

RA3-19

Impact POP-1: Growth Inducement

At the bottom of page 4.12-8, the text reads, "This Draft EIR considers the 'reasonably foreseeable' effects of adopting the proposed General Plan, which would result from development allowed between the adoption of the document and its horizon year of 2035." However, doesn't the DEIR only analyze the buildout that is expected (i.e. the 2035 horizon year) as opposed to the buildout that is allowed (i.e. the "full buildout")? Please clarify.

RA3-20

Similar to our comments above on the Project Description, it is still unclear whether the 68,057 residents that are assumed on page 4.12-9 are based on a buildout of all residential-designated parcels to their maximum density, or just to the "mid-point of the maximum allowed density" as described on page 3-20. Please clarify.

RA3-21

On page 4.12-9, the text states that there would be a total of approximately 21,299 housing units within the SOI at buildout. However, according to Tables 3-2 and 3-3, it seems as though there would be a total of 22,400 dwelling units at buildout (13,181+9,219). Please clarify.

RA3-22

Finally, Table 4.12-7 (page 4.12-10) is titled "Projected Buildout", however it seems like this table is only showing net growth as opposed to total buildout. Is this correct? As such, it is difficult to understand what numbers the Jobs/Housing Balance (Citywide) is based upon, as the numbers in the table seem to be the new housing units and new jobs added and does not seem to account for existing units or jobs.

RA3-23

Impact POP-2: Displacement of Existing Housing

At the bottom of page 4.12-11, the text reads, "While the population cap cited in Policy CNF-3.4 would exceed ABAG projections, given the requirements for planning associated with this growth, its impact would be less than significant." Please expand upon the meaning of "requirements for planning associated with this growth." Is this referring to specific policies (e.g., Policy CNF-4.3 [Prerequisites for Urban Development], or Policy CNF-4.1 [USA Expansions within UGB], etc.)? Or is it referring to some other type of development control or regulation? It is unclear what the conclusion that impacts are less than significant is based upon here.

RA3-24

Cumulative Impacts

Page 4.12-14 refers to "Mitigation Measure POP-1" however there is no mitigation identified in this DEIR chapter. Is a mitigation measure necessary to reduce cumulative impacts to less than significant?

RA3-25

Full Buildout

The text on page 4.12-15 states that the under the “full buildout” methodology, significantly more non-residential development would occur than under the 2035 horizon year. The text goes on to state, “therefore, the potential for impacts related to population and housing would increase.” How is this so? It is unclear how an increase in development on parcels designated for non-residential uses would (1) induce substantial unexpected population growth (Impact POP-1); (2) displace substantial numbers of existing housing units (Impact POP-2); or (3) displace substantial numbers of people. Please clarify.

RA3-26

D. Utilities and Service Systems (Water Supply).

Water Infrastructure Master Plan

Page 4.15-1 states that the Water Infrastructure Master Plan will not be complete before publication of the DEIR, and that impact analyses for water supply services may be subject to change through a subsequent CEQA document, such as an addendum, after the Water Infrastructure Master Plan is approved. Is this the Santa Clara Valley Water District’s Master Plan, or the City’s Master Plan? Please clarify.

RA3-27

Please provide an explanation in the text that describes what the Water Infrastructure Master Plan is, and why it is not required prior to the certification of the EIR for the proposed General Plan. Please describe how the Water Infrastructure Master Plan relates to the Water System Master Plan described on page 4.15-7.

RA3-28

Regulatory Framework

It seems as though the 2004 Recycled Water Master Plan should be identified under “Local Regulations” and described here.

RA3-29

Water Supply Assessment

While the DEIR identified Senate Bill (SB) 610 and its requirements for the preparation of a Water Supply Assessment (page 4.15-2), it does not appear that a WSA was prepared for the proposed General Plan Update. As you know, CEQA and the Water Code require the preparation of a WSA for project that will result in:

- Residential development of more than 500 dwelling units.
- Shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor area.
- Hotel or motel, or both, having more than 500 rooms.

RA3-30

- Industrial, manufacturing or processing plant, or industrial park planned to employ more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- Mixed-use project that includes one or more of the projects specified above.
- Project that would demand an amount of water equivalent to, or greater than, the amount of water required for 500 dwelling units.

On page 3-23 the DEIR states that full buildout of the proposed General Plan and proposed Residential Development Control System would result in:

- 13,181 total single-family residential units
- 9,219 total multi-family residential units
- 2.70 million square feet of total retail space
- 1.89 million square feet of total office space
- 10.33 million square feet of total industrial space
- 1.15 million square feet of total service space

**RA3-30
cont.**

Full buildout as to any one of these development categories requires preparation of a WSA. Given this, we request that a WSA be prepared for the development contemplated in the DEIR.

Water Demand and Supply Projections

At the bottom of page 4.15-9, the text states that the City used 6.778 acre-feet per year of water. This should be 6,778 acre-feet per year.

RA3-31

Wastewater Infrastructure Master Plan

Page 4.15-26 states that the City is preparing a Wastewater Infrastructure Master Plan, but that it will not be complete before publication of the DEIR, and that impact analyses for wastewater treatment and collection services may be subject to change through a subsequent CEQA document. Is there an existing Wastewater Infrastructure Master Plan that applies in the interim? The text states that the Wastewater Infrastructure Master Plan “will assess existing wastewater demand and capacity and determine what types of improvements are necessary to meet projected future demand.” It seems as though the Wastewater Infrastructure Master Plan is therefore needed to assess the impacts of development permitted under the General Plan on wastewater demand. Please explain why this is not deferral of environmental analysis.

RA3-32

Please provide an explanation in the text that describes what the Wastewater Infrastructure Master Plan is, and why it is not required prior to the certification of the EIR for the proposed General Plan.

**RA3-32
cont.**

Impact UTIL-4: Wastewater Treatment Requirements

Pages 4.15-32 and -33 conclude that “with continued compliance with applicable regulations... and in accordance with the goals, policies, and actions in the proposed General Plan... wastewater generated from buildout of the Project Area would not exceed Central Coast RWQCB’s applicable treatment requirements...” However, on pages 4.15-30 and -31, the text explains that wastewater flow projections indicate that the SCRWA wastewater treatment facility will soon exceed capacity. Please explain how the capacity of the SCRWA facility is relevant to the analysis of Impact UTIL-4.

RA3-33

Impact UTIL-5: Wastewater Treatment Facility Expansion

Page 4.15-35 concludes that the impacts of the proposed wastewater treatment expansion will not result in significant environmental effects. However, the analysis on page 4.15-36 states that actual impacts from the expansion are too speculative to evaluate at this time. How can we know that the “example” impacts provided in Table 4.15-4 will be less than significant?

RA3-34

Further, CEQA requires that the proposed General Plan be compared against the existing conditions on the ground (which here, do not include the expanded wastewater treatment facility), not against plans for future projects that will change the existing conditions (here, the plans to expand the facility once by 2022, and again in the 2030s). For this reason, it seems as though the impact analysis should not rely on the future expansion absolutely coming to pass.

Impact UTIL-6: Wastewater Treatment Capacity

Regarding SCRWA’s expansion of the treatment facility, what will happen if the facility is not completed by 2022, when capacity is projected to be exceeded? What impacts would occur in that scenario? As discussed above, CEQA requires that the proposed General Plan be compared against the existing conditions on the ground (which here, do not include the expanded wastewater treatment facility). For this reason, it seems as though the impact analysis should not rely on the future expansion.

RA3-35

Impact UTIL-7: Cumulative Wastewater Impacts

Same comment as above. The cumulative impacts analysis determines that because no expansions are required *beyond those anticipated in 2022 and the 2030s* the Project will not result in the need for expanded facilities or the impacts associated with the same. Please explain how impacts will be less than significant, given CEQA’s mandate to compare projects against existing (not planned) conditions.

Impact UTIL-11: Energy Impacts

State CEQA Guidelines Appendix F requires that EIRs address “avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.” While the analysis on pages 4.15-54 through -57 addresses effects on service demands, energy conservation, and infrastructure needs, it does not seem to address whether the Project will result in “inefficient, wasteful, or unnecessary” energy consumption or any of the provisions of CEQA Guidelines Appendix F. Further, as you know, *California Clean Energy Committee v. City of Woodland* holds that an EIR fails to appropriately assess energy impacts consistent with Appendix F of the State CEQA Guideline when it fails to investigate renewable energy options that might be available and appropriate for a project. Given this, we request that added analysis of the potential application of Appendix F to the project be added to the EIR, and that the EIR’s energy discussion be revised and expanded.

RA3-36

E. Growth Inducing Impacts

Page 7-4 states that the policies enacted under the General Plan would ensure that adequate planning occurs to accommodate any growth, and that these policies would control the geographic extent of growth. Please provide additional detail. For example, which policies would do so? How would growth be controlled?

RA3-37

Similarly, the text on this page states that the General Plan commits to only allowing development where infrastructure is in place or is planned. Please describe how the General Plan does this.

RA3-38

Finally, there does not seem to be any significance determination provided at the conclusion of this analysis. Would the growth inducing impacts of the proposed General Plan be less than significant, or significant and unavoidable?

RA3-39

F. Proposed Chiala Development

The proposed Chiala Development, as described under 3.5.1.4, lacks specifics and the associated environmental analysis is insufficient.

RA3-40

LAFCO looks forward to working with the City to resolve the questions highlighted in this comment letter. Please let us know should you have any questions regarding these comments. Thank you for your attention to this matter.

Sincerely,



Neelima Palacherla
Executive Director



MORGAN HILL UNIFIED SCHOOL DISTRICT

15600 CONCORD CIRCLE • MORGAN HILL, CA 95037 • (408) 201-6023

Delivery: USPS

Email: John.Baty@MorganHill.CA.gov

March 7, 2016

John Baty, Senior Planner
Community Development Department - Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Re: Morgan Hill 2035
Draft EIR (SCH#2015022074)

Mr. John Baty:

Morgan Hill Unified School District ("MHUSD") appreciates the opportunity to communicate with you concerning the Draft Environmental Impact Report for the Morgan Hill 2035 Project ("DEIR"). We oppose the DEIR because it fails to recognize that the City has been unable to identify sufficient land within the City of Morgan Hill ("City") to meet the District's needs thereby requiring the MHUSD to identify land for acquisition outside the current city limits.

LA1-01

The DEIR appears inconsistent with the City's General Plan and General Plan Amendment which indicate that the City shall work in partnership with the MHUSD to develop school facilities. School districts and local government depend on each other. A growing community places greater demands on the school system, thereby creating a need for more or expanded schools. Likewise, a new school often stimulates significant traffic as well as residential development near the new school site. Thus, the actions of one entity affect the interests of the other. Given this fact, it is imperative that MHUSD and the City work together to site schools.

LA1-02

LA1-03

The Santa Clara County Local Agency Formation Commission ("LAFCO") has given written objections to schools being built outside of City limits. As LAFCO is the state mandated local agency established to oversee the boundaries of cities and special districts, MHUSD has shared with LAFCO's its present concerns about lack of available land within the current City of Morgan Hill boundaries as the justification for the need to purchase and develop property in the South East Quadrant ("SEQ").

LA1-04

Insufficient Land

The DEIR fails to recognize that there is not sufficient land within the city limits to accommodate the District's needs. Based on the DEIR, which currently recommends increasing the population limit for the City of Morgan Hill to 64,600, the District anticipates that it would need to construct a minimum of four elementary schools and two secondary schools. According to tables 4.13-4 and 4.13-5 of the DEIR, MHUSD enrollment is projected to be between 11,864 and 13,611 students, which greatly exceeds the current facility capacity of 9,754.

LA1-05

MHUSD has the responsibility of anticipating the changing school facility needs of the Morgan Hill community to ensure a physical environment that is comfortable, safe, secure and accessible. The District believes that "neighborhood schools" enhance the social, economic and physical character of the City. In addition to educating young people, "neighborhood schools" provide physical places for the community to gather for cultural or sporting events, walk the dog, or play in the playground or school field.

LA1-06

Acquiring new school sites is a big challenge, in part because of the California Department of Education's regulations which determine the acreage requirements. According to the California Department of Education, MHUSD is required to obtain a minimum of 10 acres to build an elementary school, 25 acres for a middle school and 40 acres for a high school.

The District has requested the assistance of the City of Morgan Hill Planning Department in determining potential locations within the City's current boundaries for future schools and planning for serving our community with sensible education school building placement. In discussions with the City of Morgan Hill staff, it was determined that they are few available parcels within the City that currently meet District's requirements. The lack of available land within the City's current boundaries has forced the District to examine potential school sites along the urban periphery including the unincorporated county. Locating a school outside of the City is contrary to the District's belief in "neighborhood schools" but at this point the District has very limited options.

LA1-07

Conflicts with the City's Current General Plan

The City's Current General Plan Goal of useful, accessible and high-quality park, recreation and trail facilities and programs includes (page 49 and page 50):

18.2 Encourage partnerships with other agencies and organizations, including the Morgan Hill Unified School District (MHUSD) and other schools, Santa Clara Valley Water District, and the Santa Clara County Parks and Recreation Department, to acquire and develop parks and recreation facilities.

LA1-08

18.3 Work in partnership with MHUSD and other schools where appropriate to identify potential locations for future parks adjacent to future schools in areas currently underserved by parks. Where feasible, the lead agency (MHUSD or the City) shall acquire the full amount of land needed for the school/park, with the other agency

agreeing to pay its fair share. Also consider partnerships to enhance community recreational use of existing and proposed school facilities.

18.4 Joint use agreements between the City and MHUSD shall be developed for all new school/neighborhood parks identifying maintenance responsibilities and maximizing shared use of resources where mutually beneficial. Also consider partnerships to enhance community recreational use of existing and proposed school facilities.

LA1-08
cont.

The DEIR fails to recognize the need to develop parks and recreation facilities in partnership with MHUSD and the plan does not identify areas where future facilities and schools can likely be placed for with adequate land needed for a park/school. The areas specified for development and school use are, in fact, ignoring any public school need to meet general plan goals. The document does not recognize any predictable public school placement in the area to be annexed. The DEIR disregards the impacts the necessary school development will have on traffic, land use, noise, and planned recreational facilities.

LA1-09

No conversations or agreements have been reached between the City and MHUSD for cooperative activities and partnerships to enhance community recreational use of proposed school facilities. MHUSD has communicated to City staff that the District is currently seeking to acquire property for future school development. Given where the MHUSD schools are currently located and where the population needs and trajectories are going, we have explained that one of the preferred places for the two additional secondary schools is in the SEQ. .

LA1-10

MHUSD looks forward to working cooperatively with the City to develop a new secondary site in the SEQ which would allow MHUSD access to the City's sports and recreation facilities in accordance with action 18.4 of the current General Plan.

LAFCO's Objections

Due to the land restraints within the city limits of Morgan Hill, building school sites outside of city limits would be necessary. However, MHUSD in receipt of a letter from LAFCO, dated February 2, 2016, regarding their objections to "urban sprawl" and is encouraging the District to look within city limits for future facility needs. The letter also reiterates Santa Clara County's refusal to allow urban developments in unincorporated areas, its inability to provide "urban services such as sewer and water service" as well as the need for LAFCO's approval to provide services outside of its boundaries, per State law.

LA1-11

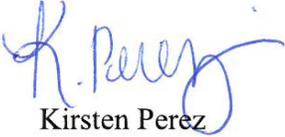
Without LAFCO's support, expanding MHUSD's school sites outside of the city limits is improbable and increases the burden placed on the District to locate preferred sites within the city limit.

Conclusion

The impact of the DEIR is quite significant to the facility needs of MHUSD. Without proper consideration, it would cause issues in the future as the District will not have sufficient sites to accommodate the projected population growth. MHUSD requests that the DEIR take into account the needs of the students of Morgan Hill for preferred school sites.

LA1-12

Regards,



Kirsten Perez
Assistant Superintendent Business Services

cc: Steve Betando, Morgan Hill Unified School District, Superintendent
Steve Rymer, City of Morgan Hill, City Manager
Neelima Palacherla, Local Agency Formation Commission of Santa Clara County,
Executive Director
Anessa Espinosa, Morgan Hill Unified School District, Director Facilities,

Attachments: LAFCO Letter dated February 2, 2016



February 2, 2016

VIA EMAIL [betandos@mhusd.org]

Steve Betando, Superintendent
Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037

**RE: FEBRUARY 2, 2016 MHUSD BOARD MEETING AGENDA - CLOSED
SESSION ITEM A.2.E. "CONFERENCE WITH REAL PROPERTY
NEGOTIATORS"**

Dear Mr. Betando,

It has come to our attention that the Morgan Hill Unified School District's (MHUSD) February 2, 2016 Board Meeting Agenda includes a Closed Session Item A.2.e. "Conference with Real Property Negotiators" involving six parcels (APNS 817-18-001 & 002; and APNs 817-16-002, 003, 004, & 005) within an unincorporated area known as the Southeast Quadrant, a predominantly agricultural area. It appears that the District may be considering whether to purchase the properties as potential sites for facilities such as a future middle school and/or a high school.

As you may be aware, the Local Agency Formation Commission of Santa Clara County (LAFCO) is a state mandated independent local agency with countywide jurisdiction. Its primary goals are to discourage urban sprawl, preserve agricultural and open space lands, and encourage efficient delivery of services. LAFCO regulates the boundaries of cities and special districts; and the extension of services outside an agency's boundaries. State law and LAFCO policies encourage the development of vacant lands within existing city limits and require that urban development be steered away from existing agricultural lands. Therefore we encourage the District to explore opportunities within the Morgan Hill city limits for future school sites or other facilities.

LA1-13

70 West Hedding Street • 8th Floor, East Wing • San Jose, CA 95110 • (408) 299-5127 • www.santaclaralafco.org

COMMISSIONERS: Sequoia Hall, Johnny Khamis, Linda J. LeZotte, Cat Tucker, Mike Wasserman, Susan Vicklund Wilson, Ken Yeager

ALTERNATE COMMISSIONERS: Cindy Chavez, Ash Kalra, Yoriko Kishimoto, Tara Martin-Milius, Terry Trumbull

EXECUTIVE OFFICER: Neelima Palacherla

The subject properties are also part of a major urban service area amendment application from the City of Morgan Hill that is currently under review by LAFCO staff and which will be considered by LAFCO at its March 11, 2016 Public Hearing. According to the documentation that LAFCO received from the City in support of this request, these parcels are planned for sports, recreation, and leisure type of uses and not for a public facility use. If LAFCO does not approve the City's request, these lands will remain unincorporated.

You may also be aware that Santa Clara County does not allow urban development to occur in the unincorporated area and does not provide urban services such as sewer and water service in the unincorporated area, consistent with the longstanding countywide urban development policies which state that urban development should occur only on lands annexed to cities and not within unincorporated areas; and that the cities should be responsible for planning, annexing and providing services to urban development within their urban service areas in an orderly, planned manner.

Additionally, State law does not allow a city to provide services outside of its boundaries without LAFCO's approval and LAFCO policies discourage such extension of services outside jurisdictional boundaries.

Therefore, we respectfully request that you consider these issues prior to considering siting schools or district facilities in the unincorporated area. Please distribute this letter to the District's Board of Directors for their consideration of Agenda Item A.2.e.

If you have any questions regarding the information presented in this letter, please contact me at (408) 299-5127.

Sincerely,



Neelima Palacherla
LAFCO Executive Officer

Cc:

LAFCO Members
Steve Rymer, City Manager, City of Morgan Hill
Kirk Girard, Director, County Planning and Development Department

LA1-13
cont.

Department of Planning, Building and Code Enforcement

HARRY FREITAS, DIRECTOR



March 11, 2016

John Baty, Senior Planner
City of Morgan Hill Community Development-Planning Division
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Morgan Hill 2035 DEIR, Comments on Draft Environmental Impact Report

Dear John,

This letter is in response to the Notice of Availability for Public Review of the Draft Environmental Impact Report prepared for the Morgan Hill 2035 DEIR (Project) from the City of San Jose. The proposed Project evaluated in this Draft EIR is the adoption and implementation of the proposed General Plan and proposed Residential Development Control System (RDCS). The City of San José has the following comments on the project and DEIR.

LA2-01

Global Comment For All CEQA Resource Sections

The DEIR states that the full buildout (Table 3-3) of the project would include significantly more non-residential development than the 2035 horizon year (Table 3-2). The conclusions of the DEIR raise issues with respect to the inconsistencies of the DEIR only analyzing the full buildout of residential development, but not the full buildout of non-residential development. It is encouraged that the General Plan 2035 DEIR analyze the full buildout of both residential and non-residential development to represent the worse-case scenario.

LA2-02

Utilities and Service Systems

It is encouraged that the Water Infrastructure Master Plan and Wastewater Infrastructure Master Plan be completed prior to the finalization of the Morgan Hill 2035 DEIR. This would ensure that the Morgan Hill 2035 EIR would fully analyze and disclose environmental impacts pertaining to the most updated utilities and service systems information before reaching the Less-Than-Significant level of significance, as indicated in the EIR.

LA2-03

The City of San Jose would like to request notices of availability of any environmental review document related to the future Water Infrastructure Master Plan and Wastewater Infrastructure Master Plan for review.

LA2-04

Thank you for the opportunity to comment on the Morgan Hill 2035 DEIR. If you have any questions, please contact Jason R. Rogers, Division Manager at (408) 793-5543, or

Mr. John Baty,
March 9, 2016
Page 2

jason.rogers@sanjoseca.gov. We can make ourselves available to meet with the City of Morgan Hill at your earliest convenience to discuss our comments and concerns in more detail. The City looks forward to partnering with the City of Morgan Hill to support future development.

**LA2-04
cont.**

Sincerely,

Harry Freitas, Director
Department of Planning, Building & Code Enforcement
City of San José

c: City Manager
City Attorney
Mayor's Office

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



March 14, 2016

John Baty
City of Morgan Hill
Community Development Department, Planning Division
17575 Peak Avenue
Morgan Hill, CA 95037

Comments regarding the Draft Environmental Impact Report for the Morgan Hill 2035 General Plan Update (HST)

Dear Mr. Baty:

Please find enclosed comments from the County regarding the Draft Environmental Impact Report (DEIR) for the Morgan Hill 2035 General Plan Update. Our submittal includes comments from the Departments of Planning and Development, Parks and Recreation and Roads and Airports.

The attached comments outline several concerns the County has with the 2035 General Plan Update and associated DEIR.

If you have any questions regarding planning comments or coordination of comments on the Revised Draft Program EIR from the County, please contact Planning Manager Rob Eastwood at (408) 299-5792 in the County Department of Planning and Development. Feel free to contact Hanna Cha at (408) 355-2238 in the Department of Parks and Recreation, and Aruna Bodduna at (408) 573-2462 in County Roads and Airports with questions specific to their comments.

Sincerely,

Kirk Girard
Director

cc:

Supervisor Mike Wasserman, District 1 Board of Supervisors
Sylvia Gallegos, Deputy County Executive

LA3-01



Administration	Building Inspection	Fire Marshal	Land Development Engineering	Planning
Ph: (408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5730	(408) 299-5770
Fax: (408) 299-6757	(408) 279-8537	(408) 299-6757	(408) 279-8537	(408) 288-9198

Comments from the Department of Planning & Development regarding the Morgan Hill 2035 General Plan Update (“2035 Plan”) and associated Draft Environmental Impact Report (DEIR).

Part I – Comments on the 2035 General Plan Update

The County commends the City of Morgan Hill (“The City”) on removing the designation of an Urban Limit Line (ULL) and related policy concepts from its General Plan. This previous ULL designation was confusing with respect to its relationship with the City’s Urban Service Area (USA) and Urban Growth Boundary (UGB).

The County encourages the City to include a paragraph and policies to the effect that USAs and UGBs, where UGBs adopted, are part of a longstanding countywide system of urban growth management, built on jointly-adopted policies in effect for over 40 years, to effectively limit urban sprawl, promote managed, balanced urban growth, with cities responsible for planning and accommodating urban growth and development, and the County being primarily responsible for responsible resource conservation, open space, and rural character preservation of lands outside USAs not intended to become part of the urbanized area.

Under the proposed 2035 Plan, original policy language tying major modifications of UGB to comprehensive general plan updates would be eliminated. The County strongly discourages the City from taking this approach. Such decisions should not be made on annual basis, and given that Morgan Hill often updates its general plan on a 10+ year basis, tying UGB to General Plan (GP) updates is not unreasonable.

The 2035 Plan includes a proposed Transfer of Development Rights (“TDR”) program in association with development of a 50 acre parcel owned by the Chiala Family for residential development. Under this TDR proposal, development of residential lots within this TDR area would fund the purchase of conservation easements on approximately 211 acres of agricultural land in the unincorporated County. The County is currently starting work on preparing a Sustainable Agricultural Lands Policy Framework for Southern Santa Clara County (“Framework”), funded in part by a grant from the California Department of Conservation. As part of this framework, the County intends to identify and implement policy tools to ensure long term preservation of agriculture and the farming industry in Southern Santa Clara County. The use of TDR’s is one tool that could be used within this program. While the proposed Chiala TDR is a good first step at demonstrating how TDR’s can be used as an effective policy tool to

LA3-02

convert preserved development rights on agricultural lands into higher urban residential density, the County encourages the City to wait on implementing a TDR program until the County’s Framework has been prepared. While the City’s TDR program could be compatible with this future Framework, the County is concerned the TDR program is occurring in advance of the Framework and thus could be potentially in conflict with the Framework.

The City should provide for additional development potential in selected areas such as Downtown, transit corridors, or other specially designated areas such as Priority Development Areas (“PDA’s”) to receive development rights potentially transferred through future open space and agricultural preservation programs, without necessitating voter approval or general plan amendments.

LA3-02
cont.

The County encourages the City to adopt policies to annex unincorporated lands in Holiday Lake Estates, areas that are already within city USA within first 5 years of General Plan adoption.

The Healthy community sections of the 2035 Plan are appropriate but could do more to correlate sound urban planning, age- and child-friendly communities, and other subjects with improved health outcomes, in order to make explicit the link between the two.

The 2035 Plan Transportation element envisions widening of 101 to 8 full travel lanes to accommodate projected traffic demand through 2035. Such widening projects seem unlikely, and will be challenging to coordinate with other jurisdictions, VTA, state and federal agencies, much less fund. Consider augmenting policies with assistance from VTA regarding the most appropriate means of achieving GHG reductions and managing travel demand, including high occupancy lanes, and other possibly strategies, rather than merely relying on increased capacity.

LA3-03

The 2035 Plan policies regarding use and purposes of greenbelts state purposes including greenbelt separation of Morgan Hill and San Martin, but maps show no areas designated or intended to serve such purposes in the area of interface between the city and San Martin.

LA3-04

Part II – Comments on the Draft EIR

Executive Summary Table

Table 1-1 does not contain the impacts and summary for greenhouse gas emissions and should be revised to include this resource topic.

LA3-05

Project Description

The project description and all related environmental analysis in the DEIR should be revised to reflect that on March 11, 2016 LAFCO denied the City’s request for an expansion of the Urban Service Area, including the Southeast Quadrant.

LA3-06

Agricultural Resources

On Page 4.2-15 (2nd paragraph), it is noted that although development under the Southeast Quadrant (SEQ) Land Use Plan is anticipated, development has not yet occurred. Here it should also be noted that although the Morgan Hill has approved a Land Use Plan for this area, on March 11 LAFCO denied the expansion of the Urban Service Area.

LA3-07

On Page 4.2-17, the DEIR concludes that the mitigation measure “Designation of Agricultural Land with Open Space or Rural County Designation” is infeasible because it would create increasing conflicts between residential and agricultural uses and result in increasing pressure on existing agricultural operations. It is true that County General Plan designations, such as *Agriculture, Medium Scale*, allows development of a single residence on a legal parcel, and this development can impact agricultural operations. In rural areas, it is standard planning practice to allow an owner or caretaker to live on agricultural property. It is also not unusual for these properties to have agricultural employee housing. In fact, this ancillary land use often supports the economic viability of agricultural use of such properties. While the County is evaluating if County land use ordinances should be modified to moderate the potential negative effects of residences on agriculture, the County cannot support the City’s contention that maintaining the County rural land use designations is an infeasible mitigation measure.

LA3-08

Alternatives

The DEIR states on page 6-14 (first paragraph) that the No Project Alternative would allow development that could result in potentially incompatible urban uses next to farms or ranches, referencing rural residential development. However, under County land use policies, these residential uses are not urban uses but rural uses that are ancillary to agriculture uses (e.g., owner living on farm, caretaker or agricultural worker housing) that support the economic viability of agricultural. In addition, the Transfer of Development Rights system that the City is proposing is not in place and may not be feasible. Therefore, the County disputes the conclusion in Table 6-2 (page 6-10) that the No Project Alternative would represent a “slight deterioration compared to the proposed project” on the topic of Agriculture and Forestry Resources. On the contrary, the No Project Alternative would be a substantial improvement compared to the proposed project as it would not allow urban uses.

LA3-09

The DEIR states on page 6-66 that the Compact Development Alternative would meet all project objectives except Objective #6: “Support a diverse local economy and an expanded tax base by preserving our existing job-generating land.” However, LAFCO has determined that the City has 45 years of vacant commercial and 27-67 years of vacant industrial lands within its boundaries which allow for development (February 15 LAFCO staff report for “Area 1: Tennant-Murphy Morgan Hill Urban Service Area Amendment 2015”). Therefore, the Compact Development Alternative, which the DEIR concludes is the Environmentally Superior Alternative, actually meets all of the objectives of the proposed project.

LA3-10

County of Santa Clara

Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

March 10, 2016

John Baty, Senior Planner
Community Development Department – Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

**SUBJECT: Notice of Availability of Draft Environmental Impact Report
The Morgan Hill 2035 Project**

Dear Mr. Baty:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the draft environmental impact report (DEIR) and is submitting the following comments.

- Page 4.14-55 of the DEIR, Mitigation Measure TRAF-1B states:

“The City of Morgan Hill shall install a signal at the intersection of Tennant Avenue and Murphy Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is less than significant.”

LA3-11

The County concurs with the proposed traffic signal mitigation measure at this intersection. Please work with County staff on the implementation of the mitigation measure when ready. Because of the close proximity of this location to US 101 northbound ramps, signal coordination may be required.

- When individual development projects are to move forward, please provide a Transportation Impact Analysis (TIA) for these projects. The TIAs should be prepared following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant impacts. The preliminary *Circulation and Mobility Plan* should be consulted for a list of mitigation measures for significant impacts to the County roadways. Should the *Circulation and Mobility Plan* list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

LA3-12

Morgan Hill 2035 Project
March 10, 2016
Page 2 of 2

If you have any questions about these comments, please contact Aruna Bodduna at 408-573-2462 or at aruna.bodduna@rda.sccgov.org.

Sincerely,

A handwritten signature in black ink that reads "Aruna". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aruna Bodduna
Associate Transportation Planner

cc: MA, AP, DSC

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



February 24, 2016

Mr. John Baty
City of Morgan Hill
Community Development Department – Planning Division
17575 Peak Avenue
Morgan Hill, CA 95037

SUBJECT: Draft Environmental Impact Report for the Morgan Hill 2035 Project

Dear Mr. Baty:

The County of Santa Clara, Parks and Recreation Department, is submitting the following comments on the Draft Environmental Impact Report (DEIR) for the Morgan Hill 2035 Project. The County Parks Department's comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

LA3-13

Relationship to the *Santa Clara County Countywide Trails Master Plan Update*

The DEIR listed several of the major trails found in the *Countywide Trails Master Plan Update*. The following are additional trail routes found within the vicinity of the Project's Sphere of Influence. The DEIR should describe these countywide trail routes and evaluate the potential impacts to these trails as a result of the project.

- ***Juan Bautista de Anza NHT*** (Route R1-A) – designated as an on-street bicycle route with parallel trail; route within road right-of-way.
- ***Benito - Clara Trail*** (Route R3) – designated as a trail route within other public lands for hiking, off-road cycling and equestrian. (Already noted in Traffic & Transportation Chapter.)
- ***Bay Area Ridge Trail: El Sombroso – Lake Anderson*** (Route R5-D) – designated as a trail route within other public lands for hiking, off-road cycling and equestrian.
- ***West Valley Sub-regional Trail*** (Route S6) – designated as a trail route within other public lands for hiking, off-road cycling and equestrian.

LA3-14

- **Willow Springs Connecting Trail** (Route C24) – designated as an on-street bicycle route within road right-of-way.
- **Main Street Connecting Trail** (Route C25) – designated as an on-street bicycle route with parallel trail; route within road right-of-way. (Already noted in Traffic & Transportation Chapter.)
- **Paradise Valley Connecting Trail** (Route C26) – designated as an on-street bicycle route within road right-of-way. (Already noted in Traffic & Transportation Chapter.)
- **San Martin – South Valley Connecting Trail** (Route C27) – designated as an on-street bicycle route with parallel trail; route within road right-of-way. (Already noted in Traffic & Transportation Chapter.)
- **Center Ave Trail** (Route C27) – designated as an on-street bicycle route with parallel trail; route within road right-of-way.

LA3-14
cont.

Section 4.13.5 Parks and Recreation

Cumulative Impact PS-12: Implementation of the proposed Project would not contribute to cumulative parks and recreation impacts in the area.

“Future growth in the county would result in increased demand for park and recreational facilities throughout the county. As a result, the County would potentially need to expand and construct additional parks and other recreational facilities to meet the increased demand.”

The County Parks Department has concerns regarding the analysis of the impacts of the proposed project within the City of Morgan Hill described as suggesting the County would need to expand its park system. The County Parks Department recommends that this section be reworded to the following:

LA3-15

Future growth in the county would result in increased demand for park and recreational facilities throughout the Santa Clara County ~~county~~, including the City of Morgan Hill. As a result, the ~~County~~ City of Morgan Hill would potentially need to ~~expand and construct additional parks and other recreational facilities~~ partner with other regional park providers, such as the County of Santa Clara Parks and Recreation Department, to expand and construct additional parks and other recreational facilities in Santa Clara County and the City of Morgan Hill to meet the increased demand.

Section 4.14 Traffic and Transportation

County Parks Department encourages that while implementing the planned road improvements, the Project should also plan to implement proposed local and regional trails concurrently. The Draft EIR should include an analysis of the potential traffic and circulation conflicts and opportunities to the regional trail routes and incorporate mitigations where appropriate.

LA3-16

Thank you for the opportunity to provide comments on the Draft EIR. Please add the County Parks Department to your distribution list for the Final EIR notification. If you have additional questions, please call me at (408) 355-2228 or e-mail me at Hannah.Cha@prk.sccgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hannah Cha', written in a cursive style.

Hannah Cha
Provisional Planner II

CC: Kimberly Brosseau, Acting Principal Planner, County Parks Department



COMMITTEE FOR
GREEN FOOTHILLS

March 14, 2016

John Baty
City of Morgan Hill
17575 Peak Ave.
Morgan Hill CA 95037

Re: Comments on Morgan Hill 2035 Draft EIR

Dear Mr. Baty,

The Committee for Green Foothills (CGF) submits the comments below on the Morgan Hill 2035 Draft EIR. We note as a preliminary matter that on the substance of the General Plan and the Residential Development Control System revision process to date, the City has erred in changes and should instead:

- 1. retain the essential aspects of voter-approved control over sprawl that have been removed the Draft General Plan, most importantly that the City shall not support the addition of any land to its Urban Service Area unless “the amount of undeveloped, residentially developable land within the existing Urban Service Area is insufficient to accommodate five years’ worth of residential growth” beyond the next development allotment competition
- 2. keep the level of consultation with County-level agencies on outward growth of the City found in the existing General Plan as opposed to cutting that consultation short
- 3. retain the best aspects of the existing General Plan that are proposed for removal

ORG1-01

ORG1-02

ORG1-03

The following comments address how the above errors and others make the DEIR inadequate and insufficient basis to approve a new General Plan.

DEIR fails to describe the significant adverse impacts from conflicting with the reasonably foreseeable circumstance that the existing RDSCS will still be in place.

ORG1-04

The DEIR Chapter 3 Project Description purports to describe the project as both a revised General Plan and a revised Residential Development Control System (RDSCS). This description is inadequately vague because the two components require approval by separate bodies – the City Council for the General Plan and the voters for the RDSCS – and the description fails to describe how and when the two portions of the supposedly single project will interact.

ORG1-05

COMMITTEE FOR
GREEN FOOTHILLS

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Specifically, the existing RDCS conflicts with the proposed General Plan and cannot be superseded by the proposed General Plan, only by Morgan Hill voters. The DEIR creates a situation where the new General Plan could be approved by the City Council when the revised RDCS has not yet been approved (or has been voted down) by City residents. It is therefore unclear what the project is that this DEIR purports to evaluate.

ORG1-06

A revised General Plan without a revised RDCS, allowable under the DEIR Project Description, has unaccounted-for, significant, adverse environmental impacts.

As described above, the DEIR permits a revised General Plan to be enacted without a revised RDCS, and the revised GP directly conflicts with the existing RDCS. In particular, the existing RDCS states the Urban Service Area can be expanded only when “the amount of undeveloped, residentially developable land either within the existing Urban Service Area is insufficient to accommodate five years’ worth of residential growth”. That language is removed from the proposed General Plan that corresponds with the proposed RDCS, which calls for an “average” instead of a maximum of five years. By conflicting with a controlling land use policy (the existing RDCS) that could be in effect at the same time as the revised General Plan, the project creates a foreseeable, significant land use policy impact that is not disclosed in the DEIR.

ORG1-07

Significant agricultural impacts are not disclosed in the DEIR.

Section 4.2 of the DEIR correctly acknowledges significant impacts to agriculture from the General Plan but inadequately describes their extent, characterizing them as “Significant and Unavoidable” when the impacts could be reduced by retaining the existing restriction on City expansion – not allowing the City to apply for or support an expansion of the Urban Service Area unless the current area is insufficient for five years’ residential growth. By allowing Urban Service Area expansions to occur even when more than five years’ residential growth is available, the DEIR allows for agricultural impacts that would not occur under the existing baseline – and as existing conditions have shown, those impacts are avoidable. The DEIR is incorrect in characterizing them as unavoidable. CEQA further requires agencies to apply feasible mitigations that reduce significant impacts, and retaining the existing maximum requirement before pursuing a USA expansion is shown to be a feasible mitigation.

ORG1-08

LAFCO denial of the Morgan Hill USA Amendment 2015 (both Area 1 and 2) is significant new information requiring recirculation of the DEIR.

The recent decision by LAFCO denying the City’s request to expand their USA boundary into the Southeast Quadrant renders inaccurate all projections in the DEIR and the General Plan for the City. That one planned expansion likely had a larger effect on Morgan Hill than any other ones proposed in the revised GP, and it has now been disallowed. The project description

ORG1-09

inaccurately describes the future use of SEQ that has been denied, including the additional residential development in a northeast area of the SEQ (to accommodate a purported transfer of development rights involving Chiala property elsewhere in the SEQ) that was not contemplated in the previously-approved SEQ proposal. Projections of the City's overall population, number of jobs, and relevant infrastructure all need to be revised. Whether the DEIR accurately describes numerous impacts as "significant and unavoidable" is also brought into question because City resources that would have been used to accommodate expansion into the SEQ may now be available and make feasible some mitigations that were not considered feasible before.

For the above reasons, the City should not proceed with approving the revised General Plan and RDCS based on the inadequate DEIR.

Thank you for your consideration of these comments.

Sincerely,



Julie Hutcheson
Legislative Advocate

ORG1-09
cont.

ORG1-10

ORG1-11

ORG1-12

From: John Baty
To: Joanna Jansen
Subject: FW: MH 2035 GP+RDCS DEIR comments (due 3/14)
Date: Monday, March 14, 2016 1:53:41 PM

Joanna,
Comments from Doug Muirhead.

Thanks,
-John B.

-----Original Message-----

From: D. Muirhead [mailto:doug.muirhead@stanfordalumni.org]
Sent: Monday, March 14, 2016 1:38 PM
To: John Baty
Subject: MH 2035 GP+RDCS DEIR comments (due 3/14)

Senior Planner John Baty,
Here are some minor comments for the Morgan Hill 2035 DEIR dated January 13, 2016 with the comment period ending March 14, 2016. Sadly, I only got through page 281 of 732.
Thank you for your consideration,
Doug Muirhead, Morgan Hill

ORG2-01

-----+-----+-----+-----+-----+-----+-----+-----+
Please replace the word "appurtenant" in the GP and EIR with a common vocabulary word.

ORG2-02

-----+-----+-----+-----+-----+-----+-----+-----+
TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES UTILITIES AND SERVICE SYSTEMS
UTIL-1: Sufficient water supplies would be available to LTS/LTS N/A serve the proposed Project from existing entitlements and resources and new or expanded entitlements would not be required.

ORG2-03

[comment] According to the SCVWD South County Water Supply Planing Project, dated July 2010, referenced in Todd Groundwater Screening Level Assessment included in South County Recycled Water Master Plan Update 2015, groundwater demands will increase by about 7000 AFY by 2030 and between 4000 and 16000 AFY of additional water supplies would be needed to meet groundwater management objectives and a reliable water supply.

-----+-----+-----+-----+-----+-----+-----+-----+
TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES UTILITIES AND SERVICE SYSTEMS
UTIL-11: The proposed Project would result in a LTS/LTS N/A substantial increase in natural gas and electrical service demands, would use appropriate energy conservation and efficiency measures, and would not require new energy supply facilities and distribution

ORG2-04

[comment] While I have heard Planning Commission and Council discussions about the supply of industrial land (often based on a new consultant study), I have never heard a discussion about whether we will have enough power. One of the benefits PG&E advertises for their South County Power Connect is that it responds to projections that we will need more power for residential and industrial use. When I asked at their recent open house where their forecasts came from, they said CalISO. But they also said they had recently met with City staff to get Morgan Hill input.
If the City has projections, what are they?
If the City foresees limitations, what are they?

-----+-----+-----+-----+-----+-----+-----+-----+
3.2.1 LOCATION

ORG2-05

Note that there are also the Parks and Trails Master Plan and the Public Safety Master Plan.

**ORG2-11
cont.**

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3.5.1.4 OPPORTUNITY SITES

input from the Technical Advisory Committee (TAC)

ORG2-12

[comment] I obtained the members of the TAC via PRR. You should identify them.

-----+-----+-----+-----+-----+-----+-----+-----+
3.6.1 PROPOSED RDCS OBJECTIVES

Overall, the RDCS promotes an orderly, efficient, and sustainable residential development pattern and provides certainty to residents that residential development patterns will reflect local goals and values.

ORG2-13

[comment] At the Council Goals workshop in January 2013, when Council member Siebert expressed a desire for neighborhood associations, Council member Carr responded that our piece-at-a-time development policy discourages that.

And I believe that the Planning Commission had an example last year where part of a project was built and an HOA was formed. The remainder of the project was purchased by a differert developer and the new plans were objected to by the existing residents.

-----+-----+-----+-----+-----+-----+-----+-----+
4.1 AESTHETICS 4.1.1.1 REGULATORY FRAMEWORK City's Planning Division staff routes projects to the Design Review Committee.

City's Design Review process, which is established in Section 18.74 of the City's Municipal Code

ORG2-14

[comment] I can find no reference to the Design Review Committee in the Municipal Code. And it has not been mentioned in the Planning Commission design workshops and discussion about the Architectural Review Handbook.

-----+-----+-----+-----+-----+-----+-----+-----+
4.1.3 IMPACT DISCUSSION

AES-3 Implementation of the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

To some people, this change in appearance from agricultural or rural residential landscapes to land developed with attractive neighborhoods, parks, and schools would be a deterioration of the visual character, while others may consider it an improvement.

General Plan Significance Before Mitigation: Less than significant.

RDCS Significance Before Mitigation: No impact.

ORG2-15

[comment] So those people who hold the view that this is a deterioration are ignored?

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4.3 AIR QUALITY

4.3.3 IMPACT DISCUSSION

AQ-1 Implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

proposed General Plan would reduce VMT per population and VMT per service population (SP, defined as residents and employees).

ORG2-16

[comment] And yet we are encouraging large numbers of people in the region to drive to Morgan Hill for Sports Tourism.

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4.6 GEOLOGY, SOILS, AND SEISMICITY

4.6.1.1 REGULATORY FRAMEWORK

The City of Morgan Hill lies

within the jurisdiction of both the San Francisco Bay RWQCB (Region 2) and the Central Coast Bay RWQCB

ORG2-17

(Region 3) and is subject to the Waste Discharge Requirements (WDRs) of the Phase II Small MS4 Permit. The northern portion of Morgan Hill and the sphere of influence (SOI) lies within the jurisdiction of San Francisco Bay RWQCB (Region 2), which covers watersheds that drain primarily into San Francisco Bay. The Central Coast RWQCB (Region 3) covers the state's central coast, including most of Morgan Hill and its SOI. The watersheds within the Central Coast RWQCB jurisdiction drain primarily into the Pacific Ocean.

[comment] That we are subject to San Francisco Bay RWQCB is news to me. We partner with Gilroy and the County to comply with the Storm water Pollution Prevention Plan authorized by the Central Coast Bay RWQCB. And the Municipal Regional Stormwater NPDES Permit issued by the San Francisco Bay RWQCB list of jurisdictions includes cities from San Jose to the north county border plus the County and SCVWD; collectively, those cities implement the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).

[end as of page 281 of 732]

ORG2-17

Robert J. Benich
14400 Sycamore Drive
Morgan Hill, CA 95037

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-
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March 21, 2016

Mr. John Baty, Senior Planner
Community Development Department – Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Comments Regarding City of Morgan Hill 2035 Draft EIR

Dear Mr. Baty:

This letter is to address inconsistencies between the Morgan Hill 2035 Draft EIR and Draft General Plan Update, and the Proposed Revisions to the Redevelopment Control System.

Reference: Draft EIR, Section 3.6.3

Specifically, the draft EIR states:

1. The proposed RDCS establishes a population limit of 64,600 in 2035.
2. The City Council may award a maximum of 300 allotments each year.

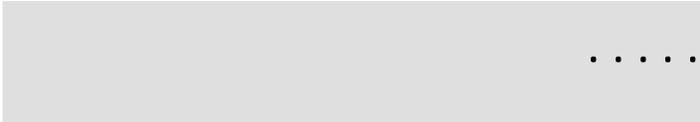
The figures of a population cap of 64,600 in 2035 and building allocations of 300/year is inconsistent with historical trends and is incompatible with a good growth pattern for the City of Morgan Hill (refer to Fig. 1).

Analysis

Time frame: 2035 – 2020 = 15 years
 Population change: 64,600 - 48,000 = 16,600
 Avr. Pop. Change = 16,600/15 = 1,107 persons/year
 Persons/Dwelling Unit (DU) = 3.08 (ABAG set number)
 Max. Building allocations = 1,107/3.08 = **359/year**

To have a calculated maximum 359 building allocations per year is way beyond what the City of Morgan Hill has given out during the past 20 years. Yet, the EIR states that only a maximum of 300 allotments will be awarded each year.

ORG3-01



March 21, 2016

Page 2

Therefore, using the 300 allotments/year number:

Time frame: 2035 – 2020 = 15 years

Building allocations /year = 300

Persons/Dwelling Unit (DU) = 3.08 (ABAG set number)

Population projection: 300 DU/yr. x 3.08 pp/DU x 15 yrs. = 13,860

Population maximum in Year 2035: 48,000 + 13,860 = **61,860**

ORG3-02

This is still inconsistent with the aforementioned EIR number of 64,600.

To solve this problem and make the various documents more consistent and, to make it easier for the general public to understand the proposed changes, I recommend that the draft EIR and all associated references and documents be changed, as follows:

Reference: EIR Section 3.6.3

- 1. The proposed RDCS establishes a population limit of 60,000 in 2035.*
- 2. The City Council may award a maximum of 250 allotments each year.*

Re-Analysis

Time frame: 2035 – 2020 = **15 years**

Population change: 60,000 - 48,000 = **12,000**

Aver. Pop. Change = 12,000/15 = **800 persons/year**

Persons/Dwelling Unit (DU) = 3.08 (ABAG set number)

Max. Building allocations = 800/3.08 = **260/year**

ORG3-03

A population cap of 60,000 persons in 2035 and a limit of 250 building allotments per year is more consistent with the historical growth of Morgan Hill and still allows for good planned development of a variety of housing types.

Sincerely,

Robert J. Benich, P.E.
Former Planning Commissioner,
City of Morgan Hill

E-Mail: RJBenich@yahoo.com

in order to adequately respond to the increased demand generated by the project. The cost associated with adding 5.5 FTE is expected to be approximately \$699,300 and the cost for purchasing new equipment is expected to be approximately \$42,300.

LAFCO USA Amendment for Area 2 anticipated no increase in service.

**ORG4-03
cont.**

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4.13.5 PARKS AND RECREATION

When calculating parkland per thousand residents the City includes City parks, special use facilities, trails, and schools with a joint-use agreement for City use, as well as 10 percent of recreational open space and fifty percent of parks within home owners associations (HOAs).

Based on these calculation criteria, there is a total of approximately 208 acres of parkland, which equates to 5 acres per thousand residents based on a 2015 population of 41,779. Therefore, the City is currently meeting its standard of 5 acres per thousand residents.

[comment] General Plan Implementation Report to the State Office of Planning & Research (OPR) for calendar year 2013, presented to City Council on September 17, 2014, under heading of Open Space and Conservation Element:

The General Plan calls for a standard of 5 acres of parkland per thousand in population. With the current population of 41,194, there are approximately 4 acres per thousand.

ORG4-04

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Morgan Hill 2035 Final EIR

City of Morgan Hill • May 31, 2016