Final Master
Environmental Impact Report

City of Morgan Hill
Downtown Specific Plan

State Clearinghouse #2008012025

CITY OF MORGAN HILL

October 2009

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PREFACE

This document, together with the July 2009 Draft Master Environmental Impact Report (Draft MEIR) for the Morgan Hill Circulation Element Update, constitutes the Final Master Environmental Impact Report (Final MEIR) for the proposed project. Under the California Environmental Quality Act (CEQA), the Final MEIR is an informational document prepared by the Lead Agency that must be considered by the decision-makers before approving the proposed project. CEQA Guidelines Section 15132 specifies that a Final EIR shall consist of the following:

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

This Final MEIR will be used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final MEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Final MEIR by making written findings for each of those significant effects before it approves a project.

According to Section 21081 of the California Public Resources Code, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(A) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(B) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (A), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The Final MEIR will be made available to the public and commenting public agencies 10 days prior to the MEIR certification hearing.

All documents referenced in this Final MEIR are available for public review at the City of Morgan Hill Community Development Department 17575 Peak Avenue Morgan Hill, on weekdays during normal business hours.

Addendum to the Draft Downtown Specific Plan

An addendum to the July 2008 Downtown Specific Plan has been prepared and is included as Appendix B-1 in this Final MEIR. The Addendum consists of text changes intended to clarify or provide text corrections to selected sections of the Downtown Specific Plan. The Addendum also modifies the proposed General Plan land use designation and zoning for Block 16. The environmental effects of a land use designation change to Mixed Use and zoning change to Central Business District at this location are evaluated in the Modified Land Use Alternative on pages 286-287 of the Draft EIR.

One of the basic questions the Lead Agency must address when there are changes to a proposed project after circulation of a Draft EIR is whether recirculation of the EIR is required. Under CEQA Guidelines Section 15088.5, recirculation of an EIR prior to certification is required if significant new information is added to an EIR that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. Recirculation is not required where new information is added to the EIR that clarifies information.

The Modified Land Use Alternative was addressed in the Draft MEIR and the information included in this Final MEIR as text changes to the Downtown Specific Plan clarify and expand upon information in the Draft MEIR, including the Modified Land Use Alternative. Implementation of the proposed Downtown Specific Plan, as modified in the Addendum, would not result in new environmental impacts or impacts of greater severity. Recirculation of the Draft MEIR, therefore, is not required.

SECTION 1 LIST OF AGENCIES AND INDIVIDUALS RECEIVING THE DRAFT MEIR OR NOTICE OF AVAILABILITY OF THE DRAFT MEIR

State of California

- Resources Agency
- Department of Fish and Game, Region 3
- Department of Forestry and Fire Protection
- Office of Historic Preservation
- Department of Parks and Recreation
- California Highway Patrol
- Caltrans, District 4
- Department of Toxic Substances Control
- Native American Heritage Commission
- Public Utilities Commission
- Department of Housing and Community Development

County and Regional Agencies

- Association of Bay Area Governments Regional Clearinghouse
- Bay Area Air Quality Management District
- Regional Water Quality Control Board, Region 2
- Santa Clara Valley Transportation Authority
- Santa Clara Valley Water District
- Santa Clara County Roads and Airports Department
- County of Santa Clara Planning Department

Local Governments

- City of Gilroy
- City of San José

School Districts

- Morgan Hill Unified School District

Organizations, Companies, and Individuals

- Caltrain
- Union Pacific Railroad

The Draft MEIR was also on file at the City of Morgan Hill Community Development Department and available for review at the Morgan Hill Community Library and on the City of Morgan Hill web site at www.morgan-hill.ca.gov. The 45-day public review and comment period started on July 31, 2009 and ended on September 14, 2009.

SECTION 2 LIST OF AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT MEIR

Comment Received From		Date of Letter	Response on Page
State Agencies			
A.	Department of Transportation	September 14, 2009	6
County and Regional Agencies			
B.	County of Santa Clara Roads and Airports Department	September 2, 2009	7
C.	Santa Clara Valley Transportation Authority	September 14, 2009	8
D.	Santa Clara Valley Water District	September 15, 2009	10
Cities and Local Agencies			
E.	City of Morgan Hill, Morgan Hill Planning Commission Hearing	September 1, 2009	13
F.	City of Morgan Hill, Morgan Hill Planning Commission Chairperson Wayne Tanda	September 2, 2009	19
G.	City of Morgan Hill, Morgan Hill Planning Commission Vice Chairperson Joseph Mueller	September 7, 2009	20
Organizations, Companies, and Individuals			
H.	Donald W. Dey	September 10, 2009	32

SECTION 3 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all of the comments requiring responses contained in letters received by the City of Morgan Hill during the noticed 45-day review period for the Draft MEIR. The comments are organized under headings containing the source of the letter and its date. The specific comments have been excerpted from the letters and are presented as "comment" with each response directly following. The original comment letters are included in Section 5.

A. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE DEPARTMENT OF TRANSPORTATION, DATED SEPTEMBER 14, 2009

COMMENT A-1: The City of Morgan Hill is responsible for all traffic impacts and project mitigation, including any improvements to State highways generated from future projects derived from the proposed Plan. These projects' fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for each specific project and all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in these environmental documents.

RESPONSE A-1: Both the Specific Plan and the Draft Master EIR (Draft MEIR) identify the overall level of development assumed to occur in the area through 2030 and mitigation measures proposed for identified significant transportation impacts. Mitigation for transportation impacts consists of signalization at three local intersections. Monitoring of these intersections and funding for these improvements through the City's traffic impact fee and/or contributions by individual developments within the Downtown Specific Plan project area and the City's Redevelopment Agency are described in the MEIR. Necessary improvements will be implemented at the time the City's monitoring indicates the LOS standard would not be met at the impacted intersections.

Traffic generated by projects proposed under the Specific Plan would not result in significant impacts to State freeway segments, as discussed in the Draft MEIR. The City of Morgan Hill significance thresholds are based on the Congestion Management Program TIA methodologies used in Santa Clara County. The proposed Specific Plan would add vehicle trips totaling approximately 0.12 to 0.54 percent of freeway segment capacity which would not result in a significant impact.

Although a significant impact to US 101 was not identified, the City of Morgan Hill acknowledges the concerns of the California Department of Transportation regarding the operation of US 101 and the addition of new vehicle trips on congested segments. The City of Morgan Hill has participated in the South County Circulation Plan and has expressed willingness to impose fair share funding requirements for future freeway improvements, if applied on a regional basis. While the City of Morgan Hill is willing to participate in planning and implementing a regional program, it cannot be the Lead Agency for State highway facilities. Caltrans and/or the Valley Transportation Authority are the agencies responsible for developing and implementing financing mechanisms and carrying out improvements on State highways in Santa Clara County.

COMMENT A-2: The Department strongly urges the City to develop a regional transportation impact fee (RTIF) program to mitigate the impacts of future growth on regional corridors. Traffic impact fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system and reduce delays while maintaining reliability on major roadways throughout the San Francisco Bay Area.

RESPONSE A-2: Although the City of Morgan Hill does have a traffic impact fee for projects within the City in order to construct local roadway improvements to accommodate increases in traffic, no regional transportation impact fee program currently exists under which projects developed consistent with the Specific Plan or elsewhere in the region could make contributions. As identified in the Draft Master EIR, the Valley Transportation Authority and Caltrans are the responsible agencies for planning and implementing improvements within the US 101 corridor. In the event a regional transportation impact fee were established, projects developed consistent with the Specific Plan may be required to pay the fee to offset the incremental increase in traffic on regional roadways resulting from approval of the Specific Plan.

As discussed in Response A-1, while the City of Morgan Hill is willing to participate in planning and implementing a regional program, it cannot be the Lead Agency for State highway facilities. Caltrans and/or the Valley Transportation Authority are the agencies responsible for developing and implementing financing mechanisms and carrying out improvements on State highways in Santa Clara County.

B. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE COUNTY OF SANTA CLARA ROADS AND AIRPORT DEPARTMENT, DATED SEPTEMBER 2, 2009.

COMMENT B-1: The present Draft Master EIR for the Morgan Hill Downtown Specific Plan revises the City's General Plan and zoning ordinance to increase the size and density of future projects in the downtown area of Morgan Hill. However, no traffic analysis is made for County Roadways outside the Morgan Hill Downtown. This EIR needs to analyze traffic impacts on County Roads including, but not limited to, San Pedro Avenue, Main Street past City jurisdiction, Diana Avenue, Hill Road, and County Roads to the south and west of Morgan Hill.

RESPONSE B-1: This request for additional analysis as part of the Master EIR was reviewed by Fehr & Peers, consulting traffic engineers for the City. Implementation of the Downtown Specific Plan would result in less than 20 additional peak hour trips total on all of the County roadways.

Per the VTA's Congestion Management Program and the City of Morgan Hill TIA Guidelines, a TIA shall analyze traffic conditions at intersections where the approach traffic volume increases by 10 or more trips per lane during either the AM or PM peak hour. None of the roadways is projected to experience such an increase in traffic volumes. The additional peak hour trips, therefore, would not result in a significant level of service impact to

County roadways in the vicinity of Morgan Hill and no additional analysis is required.

C. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, DATED SEPTEMBER 14, 2009.

COMMENT C-1: Santa Clara Valley Transportation Authority (VTA) staff has reviewed the Draft Master EIR for the Morgan Hill Downtown Specific Plan. Overall, VTA is supportive of the Plan's vision; however, we have concerns regarding statements suggesting the removal of transit service from Monterey Highway. We have the following specific comments.

Land Use/Transportation Integration

VTA is fully supportive of the Downtown Specific Plan's vision of strengthening downtown as the social and activity heart of Morgan Hill. We are pleased to see many measures to intensify land use development in downtown and encourage transit- and pedestrian-oriented uses. VTA strongly supports development around transit, and accordingly the Plan's designation of the VTA/Caltrain parking lot on Butterfield Boulevard as High Density Residential/Planned Development. This is consistent with the principles of the VTA *Joint Development Policy & Implementation Plan*, and we look forward to a continuing partnership with the City to explore development opportunities. The overall direction of the Downtown Specific Plan is also consistent with VTA's *Community Design & Transportation* (CDT) Program Cores, Corridors and Station Areas framework which identifies VTA and local jurisdiction priorities for locating concentrated mixed-use development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and has been endorsed by all 15 Santa Clara County cities and the County, and we feel Morgan Hill's Downtown Specific Plan land use elements demonstrated leadership in implementing the CDT concepts and principles.

RESPONSE C-1: This comment is acknowledged. Also, based on the VTA's input and further consideration by the City, the proposed Downtown Specific Plan has been revised via an Addendum to modify the proposed General Plan land use designation and zoning for Block 16 – the VTA/Caltrain parking lot. The environmental effect of the currently-proposed land use designation change to Mixed Use and zoning change to Central Business District at this location are evaluated in the Modified Land Use Alternative on pages 286-287 of the Draft EIR. Revisions to the text of the Draft MEIR are included in Section 4 of this Final MEIR.

COMMENT C-2: Transit Service

We believe VTA's transit services will help the City achieve its vision for downtown by providing a viable travel option for residents, workers and visitors to downtown. However, for this to work effectively, it is very important that Monterey Road continue to be a multimodal corridor that embraces transit services. Accordingly, we are concerned to see the Specific Plan state that "to create a more pedestrian-friendly atmosphere along Monterey Road and to better connect to the train station, bus routes running along Monterey Road should be diverted to Depot Street or Butterfield Boulevard via Main Avenue and/or Dunne Avenue." This suggestion seems to contradict the City's plans for an active and multimodal downtown and it is inconsistent with the VTA's Transit Sustainability Policy and Service Design Guidelines that were adopted by the VTA Board in 2007. In addition, this suggestion appears to conflict with the City's efforts to improve the pedestrian

connections between the Caltrain Station and Monterey Highway for which the City has received over $4 million in grants through the MTC's Transportation for Livable Communities (TLC) Program. Pedestrian-friendly environments are also transit friendly environments – and the presence of transit along Monterey Highway, we think, represents unique economic and community-building opportunities for the City.

RESPONSE C-2: The last paragraph on page 7-3 of the July 2008 Public Review Draft of the Downtown Specific Plan that discussed shifting the bus route to Depot Street within the Downtown Core is now proposed in the Addendum to be deleted, with the following text substituted:

"VTA Bus Route and Monterey Road: The City of Morgan Hill and the Santa Clara Valley Transportation Authority should continue to work together to improve the pedestrian and transit environment along Monterey Road. Locating attractive bus stops at appropriate locations adequately separated from outdoor dining areas, and using "bulb outs" to provide plaza areas and comfortable pedestrian crossing distances, is encourage. Upgrading the bus stops with attractive custom shelters, signage, paving treatments, lighting and other amenities would ensure that transit helps in improving the downtown. A key objective for the City of Morgan Hill will be to ensure appropriate locations for the bus stops serving downtown, such as not directly in front of outdoor dining areas."

The text of the Draft MEIR has been revised as shown in Section 4 of this Final MEIR.

Improvements to Third Street, intended to improve pedestrian connections between the Caltrain Station and Monterey Road are anticipated to be completed by January 2010.

COMMENT C-3: As communicated to the City of Morgan Hill in past discussions, VTA does not support rerouting one of our core transit routes off this main arterial. Monterey Highway is part of the arterial street network in the County and is utilized by VTA's bus line 68. This line operates from Gilroy through Morgan Hill and terminates at the San José Diridon Caltrain Station. The line operates seven days a week with 15 to 20 minute frequencies during most of the weekday and every 30 minutes on weekends. Service starts at 4:30 am on weekdays and 6:00 am on weekends. Service ends at about 12:30 am on all days. This route averages about 2,700 passengers per weekday.

We believe the proposal to connect line 68 with the other transit services at the Morgan Hill Caltrain Station would degrade transit service to most passengers. The proposed deviation is not supported by VTA's Board adopted Service Design Guidelines for route types like line 68 as it is one of VTA's core arterial services and should be as direct as possible. Line 68 provides an important regional connection for passengers traveling within South County and to Downtown San José. The deviation onto Depot Street would impact about 1,200 weekday passengers who are traveling along this section of Monterey Highway to access other areas. The benefit of improving the connection of line 68 to the Caltrain Station, which is only 1/8 mile from Monterey Highway - about a three minute walk - for a small numbers of passengers does not seem to outweigh the impact to the 1,200 passengers who would be inconvenienced by this out of direction travel. Also about 150 passengers who currently use the three pairs of stops along Monterey Highway would be impacted. Only three

weekday round trips trains and no local VTA bus lines currently serve the Caltrain Station, so moving line 68 there would not provide much benefit for transferring passengers.

RESPONSE C-3: The comment is acknowledged. The last paragraph on page 7-3 of the July 2008 Public Review Draft of the Downtown Specific Plan that discussed shifting the bus route to Depot Street within the Downtown Core is now proposed in the Addendum to be deleted, with the following text substituted:

"VTA Bus Route and Monterey Road: The City of Morgan Hill and the Santa Clara Valley Transportation Authority should continue to work together to improve the pedestrian and transit environment along Monterey Road. Locating attractive bus stops at appropriate locations adequately separated from outdoor dining areas, and using "bulb outs" to provide plaza areas and comfortable pedestrian crossing distances, is encourage. Upgrading the bus stops with attractive custom shelters, signage, paving treatments, lighting and other amenities would ensure that transit helps in improving the downtown. A key objective for the City of Morgan Hill will be to ensure appropriate locations for the bus stops serving downtown, such as not directly in front of outdoor dining areas."

COMMENT C-4: We believe transit service is an important component of a successful downtown and represents, and we are looking forward to working with the City on improving the transit and pedestrian environment here. Upgrading the bus stops with shelters, signage, paving treatments, lighting and other amenities could ensure that transit helps in improving the downtown. These improvements are supported by many City policies and mitigation measures presented in the Master DEIR.

Cities around the county, nation and world embrace bus service as part of pedestrian friendly design by providing attractive bus stops and restricting automobiles and parking in the downtown business areas. Using "bulb-outs" at bus stops can provide plaza areas and space which is more comfortable for pedestrians and can provide shorter, safer crossing areas at intersections. As a local example, the City of Mountain View incorporated bulb-outs and custom shelters at the bus stops on Castro Street and their downtown district has become a popular destination for dining and shopping. This is an excellent local example of how a vibrant downtown district can capitalize on and embrace bus transit service.

RESPONSE C-4: The comment is acknowledged. Refer to Response C-2 and C-3.

COMMENT C-5: In conclusion, VTA does not support the Specific Plan's suggestion of diverting bus service from Monterey Road. However, we'd be happy to further explore with you the opportunities to improve the transit and pedestrian environment on Monterey Road in order to achieve the vision established by the Specific Plan.

RESPONSE C-5: The comment is acknowledged. Refer to Response C-2 and C-3.

D. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE SANTA CLARA VALLEY WATER DISTRICT, DATED SEPTEMBER 15, 2009.

COMMENT D-1: Section 3.6.1.2 Flooding – The first paragraph of this section references Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) which were

used to provide flood elevation information in the Specific Plan area. The District notes that the flood elevations provided appear to correspond to earlier flood maps which are no longer in effect. FEMA recently digitized the FIRMs (now known as DFIRMs) and the new maps for Santa Clara County, including the City of Morgan Hill, are effective May 18, 2009. The District recommends updating the text in this section to reflect the existing effective FIRM maps which are based on North American Vertical Datum 1988.

RESPONSE D-1: The comment is acknowledged. The text of the flooding discussion has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT D-2: Section 3.6.1.2 Planned Flood Control Improvements – This section discusses the Upper Llagas Creek Flood Protection Project (PL-566) in general, but there is no discussion on how the future flood protection improvements may be considered in the Specific Plan area or the role it may play. When the PL-566 improvements are constructed, the Specific Plan area will be removed from the 100-year floodplain. As well as providing flood protection benefits to the Specific Plan area, it may be possible to incorporate the PL-566 project into the Specific Plan area as a transportation improvement (i.e. trails) or other open space/recreational benefit if the West Little Llagas Creek corridor is treated as a resource and adequate setbacks or other land use tools can be utilized to allow for more options during the planning and design of PL-566. Similar, albeit larger scale, improvements were made on the Guadalupe River in downtown San José. Allowing for future development in the Specific Plan area to include, rather than to hide, West Little Llagas Creek may allow for a multi-purpose flood protection facility that can enhance the community as well as protect it.

RESPONSE D-2: As discussed in the Downtown Specific Plan, the Santa Clara Valley Water District is the sponsor of the PL566 project and has been working with the Corps of Engineers (COE) to prepare environmental documents and preliminary design. The Downtown Specific Plan includes development of a passive park on City owned land on Block 11 and assumes Blocks 12 and 13 could be developed with restaurant uses oriented toward the creek. The Specific Plan discusses the opportunity for a trail along the West Little Llagas Creek: the "Vision Statement" in the Plan states that "A trail along Upper Llagas Creek has been proposed as part of flood control improvements. This trail would provide pedestrians and bicyclists access from Downtown to areas north and south along the creek." Chapter 3, the Multi-Modal Circulation and Streetscapes chapter, further discusses this planned improvement. The Downtown Specific Plan also states that, to the extent feasible, development should follow the SCVWD's "Guidelines for Standards and Land Use Near Streams". The SCVWD's guidelines and standards include restricting development to at least 20 feet from the top of bank, maintaining a 2 to 1 structural slope stability requirement, and conducting a stability analysis. Development projects proposed on parcels adjacent to West Little Llagas Creek will be subject to review for conformance to the Specific Plan and SCVWD's standards prior to the issuance of a Design or Building permit.

COMMENT D-3: Section 3.6.1.4 Regulatory Overview (Water Quality) – This section mentions the State Water Resources Control Board's National Pollution Discharge Elimination System (NPDES) General Permit for Construction activity, but there is no mention of the Phase II NPDES General Permit for Municipalities under which the City of Morgan Hill (City) is now permitted. The City's Phase II NPDES permit contains certain requirements which the City will need to impose on

new development. The District understands the City is in the process of renewing their permit, possibly as a co-permittee with the County of Santa Clara and the City of Gilroy. Any future municipal NPDES permit will also have development standards that the City will be required to impose on future development. The District recommends this section of the DEIR discuss the City's municipal NPDES permit requirements and how it may affect development of the Specific Plan.

RESPONSE D-3: The County of Santa Clara submitted a Regional NPDES Storm Water Phase II Permit to the Central Coast RWQCB on September 1, 2009. The permit would cover Southern Santa Clara County, including the Cities of Morgan Hill and Gilroy. Future development consistent with the Downtown Specific Plan will be subject to the Phase II NPDES permit in place at the time the project is proposed. The text of the water quality regulatory overview has been revised to reflect these requirements as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT D-4: Section 3.6.2.3 Flooding – This section contains one mitigation measure which addresses increased runoff from development and one measure to prevent new development from flooding. Although mitigation is proposed to address increased runoff to West Little Llagas Creek from development, the District recommends the measure be more specific to address the fact that West Little Llagas Creek floods rather frequently such as during a 3-year event. The District recommends measure SM HYDRO-6 be modified to state "... the runoff rate from the proposed development would be less than or equal to existing conditions during various flood events such as a 3-year, 10-year, 25-year and 100-year..." or other similar condition to address the effects of increased runoff during a range of flood events to ensure existing areas subject to flooding do not experience increased frequency of flooding. The District also recommends mitigation be provided to address impacts to the existing floodplain from fill or blockages due to development which can increase existing water surface elevations or change the location or pattern of the existing floodplain. The City's Flood Damage Prevention Ordinance, Section 18.42.140, includes language which may address this concern.

RESPONSE D-4: Future development proposed consistent with the Downtown Specific Plan would be subject to the City's standard conditions of approval identified as SM HYDRO-5 and SM HYDRO-6 in the Draft MEIR. The City of Morgan Hill's current standards do not require that a project demonstrate runoff is not increased in a three-year or ten-year storm event, but do require projects to provide detention for a 25-year storm event or retention for a 100-year storm event. The City allows underground storage in pipes and/or vaults, green roofs, and construction of upstream detention facilities to reduce the impact of increased runoff from new development. The Morgan Hill Municipal Code requires documentation from a registered professional engineer, in accordance with the Flood Damage Prevention Ordinance, that development will not increase the base flood elevation. The flooding impacts discussion is revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT D-5: Section 3.6.2.3 Water Quality – This section contains two mitigation measures to address water quality issues from construction associated with the Specific Plan. Although there is a background discussion on post-construction water quality impacts that may be produced by development of the Specific Plan, neither SM HYDRO-7 nor SM HYDRO-8 includes measures to address post-construction water quality impacts. Post-construction water quality mitigation measures can be found at the Santa Clara Valley Urban Runoff Pollution Prevention

Program's website (http://www.scvurppp-w2k.com/default.htm). It may be helpful to reference post-construction water quality mitigation measures required as part of the City's municipal NPDES permit or included in the City's Storm Water Management Plan.

RESPONSE D-5: The City currently requires development to construct detention basins with capacity for the 25-year storm event. As discussed in the City's SWMP and included in the Draft MEIR as SM HYDRO-3, this requirement allows for the percolation/filtration of storm water runoff and at the same time controls the rate of flow into the downstream drainage system. Additional BMPs implemented by the City include use of mechanical treatment units, stenciling and signage, and recordation of a maintenance agreement for BMPs. The text of the MEIR has been revised to reflect that future projects will be required to implement Best Management Practices during post-construction periods under the NPDES permit for construction activity for project more than one acre in size (SM HYDRO-8) and the City's municipal NPDES permit and Storm Water Management Plan (SM HYDRO-9).

E. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE CITY OF MORGAN HILL PLANNING COMMISSION PUBLIC HEARING ON SEPTEMBER 1, 2009.

COMMENT E-1: Commissioner John Liegl: Concerned about the impacts to the intersection of Main Avenue and Monterey Road. The major concern is that there is a bottleneck at this location, and the potential Project Alternate with its narrowing of Monterey Road would further contribute the bottleneck. Is there any level of mitigation that could be implemented, such as narrowing the sidewalks, or different signal phasing/operations?

RESPONSE E-1: The mitigation required to reduce the impact to Monterey Road and Main Avenue is identified in *Section 3.2 Transportation* of the Draft MEIR and includes reduced travel lane and sidewalk widths as well as signal phasing modifications. If redevelopment of the buildings at the corners of this intersection occurs, widening conceivably could be accomplished. However, since it is not known whether or when these private property owners will redevelop these properties and perhaps provide an opportunity to remove the building constraints and widen the right-of-way, the impact is significant and unavoidable. Narrowing of Monterey Road is not part of the proposed Downtown Specific Plan project. Decisions regarding the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

COMMENT E-2: Commissioner Robert Escobar: Would the Project Alternate either increase or eliminate parking on Monterey Road?

RESPONSE E-2: Implementation of the Project Alternate would be subject to a community planning process to identify the preferred use of the right-of-way. The Draft MEIR analysis assumed parallel parking would be allowed on both sides of the street. As noted in Response E-1, narrowing of Monterey Road is not part of the proposed project and decisions regarding the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

COMMENT E-3: Commissioner Susan Koepp-Baker: If the Monterey Road Narrowing Design Alternative is implemented, such that the block between Dunne and 5th is kept 4 lanes, how long would it take to clear traffic at the intersection of Monterey/Fifth where the merge from two to one lane in each direction occurs?

RESPONSE E-3: During peak periods the northbound through movement would experience greater than 90 seconds of delay per vehicle from the back of the vehicle queue at Monterey Road and Dunne Avenue through the merging traffic north of Dunne Avenue before Fifth Street, under the Monterey Road Narrowing Design Alternative. During non-peak periods this delay would be minimal. However, narrowing of Monterey Road is not part of the proposed Downtown Specific Plan project.

As previously described, decisions regarding the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

COMMENT E-4: Commissioner John Moniz: Is it realistic to assume in the traffic analysis that all of the identified 2015 circulation improvements would be implemented in the next five years, recognizing that the outputs received from the model are based on this assumed roadway network?

RESPONSE E-4: The 2015 Roadway Network assumptions are near-term improvements that were identified through a combination of sources. These roadway improvements are listed in the City of Morgan Hill Capital Improvement Program and/or are associated with a development application or priority projects of the Morgan Hill Redevelopment Agency for which bond financing was obtained. The inclusion of these improvements in the 2015 analysis, therefore, is considered reasonable.

It is important to recognize that the "Year 2015" roadway network is based upon projected conditions and reflects the best estimate at the time the projection was made.

COMMENT E-5: Chairperson Wayne Tanda: What roadway improvements are included in the Project Alternate condition?

RESPONSE E-5: The Project Alternate condition includes the same roadway network as allowed under the 2015 and 2030 conditions with the exception of Monterey Road narrowed from four to two lanes from Main Avenue to Dunne Avenue and Depot Street continuing to form an intersection at Dunne Avenue instead of the previously planned closure.

COMMENT E-6: Vice-Chairperson Joseph Mueller: The EIR should discuss the reduction in noise resulting from the rail line undercrossing on Dunne Avenue being implemented – there will be less train whistles.

On page 125 of the EIR, further description is needed of what would be required to implement the "quiet zones" for the at-grade rail crossings to reduce train whistle noise.

RESPONSE E-6: Construction of a rail line undercrossing on Dunne Avenue would avoid the need for train horns to be blown at the current at-grade crossing. Train horns would continue to be used as trains pass the Caltrain station and at-grade crossings at Main Avenue and San Pedro Avenue south of the Specific Plan project area. Although the rail line undercrossing would reduce noise levels in the project area the benefit from a reduction in noise levels would be limited to a small area due to the presence of other at-grade crossings nearby and the Caltrain station.

Mitigation for noise impacts due to trains includes the potential to designate at-grade rail crossings as "quiet zones". A quiet zone could be designated with the implementation of Supplemental Safety Measures (SSMs) which may include temporary closure of the crossing from 10 p.m. to 7 a.m., installation of a four-quadrant gate system to completely block traffic from the crossing, installation of gates with medians or channelization devices extending 100 feet from the crossing, and/or a wayside horn system directed toward traffic. Designation of a quiet zone for at-grade crossings in the Specific Plan project area would require coordination with the Federal Railroad Administration to ensure all safety standards are met. The text of the MEIR has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR.*

COMMENT E-7: Vice-Chairperson Joseph Mueller: The Reduced Project Alternative that allows less development than the current General Plan should be revised to instead address a geographically smaller downtown project area, reducing square footage and concentrating development in the blocks between 2nd and 4th Avenues. Would like the EIR to include an alternative that is half way between the No Project Alternative and the Project.

RESPONSE E-7: The Draft EIR includes a range of alternatives designed to reduce one or more of the significant impacts of the project. The Reduced Scale Alternative would reduce all of the transportation impacts of the project and would be roughly equivalent to 258 more residential units, 27,000 square feet of retail uses and 18,000 square feet of office space than under existing conditions. Some intensification and tall building heights would be allowed along Monterey Road, which could include the area centered between 2nd Avenue and 4th Avenue.

An alternative that allowed only one-half of the difference in growth in 2030 between the existing General Plan and the proposed Downtown Specific Plan would allow approximately 128,000 square feet of retail uses and 890 dwelling units. For the purposes of traffic impact analysis, this would represent a reduction of approximately 58,000 square feet of retail uses and 514 dwelling units compared to the proposed project. The projected office/service uses would be the same under both the existing General Plan and the proposed Specific Plan. Such an alternative could involve intensification and rezoning of the blocks between Second and Fourth Streets to CBD from the current CC-R zoning. The zoning for the remaining blocks covered under the Downtown Specific Plan would not change. Trip generation would be reduced under such an alternative, but significant impacts of the project at the intersections of Monterey Road/Main Avenue

and Depot Street/Main Avenue would not be reduced to a less than significant level. The cumulative impacts for such an alternative would be similar to the proposed project.

The objectives of the project call for increasing residential density within the Specific Plan boundary, as well as on opportunity sites outside the Specific Plan boundary to support Downtown businesses and to create a strong downtown residential neighborhood. This alternative would not wholly meet this objective in terms of increasing residential density on opportunity sites to support Downtown businesses.

COMMENT E-8: Vice-Chairperson Joseph Mueller: General concern regarding the need for a fire station and the number of projects that are approved and may be approved before the station is definitely provided. The impact on response time is not discussed. How many projects can be approved before the threshold is tripped at which point construction of the station becomes mandatory.

RESPONSE E-8: According to the South County Regionalized Fire Protection and Emergency Medical Services Study Update presented to the City Council on September 23, 2009, the majority of known future Morgan Hill development through 2030 is adequately covered within a six minute response time which meets the City's goal to provide a total response time of seven minutes for 90 percent of all emergency responses. The closest fire station serving the downtown area is located within four minutes travel time to the center of the Specific Plan project area. Given that fire and emergency medical services currently meet the City's stated response time goals and are expected to be able to continue to do so based on planned development through 2030, it is not anticipated that development within the downtown area would cause a health or safety risk.

COMMENT E-9: Vice-Chairperson Joseph Mueller: Do a run of the traffic model that includes keeping Depot Street connected to Dunne Avenue by re-routing it through the Community & Cultural Center parking lot, and see how that helps LOS at Monterey/4th and Monterey/5th, under both Project (Monterey at 4 lanes) and Project Alternate (Monterey at 2 lanes) Scenarios.

RESPONSE E-9: Two model runs were completed by the City's transportation consultants to compare AM and PM peak hour intersection forecasts at four intersections (e.g., Monterey Road at Fourth Street, Fifth Street, and Dunne Avenue, and Dunne Avenue at Church Street) under Cumulative GPA Conditions with the Depot Street realignment with Church Street, and Monterey Road as four- and two-lanes in downtown Morgan Hill. This realignment of Depot Street with Church Street improves roadway network connectivity to Dunne Avenue, but shifts 30 to 50 southbound left turns from Monterey Road at Dunne Avenue to Church/Depot Street at Dunne Avenue during both peak hours. The intersection of Dunne Avenue and Church Street is estimated to operate at LOS C or better during both peak hours with the Depot Street realignment, and Monterey Road as either four- or two-lanes in downtown Morgan Hill.

Under the Cumulative GP Conditions with a four-lane Monterey Road and realignment of Depot Street with Church Street at Dunne Avenue:

- Monterey Road at the Fourth and Fifth Street intersections is estimated to operate at LOS F during both peak hours. Relative to Cumulative GPA Conditions, the realignment of Depot Street with four-lane Monterey Road increases average control delay per vehicle by 12 to 250 percent at the Monterey Road intersections of Fourth and Fifth Street. This increase in delay is primarily due to a four-lane Monterey Road within downtown Morgan Hill.
- The average control delay per vehicle is reduced by nine to 23 percent relative to Cumulative GPA Conditions at the intersection of Dunne Avenue and Monterey Road. This decrease in delay is primarily due to a four-lane Monterey Road within downtown Morgan Hill and would not change the LOS.

Under the Cumulative GP Conditions with a two-lane Monterey Road and the realignment of Depot Street with Church Street at Dunne Avenue:

- Monterey Road at the Fourth and Fifth Street intersections is estimated to operate at LOS F except during the AM peak hour when the side-street stop control is estimated at LOS E. Relative to Cumulative GPA Conditions, the realignment of Depot Street reduces average control delay per vehicle by 15 to 54 percent at the Monterey Road intersections of Fourth and Fifth Street but would not change the LOS.
- The average control delay per vehicle is reduced by one to three percent relative to Cumulative GPA Conditions at the intersection of Dunne Avenue and Monterey Road but would not change the LOS.

Decisions regarding changes to the roadway network within the Specific Plan project area will be considered as part of the Circulation Element Update.

COMMENT E-10: Chairperson Wayne Tanda: Under the project scenario, the intersection of greatest concern is Monterey at Main; however, the wait times are not unreasonable at 60 seconds (LOS E) under the Project (with Monterey at 4 lanes). The Project Alternate results in much longer delays, at 102 seconds (LOS F) when Monterey Road Narrowing is assumed. Some congested communities have "levels of F", and perhaps we need to consider a "floor" to an F that Morgan Hill would allow, rather than having no standard whatsoever.

RESPONSE E-10: Impacts to intersections resulting from the proposed Downtown Specific Plan were identified based on the City's current LOS policy. Changes to the City's Level of Service (LOS) policy are being considered as part of the City of Morgan Hill's Circulation Element Update. The proposed Downtown Specific Plan would not result in any modifications of the existing LOS policy. This comment is acknowledged and the City staff indicates that possible modification of the proposed LOS policy will be considered and could occur through the Circulation Element Amendment process.

COMMENT E-11: Chairperson Wayne Tanda: The intersection LOS spirals down under two-way stop controls and signalization should be analyzed, even though warrants are not met under the

warrant analysis performed by the consultants. Should an "area warrant" versus a "signal warrant" be used? Restricting these intersections to right-turn only during peak hours should also be considered. Monterey Road will have free flow, but delays will be greater on side streets.

RESPONSE E-11: An "area warrant" (Roadway Network Warrant 8 within the California Manual of Uniform Traffic Control Devices) is one of a number of warrants that can be considered to determine whether a signal is needed at a given location. Use of an "area warrant" can support a traffic signal that encourages concentration and organization of traffic flow on a network.

The unacceptable operation of an unsignalized intersection and meeting the peak-hour signal warrant is the impact criteria defined in the *Guidelines for Preparation of Transportation Impact Reports* (May 2008). The use of the peak-hour signal warrant is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. The traffic analysis presented in the Draft MEIR estimates future development-generated traffic compared against a sub-set (peak-hour warrant) of the standard traffic signal warrants recommended in the *Manual of Uniform Traffic Control Devices* (MUTCD), Federal Highway Administration (2000), and associated State guidelines. As noted in the TIA (Appendix C of the DMEIR), this analysis may not serve as the only basis for deciding whether and when to install a signal; however, it is the adopted method used by the City to determine significant impacts under CEQA.

Recognizing that as traffic volumes increase in the Downtown safety and operational issues could arise, the Specific Plan has been revised to include monitoring of the unsignalized intersections in the Downtown and evaluation of the possibility of restricting cross traffic movements on Fourth Street and Fifth Street at Monterey Road and/or other turning movements in the Specific Plan project area. Signalization of additional intersections or changes in turning movements may be considered, if conditions warrant in the future. Refer to the Addendum to the Specific Plan in *Section 4 Revisions to the Text of the Draft EIR*.

COMMENT E-12: Chairperson Wayne Tanda: What LOS standard do other downtowns use, such as Los Gatos, San Jose and Mountain View?

RESPONSE E-12: The City of Los Gatos uses an LOS C standard for all intersections. The City of San José generally uses an LOS D standard for intersections and roadways not within the Downtown Core. Per the San José General Plan, intersections located within the Downtown Core are exempt from having to meet the City's LOS policy to meet the City's primary goals of vitality, activity, and transit use. Furthermore, the City Council has approved a list of Protected Intersections within special planning areas (i.e., Transit-Oriented Development Corridors, Planned Residential/Community Areas, Neighborhood Business Districts, and Downtown Gateways) that have been built to planned vehicle capacity. Mitigation for impacts to Protected Intersections in San José includes measures to promote non-vehicle modes of transit within the special planning areas. Similar to the City of San José, the City of Mountain View uses an LOS D standard for intersections and

roadways except for the Downtown and San Antonio Shopping Center areas. The City of Mountain View uses an LOS E standard for roads in the Downtown and San Antonio Shopping Center areas, as well as for the Congestion Management Agency roadway network.

COMMENT E-13: Commissioner John Liegl: Have one-way streets or one-way couplets been considered on any of the roadways within the project area?

RESPONSE E-13: The City of Morgan Hill did review the possibility of one-way streets or couplets in the downtown area, however the planning and transportation consultants who assisted with the planning effort advised that Downtown Morgan Hill is not a good candidate for such a configuration, given existing constraints to circulation from topography and the UPRR corridor, existing land uses, road right-of-way needed to accommodate cars backing out of driveways, and so forth. The Specific Plan includes the following discussion on page 3-7 of the July 2008 Downtown Specific Plan in the "Pedestrian-Friendly, Multi-Modal Circulation" section: "Two-way streets (streets with vehicular movement in both directions) are strongly encouraged, and one-way streets should be avoided, whenever feasible. One way side streets may require removal of parking spaces along one side of the street and could negatively impact vehicular circulation, both of which are not recommended."

F. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM MORGAN HILL PLANNING COMMISSION CHAIRPERSON WAYNE TANDA, DATED SEPTEMBER 2, 2009.

COMMENT F-1: The alignment of the proposed high speed line through Downtown Morgan Hill should be addressed in the Final EIR and in the Downtown Specific Plan. Given, however, that a high speed rail line through the Downtown may have a dramatic negative impact on abutting and nearby properties, an objective evaluation of the alignment of the high speed rail line in the Route 101 corridor should be strongly advocated by the City.

RESPONSE F-1: The proposed high speed rail line through Downtown Morgan Hill is currently planned to be on or adjacent to the existing UPRR right-of-way. The high speed rail line is a separate project under consideration by the California High-Speed Rail Authority and is discussed in *Section 5 Cumulative Impacts* of the Draft MEIR. The cumulative noise and vibration impacts of the high speed rail line as disclosed in the Program EIR for the high speed rail project are discussed in Section 5.2.3 of the MEIR. The California High-Speed Rail Authority is currently preparing a project-level EIR and Environmental Impact Statement (EIS) for the San José to Merced section of the High-Speed Train Project. Alternative alignments and/or whether specific segments will be at-grade, elevated, or below grade are anticipated to be addressed in the Draft Program EIR/EIS. The City of Morgan Hill can provide comments on the impacts of the High-Speed Train Project as part of the Draft EIR/EIS for that project. It should also be noted that the City of Morgan Hill has expressed a strong preference that High Speed Rail be located adjacent to the US 101 freeway through Morgan Hill, rather than through Downtown.

G. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM MORGAN HILL PLANNING COMMISSION VICE CHAIRPERSON JOSEPH MUELLER, DATED SEPTEMBER 7, 2009.

COMMENT G-1: Page 36, Paragraph 4. Third and fourth sentences need to be clarified. Third sentence does not apply at the corner which is an 80 foot square of retail.

RESPONSE G-1: The Downtown Specific Plan would modify the application of the Ground Floor Overlay and retail depth requirements. The Ground Floor Overlay includes all properties fronting on Third Street and portions of the properties fronting Monterey Road. The Ground Floor Overlay requires a minimum retail depth of 50 feet on Third Street, 60 feet on Monterey Road, and 80 feet at intersections. The identified text has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-2: Page 37, Table CBD line. Minimum lot size does not work for corners.

RESPONSE G-2: The comment is acknowledged. The Addendum to the Specific Plan includes revisions to the discussion of the Central Business District development standards on pages 2-24 and 2-35 to incorporate an adequate lot size for corner lots. Table 2.1-1 of the Draft Master EIR has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-3: Page 37, Table CBD line. 2.25 FAR requires at least 22K SFT.

RESPONSE G-3: The comment is acknowledged. The notes section of the table identifies the 22,000 square foot lot requirements for the 2.25 FAR.

COMMENT G-4: Page 42, Paragraph 3. The EIR Project Area is larger than the Specific Plan area. The Draft EIR appears to be using the two terms interchangeably which can cause some confusion including "Specific Plan Project" on Page 43 Paragraph 1.

RESPONSE G-4: The Downtown Specific Plan identifies the limits of the Downtown Core and a Downtown Specific Plan Boundary but also includes General Plan land use designation and zoning changes on properties outside these boundaries (Blocks 19 and 20). Discussion in the Draft MEIR referring to the Specific Plan project area, as described on page 33 of the DMEIR, is intended to address all proposed changes identified in the Downtown Specific Plan. This includes areas within the Specific Plan boundary, Blocks 19 and 20, and on parcels zoned *Central Commercial Residential* (CC-R).

The sentence identified on page 43 of the DMEIR, although not using the exact phrasing on page 33 of the Draft MEIR, refers to the Specific Plan project area and clearly states the areas of Downtown and the vicinity included in the calculations being discussed.

COMMENT G-5: Page 42, Paragraph 4. What does "conservative analysis" mean?

RESPONSE G-5: The identification of the water supply assessment and traffic analyses as being conservative means the growth assumptions for each analysis were

slightly greater than what is expected to occur and, therefore, the analyses identify greater environmental effects than are likely to occur.

COMMENT G-6: Page 42, Paragraph 5 and 6. Need to reference how the increased development was arrived at.

RESPONSE G-6: The development assumptions for the Specific Plan that were used in the Draft MEIR are discussed in detail in Chapter 2 of the Draft Downtown Specific Plan. A table showing development projections on each block is included as Appendix C of the Specific Plan. The July 2008 Draft Morgan Hill Downtown Specific Plan is included as Appendix B of the Draft MEIR.

COMMENT G-7: Page 45, Paragraph 3. "Build out" should be projected 2030 development the Specific Plan goes will require more than 808 at complete build out.

RESPONSE G-7: This comment refers to the discussion of parking demand to accommodate development projected by 2030. The 808 parking spaces required to accommodate additional development under the Specific Plan takes into consideration the existing parking supply. An impact analysis of the proposed parking supply and demand by 2030 is included in Section 3.2.2.4 of the Draft MEIR. The land use projections of the Specific Plan, parking demand analysis, and EIR impact analysis is all based on projected development by 2030, not "build out". This is a typical methodology for General Plan level plans and analyses, and such Plans and analyses are typically updated every 10, 15, or 20 years as conditions warrant.

COMMENT G-8: Page 54, Paragraph 2. The last sentence is not correct. The exempt units are limited to 600 units (Measure A and F) not any project within the 20 block area.

RESPONSE G-8: The comment is acknowledged. This discussion has been clarified as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-9: Page 61, Paragraph 1. Implication is that the peak hour traffic for the retail is larger than residential. Is this a correct assumption?

RESPONSE G-9: A 90,000 square foot commercial building generates more traffic than 90 single-family homes and a 17,000 square foot commercial building during the PM peak hour. The PM peak hour is presented here as there are greater traffic volumes during the PM peak hour than during the AM peak hour.

COMMENT G-10: Page 65, Paragraph 3. Impact. The EIR should comment on the impact of the shading on open Plaza's or Public gathering places.

RESPONSE G-10: The Draft MEIR discusses the impacts of shading on the Community Center on Block 6 and Britton Middle School adjacent to Block 19 on page 63. These areas were identified as the largest public gathering spaces within the Specific Plan project area. New public gathering spaces, such as the Third Street Promenade, may also experience some shading from buildings up to 55 feet in height; however, the Specific Plan development standards require building stepbacks to provide solar access to adjacent streets. Therefore,

shading by new structures is not anticipated to significantly affect the intended use of these spaces. Additional shading discussion is provided in *Section 4 Revisions to the Text of the Draft EIR*.

COMMENT G-11: Page 68, Paragraph 4. Monterey has two southbound lanes from just south of the Monterey/Old Monterey intersection which is a long way from Monterey and Wright Avenue.

RESPONSE G-11: The comment is acknowledged. The description of Monterey Road has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR* and in the Transportation Impact Analysis in Appendix C.

COMMENT G-12: Page 72, Route 15. Route 15 has been cancelled. The EIR should comment on the impact of this cancellation on traffic counts.

RESPONSE G-12: The cancellation of Route 15 would have a negligible effect on traffic counts.

COMMENT G-13: Page 83, Paragraph 6. Where is Table 13?

RESPONSE G-13: Table 13 is located in the Transportation Impact Analysis included as Appendix C of the Draft MEIR. The text has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-14: Page 87, Paragraph 2. Increased development has been assumed. Where is the increase development located?

RESPONSE G-14: The three tables on page 2-15 of the July 2008 Public Review Draft of the Downtown Specific Plan present the land use projections by geographic area: the first table is for the 14-block Downtown Core, the second table is for the 18-block Downtown Specific Plan area, and the third table is for all 20 blocks and CC-R zone area that are addressed by the recommendations of the Plan. For the traffic study, the land use projections by block were assigned to the Traffic Analysis Zones for modeling purposes. In the Specific Plan land use projections, Block 20 was initially projected to redevelop by 2015, but due to 2008/2009 "Great Recession" conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present "worst case" traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site, which accounts for some of the increased residential development beyond the 850 new units by 2015 that were projected by the Specific Plan. The other 78 units and minor amount of additional retail/office/service development assumed by the traffic model but not reflected in the Specific Plan land use projections are due to decisions to make conservative modeling assumptions where staff believed there was some possibility of increased development on sites, and also due to rounding and assigning development in a conservative manner to ensure that traffic impacts were not under-analyzed for the projected Year 2015 conditions.

COMMENT G-15: Page 87, Paragraph 5. Please explain "internal to downtown area." Is this limited to the Specific Plan area?

RESPONSE G-15: The trip generation estimates and internalization of trips were based on development within the entire Specific Plan project area.

COMMENT G-16: Page 95, Paragraph 1,2. Retail space numbers do not appear to be consistent. I believe the 186K SFT includes 90K SFT that is already in the existing conditions.

RESPONSE G-16: The three tables on page 2-15 of the July 2008 Public Review Draft of the Downtown Specific Plan present the land use projections by geographic area: the first table is for the 14-block Downtown Core, the second table is for the 18-block Downtown Specific Plan area, and the third table is for all 20 blocks and CC-R zone area that are addressed by the recommendations of the Plan. For the traffic study, the land use projections by block were assigned to the Traffic Analysis Zones for modeling purposes. In the land use projections, the projected "net new" retail development within the 18 block area is about 166,000 square feet. In the traffic modeling for this 18 block area, about 188,000 new square feet of retail development is assumed; the additional 20,000 square feet consists of 8,000 new square feet of retail on Block 7, as well as an additional 12,000 new square feet of retail on Block 12, which is beyond the level that the land use projections had shown. So the traffic modeling for the 18 block area is a conservative analysis reflecting even more new retail development than the Specific Plan land use projections.

Block 20 is the existing shopping center at the southwest corner of Dunne Avenue/Monterey Road, which is technically outside of the Specific Plan boundary, but is included in the geographic area of the third table on page 2-15 of the Plan, because the Plan contains land use recommendations for the block that are being pursued along with adoption of the Specific Plan, and the Master EIR addresses these recommendations as well. In the Specific Plan land use projections, Block 20 was initially projected to redevelop by 2015, but due to 2008/2009 "Great Recession" conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present "worst case" traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site.

The land use projections of the third table in the Specific Plan showed a "net new" of 93,490 retail square feet for a total retail of 306,855 square feet within the twenty blocks, which reflects that 73,000 square feet of retail development on Block 20 were assumed by the Specific Plan to be demolished and replaced with residential development. If Block 20 were to remain retail to 2030, then the total retail within the 20 blocks would be projected at 379,855. In summary, the traffic model assumes both the higher level of retail use AND the same level of projected residential development, in that the units originally assumed for Block 20 are shifted to Block 16. The growth assumptions used in the traffic impact analysis are somewhat greater than those of the Specific Plan land use projections. The analysis, therefore, does not underestimate any environmental effects of the project.

It should be noted that redevelopment of Block 20 in the manner proposed by the Specific Plan, to Multi-family Medium/R-3 west of the SCVWD ROW

and Mixed Use/CC-R east of the ROW remains a land use goal for Block 20. A "Commercial Use Overlay" is therefore proposed to be added to the Multi-Family Medium parcels, to allow for use of a Commercial Administrative Use Permit Process for Block 20, so that commercial use could continue to occur in the interim before redevelopment of the block is feasible.

COMMENT G-17: Page 103, Table. How was the residential parking requirement calculated and does it include guest parking?

RESPONSE G-17: The residential parking requirement assumed one space for units less than 600 square feet, 1.5 spaces for units between 600 and 1,350 square feet, and 2 spaces for units greater than 1,350 square feet. These rates do not include guest parking. Residential development would be required to provide for resident parking demand on-site. The Specific Plan and Parking Strategy do not require residential guest parking within the 14-block Downtown Core; guests would use the common public parking supply in the downtown area, and the parking consultant states that this is an appropriate policy for the downtown and that the level of public parking supply will generally be able to meet residential guest parking demands due to different timing of demand for guest parking. The mitigation measure that calls for the City to monitor the level of public parking and ensure that supply keeps pace with demand addresses the concern about the possibility of inadequate public parking supply.

COMMENT G-18: Page 104, Paragraph 3. Where is Figure 9?

RESPONSE G-18: Figure 9 was included in the project description on page 47 of the Draft MEIR. The text has been revised to direct readers to the figure as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-19: Page 109, Paragraph 2. Instead of every two years, what about a Development trigger?

RESPONSE G-19: Monitoring on a consistent and regular basis is proposed to allow for the planning and construction of new parking supply and to track changes in demand from residents, employees or visitors to the Downtown. Because redevelopment projects could remove existing parking supply and/or increase parking utilization rates, additional capacity may be needed at various times and not just when a development trigger is exceeded. A regular, ongoing monitoring program is proposed so that new parking facilities are made available as parking occupancy throughout the Downtown rises.

COMMENT G-20: Page 122, Impact. How much of this impact can be reduced by building placement?

RESPONSE G-20: Buildings would be expected to provide at least 10 dBA of noise reduction in shielded exterior areas (e.g., courtyards). There would be variations in the noise level reduction depending on the site plan, however, a reduction of 10 dBA would be achievable. A combination of shielding and additional

setbacks may be necessary to achieve the desired noise level 60 dBA L_{dn} in recreation areas and 70 dBA L_{dn} near the railroad.

COMMENT G-21: Page 123, Paragraph 6. What about noise levels from special events on Third Street, other streets or open plazas? Some events could occur on a regular basis or be multiple days long.

RESPONSE G-21: Noise levels resulting from special event in downtown would be temporary and most would not be expected to generate noise in excess of average ambient traffic noise levels on roadways. Roadways such as Third Street or Monterey Road could be temporarily closed to accommodate such events. Noise from special events, including amplified music and loud voices, could be discernable and could be a source of annoyance. The City reviews proposed special events to ensure acceptable levels and events are subject to City ordinances requiring event permits, with associated noise level and time restrictions for outdoor events. Temporary events that the City may permit and any associated temporary higher noise levels are not considered significant impacts that must be mitigated.

COMMENT G-22: Page 133 Local Air Quality. How does this analysis document the impact of the lower LOS standards when the VMT and traffic projects do not reach the proposed standards at most intersections?

RESPONSE G-22: The Local Air Quality analysis reviewed the intersections with the worst intersection LOS and the highest potential for elevated concentrations of carbon monoxide. Carbon monoxide (CO) levels were estimated for five intersections based on the existing and projected intersection LOS. Carbon monoxide levels resulting from the addition of project trips in 2015 and 2030 in combination with planned development were reported. None of the estimated CO levels exceed the state or federal standards. It should be noted that carbon monoxide emission rates from vehicles are expected to decrease in the future. The analysis is for projected conditions, and is not based on LOS standards.

COMMENT G-23: Page 151. I believe there is a rule against altering the pattern of flooding. Will the increased building coverage allowed by the Project violate this rule?

RESPONSE G-23: Future development proposed consistent with the Downtown Specific Plan would be subject to the City's standard conditions of approval identified as SM HYDRO-5 and SM HYDRO-6 in the Draft MEIR. The Morgan Hill Municipal Code requires documentation from a registered professional engineer, in accordance with the Flood Damage Prevention Ordinance, that development will not increase the base flood elevation. The flooding impacts discussion is revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-24: Page 152, Paragraph 6. I believe the statement that the Monterey Road narrowing would include removal of the landscape median is wrong. No decision to include removal of the median has been made.

RESPONSE G-24: In order to provide a conservative or worst-case analysis of the project's impacts, it was assumed throughout the Draft MEIR that the Project Alternate, which would narrow Monterey Road to two lanes, would include removal of the landscaped median. Decisions regarding the configuration of Monterey Road through Downtown; however, will be made in the context of the Circulation Element of the General Plan and not the Downtown Specific Plan. The Addendum to the Downtown Specific Plan does modify language regarding the potential use of the Monterey Road under a narrowed configuration, as follows in Chapter 7:

"Monterey Road runs north-south and is the main street in Downtown. Through Downtown, it currently has four lanes with on-street parallel parking. The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road."

COMMENT G-25: Page 154, Paragraph 1. Please explain why multiple dry years is only 200 AF less than normal when a single dry year is 13,000 AF less than normal.

RESPONSE G-25: The text on page 154 summarizes information presented in the Water Supply Assessment prepared for the project and provided in Appendix F of the Draft MEIR. As shown in Table 9 of the Water Supply Assessment, the multiple dry water year supply is based on conditions during the period 1987-1992 and the single dry year supply is based on conditions in 1977. The water supply estimates for multiple dry years and single dry year are consistent with the estimates listed in the City of Morgan Hill 2005 Urban Water Management Plan and are based on the estimates presented in the regional Urban Water Management Plan (2005) prepared by the Santa Clara Valley District.

COMMENT G-26: Page 173, Paragraph 4. What is the proposed revision to the City's Historic Resources Code?

RESPONSE G-26: The identified text is a misstatement. The Historic Resources Chapter of municipal code was revised in August 2008. The text has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-27: Page 196, Scenic views. With 3 and possibly 4 story buildings on some sites, other sites will probably lose their views of El Toro, Western or Eastern hills. It is also possible that views from an early project could be altered by a later project. Is this a significant impact?

RESPONSE G-27: The Specific Plan project area is a developed urban area currently developed with one- and two-story development. As discussed in Section 3.11.2.2, El Toro can primarily be seen from Monterey Road north of Main Avenue and Nob Hill can be seen between Second and Fifth Streets. Views of the hills are currently blocked where two-story development, fences, and tall trees exist. Additional modification of these views from an existing urbanized area is not considered a significant impact. Views from existing or future private development that are altered by a later project are not protected views and this type of situation would not result in a significant visual or aesthetic impact under CEQA.

COMMENT G-28: Page 203, AM ENER-1.1. The energy section should discuss the impact of the exemption of 500 units from RDCS which will result in lower BIG scores for these units. Current RDCS projects commit to 131 points versus the 70 points required under the sustainability ordinance.

RESPONSE G-28: Development of higher-density residences than currently exist downtown and infill commercial development are consistent with reduced energy use. The proposed project promotes the use of mass transit and allows residents and workers to access their service needs without the use of an automobile which could reduce energy consumption in the form of gasoline. Mitigation measures for other impact areas, such as air quality, would also allow for the reduction of energy use. Although not required as mitigation or through the RDCS process for Downtown, the City Council would retain the discretion to require a higher Build-It-Green point total consistent with the RDCS process for future development in the Specific Plan project area as a policy and regulatory choice.

COMMENT G-29: Page 206, Paragraph 1. The Morgan Hill Unified School District should be included in the last sentence.

RESPONSE G-29: The text on page 206 has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-30: Page 206, Paragraph 5. The more relevant measure of response time is 5 minutes travel time (90% of the time) since it is determine by the distance between the first responding Fire Station and the location in question.

RESPONSE G-30: Refer to Response E-8.

COMMENT G-31: Page 209, Paragraph 2. My copy of the Draft CIP does not have a 40 acre passive park. An addition of 40 acres will not reach the 5 acre/1000 residents goal if the active recreational lands are removed from the list used to reach 213 acres.

RESPONSE G-31: At the time the Draft MEIR was written, the City had a signed Letter of Intent with the owner of a 43-acre site. As of the time of responding to this comment, the City and the property owner have entered into a formal Purchase Agreement as approved by the Morgan Hill City Council, and the City Council intends to use the acreage for both ballfields and a community park. The General Plan 5.0 acres per 1,000 population standard includes all

types of parks and recreation facilities, both active and passive. Community Development Element Policy 18.c states: "The City shall acquire and develop parks and recreation facilities, and develop joint use agreements with other agencies and organizations that provide community recreation facilities, to achieve a standard of 5 acres of parkland per thousand population. Parkland toward this standard shall be calculated based on the recommendations and Parkland Classification System in the Parks, Facilities and Recreation Programming Master Plan." The text of the Policy, and the content of the Master Plan, clearly includes recreation facilities along with parks within the 5 acres per thousand standard.

According to the City's Existing Parkland Inventory, as updated in October 2009, the City has approximately 249 acres of developed and undeveloped parkland. This includes parkland maintained by homeowner's associations at a rate of 50 percent of their total parkland acreage. The City's current park acreage would accommodate a population of 49,800 residents. As discussed in the Draft MEIR, the implementation of the Downtown Specific Plan could result in the need for an additional 10.5 acres of parkland by 2030.

COMMENT G-32: Page 209, Paragraph 2, The latest estimated population is 42,950 per June 2009 RDCS Quarterly Report.

RESPONSE G-32: The Draft MEIR discussion included State Department of Finance population estimates of 39,814 residents as of January 1, 2009. The text of the Draft MEIR has been revised as shown in Section 4.

COMMENT G-33: Page 211, Paragraph 4, The addition of a third Fire Station would reduce response times not increase response time.

RESPONSE G-33: This comment is acknowledged. The addition of a third fire station would reduce fire service response times in Morgan Hill. The text on page 211 has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR.*

COMMENT G-34: Page 212, Impact PS-1. A third Fire Station has been planned for many years. How long after a need is identified does it become a significant impact if it has not been built? In this case, we are increasing density in a small area which means more complex fire situation.

RESPONSE G-34: Refer to Response E-8. As noted on page 211 of the Draft MEIR, new development would be built in conformance with current codes, which would reduce fire hazards compared to older structures. Tall buildings also would be required to have interior fire fighting features and adequate access for fire fighting equipment in conformance with current codes and local requirements.

COMMENT G-35: Page 212, Police Service. No discussion of increased call demand over the average Morgan Hill residential area due to the increased residential density in the Specific Plan Area.

RESPONSE G-35: The proposed Specific Plan could increase call volumes for police services. As discussed in the Draft MEIR, the design of development allowed under the

Specific Plan will be reviewed to ensure that it incorporates appropriate safety measures to minimize criminal activity. Given the infill location of the Specific Plan area, and the existing provision of police services to the area, the proposed Specific Plan is not anticipated to result in the need for additional police facilities, such as a major substation with police vehicle parking and holding cells. The text on page 212 has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR.*

COMMENT G-36: Page 212, Police Service. Many Downtown areas have substations. With the recent reports of criminal behavior in the Downtown area the EIR should discuss when or if a substation would be needed in the Downtown Specific Plan area.

RESPONSE G-36: As stated in the Draft MEIR, new development in Morgan Hill is required to pay an impact fee to provide for police facilities. It is not anticipated that a substation with parking and holding cells would be necessary to serve the additional development proposed under the Specific Plan given its infill location. The existing Police Facility is located relatively close to Downtown and city staff indicates that it is expected to meet the needs of the projected population of Morgan Hill in 2030. Police presence in the Downtown could be increased, as appropriate, through other means such as increased foot or bicycle patrols or staffing of a community police facility within a commercial or office building.

COMMENT G-37: Page 213, Table. The High School capacity (3060 students) will not meet the increased demand of 223 students. Only 211 available.

RESPONSE G-37: As discussed on page 212 of the Draft MEIR, students generated from projected residential development under the Specific Plan by 2030 would exceed the capacity of several schools serving the Specific Plan project area. Residential development proposed consistent with the Downtown Specific Plan would be required to pay a school impact fee as stated in SM PS-2 of the Draft MEIR. The impact fee provides the school district with funding for additional school facilities as needed to accommodate increased enrollment from new development. Under State Law (Government Code Section 65996) this is an acceptable method of offsetting a project's impact on school facilities. Methods that also can be used by schools to increase or balance capacity within a District include placement of portable classrooms, and/or adjustments to attendance boundaries, as noted on pages 212-213 of the Draft MEIR.

COMMENT G-38: Page 213, Table. Table does not show available Elementary Schools with Capacity to support increased demand.

RESPONSE G-38: Refer to Response G-37.

COMMENT G-39: Page 214, SM PS-3. The RDCS Quarterly report will need to include units exempt from the RDCS in order to meet this requirement.

RESPONSE G-39: The comment is acknowledged.

COMMENT G-40: Page 217, Paragraph 2. There is no mention of Measure F - 100 units exempt from competing under the RDCS. Measure F units are available to the Downtown Core Area.

RESPONSE G-40: The text on page 217 has been revised to reflect changes associated with the passage of Measure A as well as Measure F as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-41: Page 220, Paragraph 3. Similar to question 40. No mention of Measure F.

RESPONSE G-41: The text on page 220 has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR* to reflect changes associated with the passage of Measures A and F.

COMMENT G-42: Page 220, Paragraph 3. Second sentence. Voters have already approved Measure A and F. Why is more voter approval needed?

RESPONSE G-42: The identified text is a misstatement. Measure A was approved by Morgan Hill voters in May 2009. The text has been revised as shown in *Section 4 Revisions to the Text of the Draft MEIR*.

COMMENT G-43: Page 221, Paragraph 4. Table next page. GPA 5 project has been dropped.

RESPONSE G-43: Although the project identified as GPA 5 in Table 5.1-1 has been withdrawn, as a "General Plan Amendment", the projected development on the project site remains the subject of Tentative Map and Precise Development Plan applications, and therefore the projected land uses were included in the cumulative analysis because it was still active at the time the contribution of the project to cumulative impacts was being considered.

COMMENT G-44: Page 234, Paragraph 1. For the High Speed Rail, the design speed through Morgan Hill is 250 MPH. What is the impact if the speed through Morgan Hill is 150 to 200 MPH?

RESPONSE G-44: The Final Program EIR/EIS for the Bay Area to Central Valley High Speed Train (HST) identifies the maximum speed for the segment from San José to the Central Valley as 186 miles per hour. The HST project EIR/EIS identifies a medium potential for noise impacts through Morgan Hill. Trains traveling at speeds greater than 150 mph would increase noise over conventional trains, however, the occurrence of noise would be shorter than a conventional passenger train or freight train due to the higher rate of speed. Detailed mitigation for the HST will be required in the project-level environmental analysis for the portion of the project within the Specific Plan project area.

COMMENT G-45: Page 246, MM AQ 2.2. Does this mitigation mean that the new parking lot on Depot Street needs to have an Electric Vehicle Charging facility added?

RESPONSE G-45: The Specific Plan policy would not require retrofitting of any existing parking lots, but as parking lots are built or modified (such as a parking structure that may be planned for this recently-improved Depot Street parking lot) they would need to meet this standard and supply an Electric Vehicle Charging station.

COMMENT G-46: Page 247, AM ENER 1.4. Is the overhang required by this mitigation allowed by the Design Guidelines in the Downtown Specific Plan? Balconies and Awnings are discussed but overhangs.

RESPONSE G-45: Design guideline DG-E6 allows for the design of appropriate overhangs that may extend out from the façade of the building but shall not extend over a neighboring parcel. Projects proposed within the Specific Plan project area would require approval of a Design Permit.

COMMENT G-47: Page 256, Paragraph 5. See questions 31 and 32.

RESPONSE G-47: Refer to Response G-31 and Response G-32.

COMMENT G-48: Page 259, Paragraph 6. "the above measures" where are they?

RESPONSE G-48: The text refers to measures included in MM AQ-2.1 (Air Quality and Transportation Demand Management) and MM AQ-2.2 (Electric Vehicle Charging Facilities and Parking for Low Emission Vehicles) in Section 3.4.3.1 of the EIR. The text has been revised to clarify the reference to measures included in the project as shown in *Section 4 Revisions to the Text of the Draft EIR*.

COMMENT G-49: Page 279. Reduced Scale. There are two better reduced scale projects: 1. Cut the incremental development allowed by the Downtown Specific Plan in half or 2. Reduce the area covered by the Specific Plan.

RESPONSE G-49: Refer to Response E-7.

COMMENT G-50: Page 286, Section 8.5. This section needs to discuss the impact of allowing an unrestricted CBD zoning which would allow retail on the site except along the Butterfield frontage. Retail on this site would be competing with the retail on the Westside of the tracks.

RESPONSE G-50: The Downtown Specific Plan supports intensification of commercial and residential units on all sites allowed for such uses within the 20-block Specific Plan project area. The potential for some of the retail development proposed under the Downtown Specific Plan to be located on Block 16, just outside the Downtown Core, would not result in any new or different environmental impacts than those discussed in the Draft MEIR. Block 16 is in close proximity to the Downtown Core, and unlike retail development at the periphery of the City or in neighboring cities, would not draw customers away from the Downtown. Retail uses at this location, developed in conjunction with residential and/or office uses, therefore, are not anticipated to result in adverse, indirect effects on existing or future retail uses in the Downtown Core. The Morgan Hill Redevelopment Agency (RDA) and the VTA jointly own this block, and therefore those public agencies will determine what type of land use is preferred and would be pursued. Any future project would be subject to Design Permit review and public hearings, therefore, if there are policy concerns about the location or amount of retail space, the RDA and VTA are in position to not propose such retail uses on the block.

COMMENT G-51: Page 4, Paragraph 4. Block 16 change description is not consistent with Section 8.5

RESPONSE G-51: The Modified Land Use Alternative discussion in Section 8.5 of the Draft Master EIR was included to allow the decision-makers an opportunity to consider a different General Plan land use designation and zoning district on Block 16 than proposed in the July 2008 Draft Specific Plan. The final determination as to whether the modified uses are appropriate on Block 16 will be made by the City Council and, therefore, it is not appropriate to revise the project description at this time. Both the original and the alternative land use designations are appropriately described in the EIR.

H. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM DONALD W. DEY, DATED SEPTEMBER 10, 2009.

COMMENT H-1: I appreciate the opportunity to comment on the Morgan Hill Downtown Specific Plan – Draft EIR. I believe the Downtown Specific Plan is a vital element for the City of Morgan Hill and improvements in the downtown have the potential to add vitality and offer a sense of place for the community. I have reviewed the Morgan Hill Downtown Specific Plan – Draft ElR and provide the following comments and recommendations on the document for clarification.

1) Complete the downtown grid roadway network for positive circulation, access and parking by pursuing the extension of Del Monte Ave from W. 3rd Street to W. Dunne Avenue.

RESPONSE H-1: Extension of Del Monte Avenue from West Third Street to West Dunne Avenue is not proposed at this time nor is it included in the City's General Plan due to a number of physical constraints involving the roadway alignment. An extension of the existing roadway grid would cross Nob Hill, a prominent, wooded hillside on the western edge of Downtown. The City's two million gallon water storage tank is located within a possible alignment of the roadway extension and would require relocation or a circuitous roadway alignment to avoid the tank. In addition, the elevation and slope of Nob Hill would require the construction of retaining walls and/or extensive grading for a new roadway. The alignment of the roadway on Nob Hill would also result in the removal of approximately 40 heritage oak trees and could result in visual and aesthetic impacts when viewed from the valley floor.

COMMENT H-2: 2) Pursue public parking lots on the west side of Monterey Road. Most of the future parking is proposed between Monterey Road and Depot Street. No additional public parking is proposed west of Monterey Road. This limits commercial expansion on the west side and further establishes Monterey Road as a pedestrian obstacle.

RESPONSE H-2: The Specific Plan does not preclude additional public parking west of Monterey Road, and commercial expansions on properties west of Monterey Road would not be limited in the event that additional public parking does not occur west of Monterey Road. Given the compact nature of the Downtown area, parking supply and demand is being considered collectively for the entirety of the 14-block Downtown Core area. It should be noted that the

language in the City's proposed Addendum to the Downtown Specific Plan encourages continuity of public parking behind the commercial buildings along the west side of Monterey Road, in particular encouraging pursuit of a continuous parking lot from Main Avenue through to First Street. The Redevelopment Agency has recently purchased property just north of the Sinaloa Restaurant on the west side of Monterey Road, which is being improved and will supply additional public parking spaces. Topography and the existing residential neighborhoods behind the commercial frontage along west Monterey Road do constrain the ability to plan for large new supplies of public parking west of Monterey Road.

COMMENT H-3: 3) The EIR identifies that the intersection on Monterey & Main is the poorest functioning signalized intersection in the City at LOS D (significant impact). This poor traffic signal operation is principally caused by school traffic in the morning period. The City should not allow this intersection to deteriorate any further.

RESPONSE H-3: Refer to Response E-1.

COMMENT H-4: 4) The ElR identifies the "Project" as having a 4 lane Monterey Road configuration and a "Project Alternate" as having a 2 lane Monterey Road configuration. For the downtown area to provide a pedestrian oriented atmosphere Monterey Road MUST be reduced to a 2 lane configuration. Other traffic operation changes will also need to be implemented to successfully transform the downtown for a pedestrian atmosphere to be achieved.

RESPONSE H-4: Narrowing of Monterey Road was included in the Draft MEIR as a Project Alternate for informational purposes (in that it is a reasonably foreseeable project being studied as a possible Circulation Element Amendment) but is not part of the proposed Downtown Specific Plan project. Decisions regarding the configuration of Monterey Road through Downtown will be made in the context of the possible amendment of the Circulation Element of the General Plan, not the Downtown Specific Plan. Please refer to the Environmental Impact Report and associated materials for the Circulation Element Amendment for additional information, which is available on the City's website under "What's New", "Transportation Planning" as well as at City Hall, the Development Services Center, and Morgan Hill Public Library.

COMMENT H-5: 5) The EIR states that for Project conditions the intersection of Monterey & Main will remain fairly stable at LOS D (significant impact) with the 2030 AM peak going to LOS E+ (significant). The EIR further states that for Project Alternate conditions (2 lane) that the intersection of Monterey & Main will severely deteriorate to LOS E and F (significant impact). This level of congestion is significant and NOT acceptable. It will be extremely important for the City to review and design the Monterey Road transitions at Main and Dunne to not allow these intersection degradations to occur in the 2 lane Project Alternate option.

RESPONSE H-5: As described previously in Response E-1 and H-4, narrowing of Monterey Road was included in the Draft MEIR as a Project Alternate but is not part of the proposed Downtown Specific Plan project. Decisions regarding the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

SECTION 4 REVISIONS TO THE TEXT OF THE DRAFT MEIR

The following section contains revisions to the text of the Draft Environmental Impact Report for the Morgan Hill Downtown Specific Plan, dated July 2009. Revised or new language is underlined. All deletions are shown ~~with a line through the text~~.

Page 5 Summary, Transportation Mitigation and Avoidance Measures; **Revise** MM TRANS-1.1 as follows:

MM TRANS-1.1: Monterey Road/Main Avenue. The addition of 2015 project traffic volumes would exacerbate LOS D intersection operations during the AM peak hour. The mitigation required to reduce the impact from the proposed project to less than significant during the AM peak hour would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

Page 6 Summary, Transportation Mitigation and Avoidance Measures; **Revise** MM TRANS-1a.1 as follows:

MM TRANS-1a.1: Monterey Road/Main Avenue. The addition of 2015 traffic volumes on the project alternate roadway network would exacerbate LOS D intersection operations to LOS F and LOS D- during the AM and PM peak hours, respectively. The mitigation required to reduce the impact from the project alternate to less than significant during the AM and PM peak hours would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The southbound approach would need to be widened to include two southbound left-turn lanes, a through lane, and a right-turn lane. These

improvements would not conflict with the narrowing of Monterey Road from four to two lanes.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

Page 7 Summary, Transportation Mitigation and Avoidance Measures; **Revise** MM TRANS-4.1 as follows:

MM TRANS-4.1: Monterey Road/Main Avenue: The addition of 2030 traffic volumes would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., separate left, through, and right lane with an overlap phase).

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

Page 7 Summary, Transportation Mitigation and Avoidance Measures; **Revise** MM TRANS-4a.1 as follows:

MM TRANS-4a.1: Monterey Road/Main Avenue. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a right-lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

Page 17 Summary, Transportation Mitigation and Avoidance Measures; **Revise** MM C-TRANS-1.1 as follows:

MM C-TRANS-1.1: Monterey Road/Main Avenue. The combination of cumulative traffic from all of the proposed projects and from implementation of the Project Alternate to narrow Monterey Road to one lane in each direction would cause the intersection to operate at LOS F during the AM and PM peak hours. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach of Monterey Road would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a shared through-right lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Cumulative Impact)**

Page 36 Section 2.1.2 Proposed Zoning Districts; **Revise** the fourth paragraph as follows:

The *Ground Floor Overlay* (GFO) district would be applied to parcels within the Specific Plan boundary as shown on Figure 7. This retail overlay district applies to parcels with frontage along portions of Monterey Road and Third Street. ~~This district would be modified by instead of applying to all property within seventy-five feet of the property line adjacent to Monterey Road or Third Street, it would be a minimum of 50 feet on Third Street and 60 feet on Monterey Road. The minimum retail depth at all corners would be 80 feet.~~ The Ground Floor Overlay requires a minimum retail depth of 50 feet on Third Street, 60 feet on Monterey Road, and 80 feet at intersections. The downtown Ground Floor Overlay district would be restricted to retail shops, restaurant, entertainment uses, and service commercial businesses that support a continuity of display window visual interest, such as florists and dry cleaners.

Page 37 Table 2.1-1; **Insert** the following note to the Central Business District Min. Depth column:

[+++]In conformance with the Ground Floor Overlay, corner lots within the Central Business District will require a minimum depth of 80 feet to accommodate the required retail depth.

Page 45 Section 2.1.5 Parking; **Revise** the first sentence of the second paragraph as shown below:

Based on the ratios listed in Table 2.1-3, ~~buildout of the proposed~~ development projected by 2030 under the Specific Plan would result in the need for an additional 808 parking spaces.

Page 54 Section 2.3.2 Specific Uses of the Master EIR; **Revise** the last paragraph as shown below:

The City of Morgan Hill placed an Initiative Ordinance on the May 2009 ballot for the purpose of modifying the City's Residential Development Control System (RDCS), which limits annual residential growth within the City. The voters approved the measure, and under the approved exemption (Measure A) and a previously approved exemption (Measure F), development of up to 600 residential units ~~projects~~ within the 20-block Specific Plan area are not subject to the RDCS rating and allocation system (although the 100 allotments under Measure F do need to meet a minimum score and the City Council has discretion to hold a competition if it desires for the Measure F allotments); however, the number of approved and constructed units will be tracked by the City and the citywide population remains subject to the existing 48,000 population cap.

Page 63 Shade and Shadow Impacts Discussion; **Insert** the text below following the fourth sentence in the third paragraph.

The Third Street Promenade, which is currently under construction, could experience shading from the development of three- and four-story buildings on the south side of Third Street. This shading would be similar to that of other roadway rights-of-way in the Downtown and would be greatest in the winter and spring and fall mornings. The level of shading would be in accordance with the representative levels of 42 to 193 feet for buildings up to 55 feet in height and 34 to 158 feet for buildings up to 45 feet as shown on Figure 12. The CBD development standards for mass and height also specify that buildings provide a fourth floor stepback to allow adequate solar access to the adjacent street. At the time a specific project is proposed the stepback and adequacy of solar access will be subject to review and approval prior to the issuance of a Design Permit. With implementation of the development standards and required design review process included in the Specific Plan, shading resulting from intensification of uses on Block 4 would not result in a significant shading impact to this public gathering space.

Page 68 Section 3.2.1.1 Existing Roadway Network and page 9 of the Transportation Impact Analysis in Appendix C; **Revise** the description of Monterey Road as shown below:

Monterey Road is generally a four-lane arterial roadway through Morgan Hill, with separate left-turn lanes at intersections and on-street parking in some areas. The section of Monterey Road ~~between Wright Avenue and~~ from Cochrane Road to approximately 225 feet south of Old Monterey Road only includes two northbound lanes and one southbound lane. Between Main Avenue and Wright Avenue and south of Dunne Avenue through the City a continuous center lane is provided between intersections for left turns. Monterey Road is the main north-south roadway through Downtown Morgan Hill.

Page 72 Section 3.2.1.3 Existing Transit Service; **Delete** the following text:

~~Route 15 is a local community bus that provides service between the Morgan Hill Civic Center and Saddleback Drive and offers peak-period trips to Jackson Oaks and the Morgan Hill Caltrain station. Midday trips are provided to the Centennial Recreation Center. In downtown, this route operates along Main Avenue, Butterfield Boulevard and Dunne Avenue. Service operates on weekdays only, every 60 minutes from 6:05 AM to 7:00 PM.~~

Page 72 Section 3.2.1.3 Existing Transit Service; **Revise** the following text:

Caltrain provides frequent daily train service between San Jose and San Francisco. Service extends south to Gilroy during commute periods, with three northbound trips during the AM peak period and three southbound trips during the PM peak period stopping at the Morgan Hill Caltrain Station. Connections to VTA Bus ~~Route 15 and~~ Route 121 can be made at this station.

Page 83 Section 3.2.1.5 Background Roadway Conditions; **Revise** the second sentence of the third paragraph under the Background Intersection Level of Service (2030 General Plan) heading as follows:

Table 13 (refer to the TIA in Appendix C) summarizes the 2030 land uses in these TAZs based on the current General Plan provided by City of Morgan Hill staff.

Page 104 Section 3.2.2.4 Parking; **Revise** the second sentence of the third paragraph as shown below:

These include converting private parking to public parking by acquiring private parking resources (refer to Figure 9 on page 47) and improving the lots and building a grade-separated pedestrian crossing over the UPRR tracks to provide access to parking located east of the tracks near the Caltrain Station.

Page 105 Section 3.2.3.1 Mitigation for 2015 Intersection LOS Impacts; **Revise** MM TRANS-1.1 as follows:

MM TRANS-1.1: Monterey Road/Main Avenue. The addition of 2015 project traffic volumes would exacerbate LOS D intersection operations during the AM peak hour. The mitigation required to reduce the impact from the proposed project to less than significant during the AM peak hour would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and

redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable.

Page 105 Section 3.2.3.1 Mitigation for 2015 Intersection LOS Impacts; **Revise** MM TRANS-1a.1 as follows:

MM TRANS-1a.1: Monterey Road/Main Avenue. The addition of 2015 traffic volumes on the project alternate roadway network would exacerbate LOS D intersection operations to LOS F and LOS D- during the AM and PM peak hours, respectively. The mitigation required to reduce the impact from the project alternate to less than significant during the AM and PM peak hours would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The southbound approach would need to be widened to include two southbound left-turn lanes, a through lane, and a right-turn lane. These improvements would not conflict with the narrowing of Monterey Road from four to two lanes.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable.

Page 106 Section 3.2.3.2 Mitigation for 2030 Intersection LOS Impacts; **Revise** MM TRANS-4.1 as follows:

MM TRANS-4.1: Monterey Road/Main Avenue: The addition of 2030 traffic volumes would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., separate left, through, and right lane with an overlap phase).

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable.

Page 107 Section 3.2.3.2 Mitigation for 2030 Intersection LOS Impacts; **Revise** MM TRANS-4a.1 as follows:

MM TRANS-4a.1: Monterey Road/Main Avenue. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a right-lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in

the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable.

Page 125 Section 3.3.3.1 Noise Impacts to Development in the Project Area; **Revise** the second paragraph of MM NV-2.1 as shown below:

The City should also explore designation of the at-grade rail crossings as "quiet zones". Quiet zones could be established so that trains would not be required to sound their warning whistles but would require greater safety controls at the crossings such as temporary closures, installation of a four quadrant gate system, and/or installation of medians or channelization devices extending 100 feet from the crossing. Wayside horn systems could also be installed at the at-grade crossings to confine horn noise only in the immediate vicinity of the crossings. Designation of a quiet zone for at-grade crossings would require coordination with the Federal Railroad Administration to ensure all safety standards are met.

Page 146 Section 3.6.1.2 Flooding; **Revise** the first paragraph as follows:

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), some areas within and near the boundaries of the Specific Plan are located in Zone AE and would be subject to a 100-year flood from West Little Llagas Creek. Flood elevations within the Specific Plan boundaries range from ~~340~~ 342 feet to ~~347~~ 350 feet above mean sea level (MSL). Flood elevations on Block 19 would be approximately ~~348~~ 351 feet msl and approximately ~~340~~ 342 feet msl on Block 20. Based on the existing elevation within the downtown area, the 100-year flood would result in flooding one to several feet above the existing grade for the portions of the Specific Plan project area within the floodplain. The mapped flood areas within the Downtown and surrounding area are located west of the Union Pacific Railroad (UPRR) tracks (refer to Figure 20).

Page 149 Section 3.6.1.4 Water Quality; **Insert** the text below following the second paragraph:

The City of Morgan Hill has adopted and prepared a Storm Water Management Plan (SWMP) and been issued the NPDES Small MS4s General Permit by the Central Coast Regional Water Quality Control Board [Order Number 2003-0005-DWQ, Waste Discharge Identification Number (WDID#) 3-43MS03020]. The City's SWMP plan outlines a comprehensive five year plan to establish Best Management Practices (BMPs) through six Minimum Control Measures (MCMs) to help reduce the discharge of pollutants into waterways and to protect local water quality caused by storm water and urban run-off within the corporate limits of Morgan Hill.

The County of Santa Clara submitted a Regional NPDES Storm Water Phase II Permit to the Central Coast RWQCB on September 1, 2009. The permit would cover Southern Santa Clara County, including the Cities of Morgan Hill and Gilroy. The regional permit is tentatively scheduled to be approved by April 2010. Morgan Hill's current Small MS4 permit will expire in June 2010, and the new regional permit will serve as a renewal of the Small MS4 permit for Morgan Hill.

Page 152 Section 3.6.2.3 Flooding; **Insert** the text below following the first sentence of SM HYDRO-5:

In addition, proposed development within the West Little Llagas Creek floodway will require certification by a professional engineer that the project would not increase the base flood elevation, through a hydraulic analysis showing that proposed development of the site will not adversely impact the existing 100-year floodplain by increasing the one percent water surface elevation or increasing the lateral extent of the floodplain.

Page 153 Section 3.6.2.3 Water Quality; **Insert** the text below following SM HYDRO-8.

SM HYDRO-9: Development or redevelopment proposed consistent with the Downtown Specific Plan shall comply with the City's NPDES Small MS4s General Permit or the South County Regional NPDES Storm Water Phase II Permit effective at the time development is proposed. Implementation of post-construction BMPs such as (but not limited to) the use of vegetated swales/detention ponds, mechanical treatment units, stenciling and signage for drainage inlets, and BMP maintenance agreements is currently required by the City of Morgan Hill for specific types of development as required by the City's SWMP, including 100,000 square foot commercial developments, restaurants, retail gasoline outlets, automotive repair shops, parking lots of 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff, single-family hillside residences, and subdivisions with 10 or more housing units. The City of Morgan Hill is scheduled to fully implement Storm Water Management Plan (SWMP) Development Standards for all new developments and redevelopments by July of 2010.

Page 173 Section 3.9.1.2 Historic Resources; **Revise** the first sentence of the second paragraph in the City of Morgan Hill Historical Resources Ordinance discussion as follows:

~~Both the existing and proposed revisions to the~~ The Historic Resources Chapter of the municipal code provides for the City to identify significant historical resources and to require permits to alter historic resources.

Page 206 Section 3.13.1 Introduction; **Revise** the last sentence of the first paragraph as shown below:

In Morgan Hill, these services are provided by the City, ~~and~~ County of Santa Clara, and the Morgan Hill Unified School District.

Page 207 Section 3.13.2.3 Schools; **Revise** the third and fifth sentences of the first paragraph as follows:

Residential development proposed under the Specific Plan would be served by ~~six~~ seven schools in the district.

Barrett Elementary School ~~formerly served a portion of the project area but was closed at the end of the 2008-2009 school year~~ is located approximately 1.2 miles southwest of the project area.

Page 208 Section 3.13.2.3 Schools; **Revise** the School Attendance Boundaries Figure 22 as shown on the following page.

Page 209 Section 3.13.2.4 Parks and Recreational Facilities; **Revise** the second full paragraph as follows:

The City's General Plan has a parks and recreation goal to provide useful, accessible and high-quality park, recreation and trail facilities and programs. Morgan Hill's General Plan goal for parkland is five acres per 1,000 residents; however, in accordance with State laws regarding the level of impact fees and maximum requirements for subdivisions, the Municipal Code requires three acres of parkland per 1,000 residents. Efforts to achieve greater than 3.0 acres per 1,000 residents are made through other means such as voluntary commitments, state grants, school parks, etc. Morgan Hill's current population is ~~39,218~~ 39,814 and is projected to grow to 48,000 by the year 2020.[1] ~~Based on the current Draft Capital Improvements Program (CIP), the City will purchase 40 acres of parkland in summer 2009 and the City will own a total of approximately 213 acres of parkland by the end of 2011 to serve an estimated population of 41,391.~~ The City has entered into a formal Purchase Agreement, as approved by the Morgan Hill City Council, with the property owner of a 43-acre parcel. The City Council intends to use this additional acreage for both ballfields and a community park. The City currently has approximately 249 acres of parkland that could serve a population of 49,800. This exceeds the City's goal of five acres of parkland per 1,000 capita. The City's projected population in 2030 is 55,600 persons. The City will need an additional 29 acres of parkland by 2030 to serve this projected population.

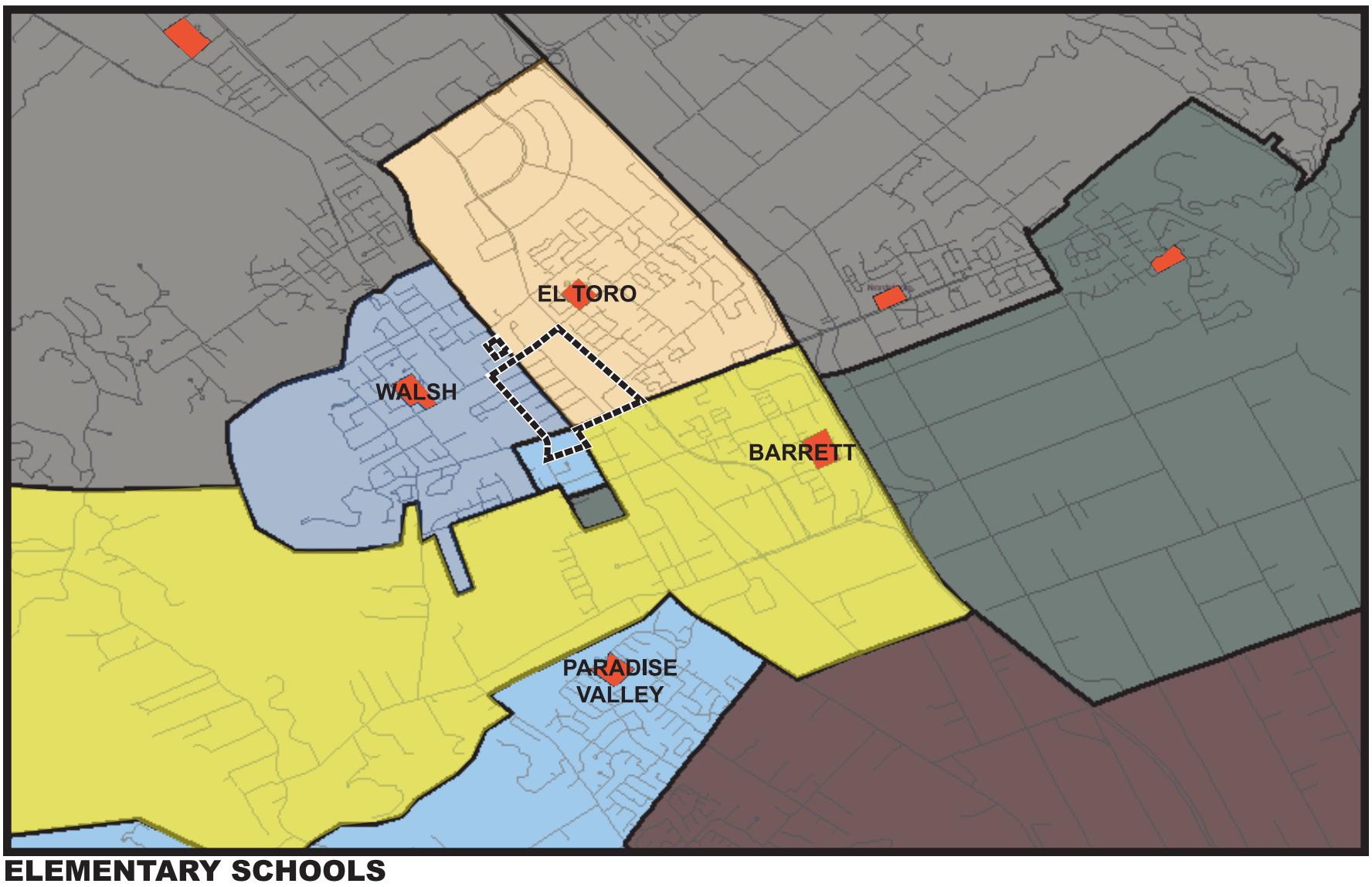
Page 211 Section 3.13.3.2 Fire Service; **Revise** the last sentence of the third paragraph as follows:

The station is proposed to ~~increase~~ improve response times and provide a greater number of responders to an emergency.

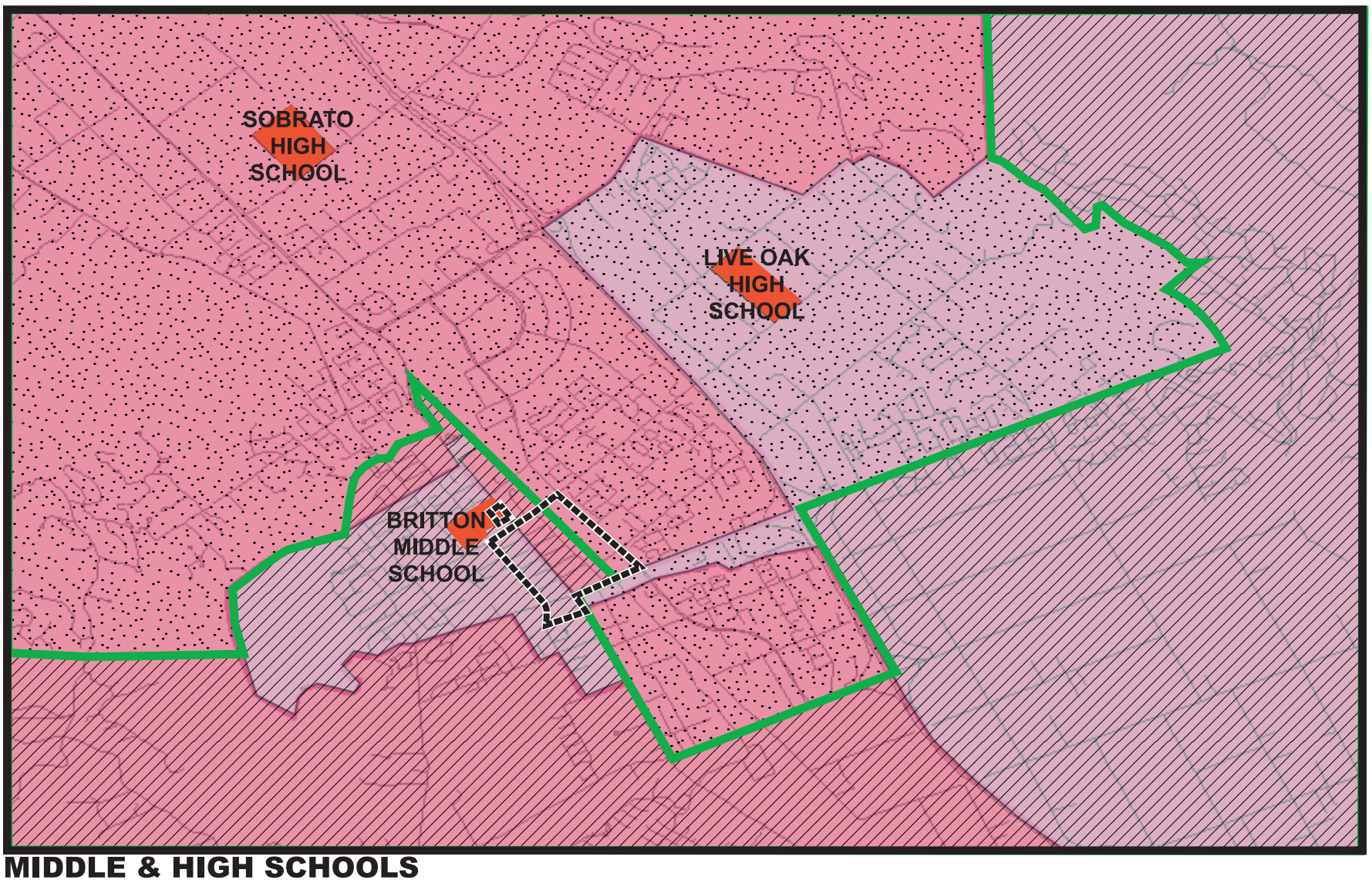
Page 212 Section 3.13.3.3 Police Service; **Revise** the paragraph as follows:

The proposed Specific Plan would allow for increased development in areas of the City currently served by the Morgan Hill Police Department, which could increase call volumes for police services. The design of development allowed under the Specific Plan will also be reviewed to ensure that it incorporates appropriate safety measures to minimize criminal activity. Given the infill location of the Specific Plan area, and the existing provision of police services to the area, the proposed Specific Plan would not result in the need for additional police facilities, such as a major substation with police vehicle parking and holding cells. New development in Morgan Hill is required to pay an impact fee for police facilities; these fees go toward paying debt service and ensuring equipment such as police cares are available to serve new development.

[1] State of California, Department of Finance. E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-~~2008~~2009, with 2000 Benchmark. Sacramento, California, May ~~2008~~2009.



ELEMENTARY SCHOOLS



MIDDLE & HIGH SCHOOLS

KEY

- Specific Plan Area
- School Location

School Attendance Boundary

- Paradise Valley Elementary School
- Barrett Elementary School
- Walsh Elementary School
- El Toro Elementary School
- Murphy Middle School (Off Map)
- Britton Middle School
- Sobrato High School
- Live Oak High School
- Other MHUSD Schools

SCHOOL ATTENDANCE BOUNDARIES
(2008-2009 SCHOOL YEAR)

FIGURE 22 (REVISED)

Page 212 Section 3.13.3.4 Schools; **Revise** the last sentence of the first paragraph as follows:

The students generated from likely projected residential development under the Specific Plan by 2030 (refer to Table 2.1-2) would exceed the capacity of Walsh Elementary, El Toro Elementary, Barrett Elementary, and Ann Sobrato High School assuming the current school attendance boundaries remain the same and additional capacity is not available.

Page 213 Section 3.13.3.4 Schools; **Revise** Table 3.13-1 School Capacity and Student Generation as follows:

Table 3.13-1 (Revised)
School Capacity and Student Generation

School	Existing Capacity	Existing Enrollment	Available Capacity	Specific Plan Student Generation*
Walsh Elementary	700	687	13	**98**
El Toro Elementary	600	584	16	**363**
Barrett Elementary	560	564	-4	**1**
Elementary Schools Subtotal	~~1,300~~ 1,860	~~1,271~~ 1,835	~~29~~ 25	~~461~~ 462
Britton Middle	840	736	104	60
Murphy Middle	990	680	220	49
Live Oak High	1,500	1,288	212	44
Sobrato High	1,560	1,561	-1	**179**

Notes: Schools where student generation from the Specific Plan exceeds available capacity for current school attendance boundaries are shown in **bold** text.
Sources: Morgan Hill Unified School District. School Facilities Needs Analysis. August 10, 2007.
Bonnie Tognazzini, Deputy Superintendent, Morgan Hill Unified School District.

Page 217 Section 3.14.2.2 Population and Housing; **Revise** the third sentence of the first paragraph as follows:

Morgan Hill voters have recently approved ~~a~~ two ballot measures affecting residential development in the Specific Plan project area. One measure was approved in 2006 to allocate up to 100 residential unit allotments outside the normal RDCS process for projects in the Downtown Core and a second measure was approved in May 2009 to exempt 500 residential units by 2020 within the 20-block Specific Plan project area from the City's Residential Development Control System.

Page 220 Section 4.0 Growth Inducing Impacts; **Revise** the first sentence and **delete** the second sentence of the second paragraph as shown below:

Morgan Hill voters have recently approved ~~a~~ two ballot measures affecting residential development in the Specific Plan project area, one measure was approved in 2006 to allocate up to 100 residential unit allotments outside the normal RDCS process for projects in the Downtown Core and a second measure was approved in May 2009 to exempt development of 500 residential units by 2020 in the 20-blcok Specific Plan area from the City's Residential Development Control System while maintaining the Citywide 48,000 population cap. ~~This provision of the proposed plan would require voter approval.~~

Page 231 Section 5.2.2.3 Mitigation Measures for Intersection Level of Service Impacts; **Revise** MM C-TRANS-1.1 as follows:

MM C-TRANS-1.1: Monterey Road/Main Avenue. The combination of cumulative traffic from all of the proposed projects and from implementation of the Project Alternate to narrow Monterey Road to one lane in each direction would cause the intersection to operate at LOS F during the AM and PM peak hours. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach of Monterey Road would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a shared through-right lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. ~~Widening of Main Avenue and narrowing sidewalks would conflict with the policies of the Downtown Specific Plan regarding multi-modal circulation and streetscapes. This mitigation would require removal of buildings or conflict with the City's objectives for transportation improvements in this area~~ While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable.

Page 234 Section 5.2.3.1 Noise Impacts; **Insert** the following sentence preceding the last sentence of the first paragraph:

In the event train speeds through Morgan Hill exceed 150 miles per hour, noise mitigation would be required to reduce this impact to a less than significant level. The construction of noise barriers along the elevated high speed rail line was identified to reduce the noise impacts of that project to a less than significant level. Final determinations of noise mitigation requirements for the high speed rail will be determined as part of a project specific environmental impact analysis.

Page 254 Section 5.2.12 Cumulative Visual and Aesthetic Impacts; **Insert** the following as the second sentence in the second paragraph:

Construction of the elevated high speed rail line through the Specific Plan project area would not result in substantially different or greater visual impacts when considered in combination with the proposed Specific Plan project.

Page 256 Section 5.14.2.3 Parkland Impacts; **Revise** the discussion as shown below:

The City of Morgan Hill has an established benchmark for parks. The City's General Plan has a parks and recreation goal to provide useful, accessible and high-quality park, recreation and trail facilities and programs. Morgan Hill's recommended standard for parkland is five acres per 1,000 residents; however, the Municipal Code requires three acres of parkland per 1,000 residents in accordance with State law governing maximum requirements on development. Morgan Hill's current population is ~~39,218~~ 39,814[2] and is projected to grow to 48,000 by the year 2020. ~~Based on the current Draft Capital Improvements Program (CIP), the City will purchase 40 acres of parkland in summer 2009 and the City will own a total of approximately 213 acres of parkland by the end of 2011 to serve an estimated population of 41,391. This exceeds the City's goal of five acres of parkland per 1,000 capita. A total of 27 acres of additional parkland will be needed to achieve the General Plan goal by 2020.~~ The City has entered into a formal Purchase Agreement, as approved by the Morgan Hill City Council, with the property owner of a 43-acre parcel. The City Council intends to use this additional acreage for both ballfields and a community park. The City currently has approximately 249 acres of parkland that could serve a population of 49,800. This exceeds the City's goal of five acres of parkland per 1,000 capita. The City projects a population of ~~55,396~~ 55,600 residents under the existing General Plan by 2030 that would result in the need for approximately ~~277~~ 278 acres of parkland to meet the City's goal. The City would need an additional ~~64~~ 29 acres of parkland in addition to what is currently planned to meet the General Plan in 2030.

Page 259 Section 6.0 Significant Unavoidable Impacts; **Revise** the second sentence under Impact AQ-2 as follows:

The ~~above~~ mitigation measures identified in Section 3.4.3.1 in MM AQ-2.1 and MM AQ-2.2 for regional pollutants have the potential to reduce project-related regional emissions by five to ten percent.

Page 293 Section 10.0 References; **Revise** the FEMA references as follows:

Federal Emergency Management Agency. Flood Insurance Rate Map. Panel 443 of 830. Map Number 06085C0443H. May 18, 2009.

Federal Emergency Management Agency. Flood Insurance Rate Map. ~~Panel 2 of 5. Community Panel Number 0603460002C. December 22, 1998.~~ Panel 444 of 830. Map Number 06085C0444H. May 18, 2009.

[2] State of California, Department of Finance. E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-~~2008~~2009, with 2000 Benchmark. Sacramento, California, May ~~2008~~2009.

Federal Emergency Management Agency. Flood Insurance Rate Map. ~~Panel 3 of 5. Community Panel Number 0603460003C. December 22, 1998.~~ Panel 607 of 830. Map Number 06085C0607H. May 18, 2009.

Appendix B **Insert** Appendix B-1 Downtown Specific Plan Addendum (September 2009)

Appendix C Section 2 Existing Conditions (Page 9); **Revise** the second sentence of the Monterey Road description as follows:

The section of Monterey Road ~~between Wright Avenue and~~ from Cochrane Road to approximately 225 feet south of Old Monterey Road only includes two northbound lanes and one southbound lane. Between Main Avenue and Wright Avenue and south of Dunne Avenue through the City, a continuous center lane is provided between intersections for left turns.

APPENDIX B-1
ADDENDUM TO THE
DRAFT SPECIFIC PLAN

DOWNTOWN SPECIFIC PLAN ADDENDUM

(October 8, 2009)

A Public Review Draft of the Downtown Specific Plan was published in July 2008, and that document constituted the "proposed project" for the purpose of preparing the Draft Master Environmental Impact Report (DMEIR).

Since July 2008, further city and public input, environmental review, and certain changes such as cessation of the Architectural Review Board and voter approval of Measure A exempting 500 downtown units from the RDCS have taken place. Additionally, the City Council determined to study a number of possible General Plan Circulation Network and LOS Policy Amendments through a proposed Circulation Element Amendment, and an Environmental Impact Report (EIR) and separate process is underway for the purpose of making circulation and LOS decisions, including possible changes affecting Downtown. While the Downtown Specific Plan Master EIR presents information about the possible impacts of such possible circulation network and LOS policy amendments because the changes are reasonably foreseeable, it is important to emphasize that actual decisions about circulation and LOS amendments, including the possibility of narrowing Monterey Road to 2 lanes and exempting the downtown core from the LOS policy standard, will be made through the General Plan Circulation Element Amendment process.

Additionally, economic, housing and financial conditions are now such that the projected redevelopment of Block 20 may be delayed. The Specific Plan proposed land use amendments from the existing Commercial over the whole block, to Mixed Use/CC-R over the east portion of the block and Multi-Family Medium/D-R3 over the west portion of the block. A change to the Plan is to add a zoning overlay to the Multi-Family Medium portion, to allow for use of a Commercial Administrative Use Permit Process for Block 20, so that commercial use could continue to occur in the interim before redevelopment of the block is feasible.

It is therefore desirable to identify certain text changes that will be incorporated into the version of the Downtown Specific Plan that is proposed for adoption by the City Council in November 2009. The modifications are not of a nature that would trigger additional CEQA review. This Addendum document identifies each of those changes, by Chapter and page.

THROUGHOUT THE DOWNTOWN SPECIFIC PLAN: Remove references to the Architectural Review Board, substituting references to the need for a Design Permit, or other similar text as appropriate.

Chapter 1: Vision

Page 1-4: After the third paragraph, insert the following new paragraph:

In May 2009, voters approved another ballot measure which provides an exemption from the RDCS for 500 housing units located in the 20-block area of the Downtown.

Chapter 2: Land Uses and Development Standards

Page 2-1: Note that once the Specific Plan is adopted, the words "proposed" will be deleted or modified as appropriate.

Page 2-1: Modify the first sentence of the fourth paragraph to read as follows:

Morgan Hill voters approved a ballot measure in May 2009 modifying the Residential Development Control System (RDCS) to better accommodate Downtown development, by providing an exemption for 500 housing units located in the 20-block Downtown area.

Page 2-1: Modify the end of the last sentence of the fourth paragraph to read as follows:

…, the approved modification of the RDCS to allow for 500 Downtown housing units to the year 2020 to be exempt from the RDCS and its competition requirement, will assist with attaining the community's vision for Downtown.

Page 2-3: Modify Figure 4 to change the proposed Land Use Designation for Block 16, the VTA/RDA-owned Caltrain parking lot site, to "CBD Mixed Use (no mix/no max du/ac)"

[*NOTE THAT THIS CHANGE WAS IDENTIFIED AS AN ALTERNATIVE IN THE MASTER EIR]*

Page 2-4: Modify Figure 5 to change the proposed Land Use Designation for Block 16, the VTA/RDA-owned Caltrain parking lot site, to "CBD Central Business District, no min/no max du/ac".

[*NOTE THAT THIS CHANGE WAS IDENTIFIED AS AN ALTERNATIVE IN THE MASTER EIR]*

Page 2-5: Delete the Policy bullet #7 regarding the RDCS.

Page 2-6: Delete the Policy bullet #12 regarding the RDCS.

Page 2-8: Add an additional paragraph to section 10:

In particular, the property owners, business owners and Morgan Hill Redevelopment Agency are strongly encouraged to pursue as priority projects the redevelopment of the two existing banks at the southwest and southeast corners of Main Avenue and Monterey Road, in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

Page 2-11: In the second paragraph, revise the language regarding Block 20 to read as follows:

Block 20 (outside of the Specific Plan boundary) was initially projected to redevelop by 2015, but due to 2008/2009 Recession conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present "worst case" traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site. However, redevelopment of Block 20 in the manner proposed by the Specific Plan, to Multi-family Medium/R-3 west of the SCVWD ROW and Mixed Use/CC-R east of the ROW remains a land use goal for Block 20. A "Commercial Use Overlay" is therefore proposed to be added to the Multi-Family Medium parcels, to allow for use of a Commercial Administrative Use Permit Process for Block 20, so that commercial use could continue to occur in the interim before redevelopment of the block is feasible.

Page 2-14: In the sixth paragraph, revise the end of the sentence to read as follows:

… , and 495 of the 500 exempt housing units provided by the May 2009 ballot measure approved by the voters, for a total of 850 units.

Page 2-16: Modify the text of the "development assumptions by block" as follows:

Block 1: Add additional paragraph:

This block contains an existing bank located at the southeast corner of Main Avenue and Monterey Road. The property owner and the Redevelopment Agency are encouraged to work together to redevelop the site in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

Block 2: Revise the third sentence to read as follows:

Redevelopment of this block may incorporate a remodeled or new Granada Theater for a cinema or entertainment use, however the Specific Plan does not require this, and a cinema on an alternate downtown site is acceptable. Under any scenario, however, it is a goal of the Specific Plan that the existing Granada upright sign and marquee be retained in the downtown, associated with a cinema or entertainment use.

Block 3: Add to the end of the discussion of Block 3:

Relocation of the Granada Theater sign and marquee to the Monterey Road frontage of this block would be a suitable redevelopment project, for a new cinema or entertainment use if the existing Granada Theater site is used for other purposes.

Page 2-17:

Block 4: Delete the last sentence of Block 4 text (word processing error).

Block 6: Add to the end of the discussion of Block 6:

The Specific Plan identifies a preferred future project consisting of re-routing Depot Street through the CCC parking lot, in order to create an intersection with Church Street at the signal. This allows Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project (undercrossing of RR tracks) occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan uses.

Block 7: Delete the third sentence of Block 7 text (word processing error).

Page 2-18:

Block 9: Add additional paragraph:

The property owners and the Redevelopment Agency are encouraged to work together to redevelop the office building site and/or the existing bank site at the southwest corner of Main/Monterey in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

It is also desirable on this block to pursue a continuous parking lot from Main Avenue through to First Street, behind the Monterey frontage buildings.

Block 12: Correct to remove "VTA" and substitute "RDA". Insert as the second sentence: This block contains the "Nob Hill" geographic feature, which has the large-lot residential designation given the hillside topography.

Block 15: Add to the end of the paragraph:

The Redevelopment Agency is providing assistance so that the existing concrete batch plant will be relocated from this site to a more suitable site outside of the **Downtown area.**

Page 2-19:

Block 16: Delete the existing paragraph and substitute the following paragraph:

This block has a CBD Mixed Use (General Plan) and CBD Central Business District (zoning), with no maximum density. Redevelopment of the surface parking lot offers the potential for a transit-oriented development with high density residential units. Offices could also be appropriate in a mixed use project. Redevelopment of this block assumes the retention of the Caltrain parking spaces, but the spaces may be provided in a structure on the site or nearby. The level of projected development assumed in the EIR Traffic Study included 268 residential housing units and the parking spaces. If other uses beyond residential and parking are considered for this block, the preference would be for offices and not retail use, in order to encourage retail uses to locate within the 14-block Downtown Core.

Block 17: Revise the text to note April 2009 timeframe that the Courthouse did open.

Block 18: Add text to end of paragraph: "This block has 80 residential allocations in place".

Block 20: Add text to end of discussion: However, due to 2008/2009 Recession conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present "worst case" traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site.

Page 2-20: At the end of the first paragraph, add the following text to the end of the second-to-last paragraph: "…, the parcel numbers not included are APN 767-07-027, -028, and -029."

Page 2-20: Delete the existing three paragraphs under Residential Development Control System (RDCS). Instead, substitute the following text:

Morgan Hill voters approved a ballot measure in May 2009 to exempt 500 residential units from the RDCS process within the Downtown area (Blocks 1 – 20), within the city's current RDCS population cap of 48,000 persons in the year 2020. The 500 units represents an average of 45 units per year. Under the exemption, residential and mixed use development in Downtown that

are consistent with the Specific Plan will need only to secure a Design Permit and Building Permit, with some uses also requiring a Conditional Use Permit or DAUP. If a project proposes a change to the Specific Plan development standards, a Planned Development zoning designation would be required, but the residential units would still be exempt from the RDCS.

Page 2-22: Modify Figure 8 to add parking use and modify permit status for nightclubs, bars and theaters, whether ancillary or not to a restaurant, to require a conditional use permit:

Figure 8 – Permitted Uses within the Specific Plan Boundary:

	CBD	GFO	D-PF	D-R2, D-R3, D-R4	D-RE
Nightclub, bar *(ancillary to restaurant)*	C	C	N	N	N
Nightclub, bar, theater *(not ancillary to restaurant)*	C	C	N	N	N
Public Parking Lots or Structures	P	C	P	C	N

Page 2-23: After the Table of Permitted Uses, add the following text:

Requirement for Air Quality and Transportation Demand Management Plan (AQ-TDM Plan)

1. As part of the Design Permit process, all projects subject to the Design Review requirements shall submit a proposed Air Quality and Transportation Demand Management Plan (AQ-TDM Plan) for review and action by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces. No wood burning devices would be allowed.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide transit information kiosks and bicycle parking at commercial facilities.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.

2. Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

- Electric vehicle charging facilities.
- Preferential parking for Low Emission Vehicles (LEVs).

Pages 2-24 through 2-26: Changes to Central Business District (CBD):

- Add text to reflect Block 16 also designated for CBD Central Business District.

- Modify second "Purpose of the CBD District" bullet to read as follows: "support traditional architectural styles and features, while also allowing for design creativity and use of contemporary materials in a manner found to be compatible with the Downtown vision and character".
- Correct the Parking Requirements for consistency with the Parking Strategy recommendations, and add opportunity to approve exceptions to usual parking design:
    - Retail*: 2.8 spaces per 1,000 square feet
    - Office*: 4.0 spaces per 1,000 square feet
    - Residential*:
        - 1.0 space per unit (600 or fewer square feet in unit)
        - 1.5 spaces per unit (> 600 to 1,350 square feet in unit)
        - 2.0 spaces per unit (> 1,350 square feet in unit)

          ** parking requirements based on all new and redeveloped square footage or dwelling units*
    - In the CBD, exceptions to parking design requirements of Chapter 18.50: Off-street Parking and Paving Standards, may be approved through the Design Permit process

Page 2-24: Under "Development Standards", change the minimum Lot Depth standard from 75 to 80 feet.

Page 2-26: Clarify public noticing requirements and Design Permit decision-making authority, by adding the following language to the end of the "Additional Required Permits and Conditions":

Noticed Public Hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director.

Page 2-29: In the second bullet, second paragraph, change the word "from" to "before".

Page 2-31, 2-32 and 2-34: Revise the "manufactured homes" statement to read: "All manufactured homes are subject to Design Permit approval."

Page 2-35: Modify D-PF Development Standards parking requirements to read:

Parking requirements: Parking spaces shall be provided in the amount as specified in Chapter 18.50: Off-street Parking and Paving Standards. In the D-PF Downtown Public Facilities District, exceptions to parking design requirements of Chapter 18.50 may be approved through the Design Permit process.

Chapter 3: Multi-Modal Circulation and Streetscapes

Page 3-1: Revise second sentence to read as follows:

Streetscape improvements for the Third Street Plaza and Promenade project will be complete by January 2010.

Page 3-3: Revise the "Monterey Road Narrowing" discussion, by deleting the existing first two paragraphs and substituting the following language:

The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

Page 3-3: Revise the remainder of the "Monterey Road Narrowing" discussion, by deleting the last two paragraphs.

Page 3-4: Under "4, Median Landscaping and Tree Lighting", delete the 3rd & 4th sentences.

Page 3-6: Delete the second paragraph under "Depot Street" and substitute the following text:

The City of Morgan Hill has studied a possible Circulation Element Amendment to change the current plan to close Depot Street when the planned Dunne/UPRR grade separation (undercrossing) project occurs, so that Depot Street can remain connected to Dunne Avenue. Depot Street offers an important alternate north-south travel route within the downtown, and provides access to public parking lots located on Depot Street. This Downtown Specific Plan will accommodate any decision that may be made regarding Depot Street; however, the preferred option would be a plan to re-route Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses.

Page 3-7: In the first paragraph of the "Pedestrian-Friendly, Multi-Modal Circulation" section:

Delete the following sentence: "Improvements along Monterey Road, including those discussed above, should be given a high priority for circulation and streetscape improvements, but narrowing to two lanes is not likely to occur until after 2015."

Substitute the following sentence: "Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or a possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road."

Page 3-8: Add a new paragraph to the end of this section:

"As a good practice measure to support pedestrian safety and promote safe vehicular travel, the City of Morgan Hill should carry out regular monitoring of the unsignalized intersections in the Downtown area, especially those at Monterey/Fifth, Monterey/Fourth, and Monterey/Central, to evaluate the possibility of restricting cross traffic movements or implementing other restrictions supportive of safe travel downtown."

Page 3-8 & 3-9: Modify first paragraph to reflect the completion of the Courthouse Plaza, and replace the picture on page 3-9 with a photograph of the actual completed project.

Page 3-13: Update the second sentence text to replace the word "preferred" with the word "adopted", and to delete "(with bike sharrows in each lane)". Update the third sentence to replace the word "would be encouraged" with "have been designed to encourage". Update the fourth sentence to delete " is also to incorporate" and replace with "also incorporates". Replace Figure 14, the Conceptual East Third Street Design Parameters, with the actual final plan diagram.

Chapter 4: Parking Resources Management Strategy

Page 4-1: At end of third paragraph, change "934" to "808" (correction of typo).

Page 4-7: In last paragraph, fourth line from the end, delete the word "developed" and substitute the word "implemented".

Chapter 5: Design Guidelines

Page 5-2: Clarify public noticing requirements and Design Permit decision-making authority, by deleting the words "The Architectural Review Board has authority to approve Design Permits, and", and then add the following language to the end of the "Site Review Design Permit Process and Requirements":

Noticed Public Hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff in accordance with Chapter 18.74, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director (minor projects may be approved by staff).

Page 5-7: In DG-A17, use the word "significance" instead of "importance".

Page 5-13: In DG-B14, delete the last two bullets and instead include the following:

- Projects located on parcels adjacent to the railroad shall comply with the noise and vibration mitigation measures contained in the Mitigation Measures section of Chapter 8, Implementation.

Page 5-14: In DG-C3, change the number of feet that porches are allowed to encroach into a residential front setback from “5” to “7”.

Page 5-15: In DG-D1, insert the words “Third Street” before “frontages” at end.

Page 5-15: In DG-D2, add the words “unless a Planned Development rezoning is approved” to the end of the first sentence.

Page 5-25: In DG-M9, add a fourth bullet:

- Tree grates and tree staking should be inspected annually and adjusted as necessary to maintain the health of the tree.

Chapter 6: Signage Guidelines

Page 6-1: Remove the parenthetical statement after Monument Signs. Add a bullet to end of list under SG-A1:

- Governmental Signs (such as for the Community and Cultural Center)

Page 6-13: Add a “K. Governmental Signs SG-K1. Allow flexibility for Governmental Signs. Governmental Signs shall be designed in a manner that best carries out the purpose of the governmental building or facility.

Page 6-14: Add new language:

Permit Requirements: All signage within the Downtown Specific Plan area requires a Sign Permit. Applications shall include plans, drawings and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signage on the same property, to enable evaluation of the proposal’s substantial conformance with these Signage Guidelines. Applications for sign permits are subject to review and action by the Community Development Director, who shall find that the signage substantially conforms to these Signage Guidelines and applicable provisions of the Morgan Hill Municipal Code.

The provisions of Morgan Hill Municipal Code section 18.76.260 shall remain in effect, however the term “Downtown Design Plan” shall be replaced with “Downtown Specific Plan”, and references to “CC-R central commercial/residential mixed use” shall be replaced with “CBD Central Business District”.

Page 6-10: In SG-G3, in fifth line delete “listing” and use “lighting”.

Chapter 7: Infrastructure

Page 7-2: Delete the second paragraph and substitute the following paragraph:

Monterey Road runs north-south and is the main street in Downtown. Through Downtown, it currently has four lanes with on-street parallel parking. The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals

of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

Page 7-2: In the last paragraph under "Existing Roadways", modify the discussion of Depot Street in the last sentence, to remove the word "existing" and inserting after the word "Dunne" the following the words "by re-routing Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal to create an intersection", so that Depot remains a parallel north-south route in Downtown.

Page 7-2: Delete the first bullet under "Existing Transit Service" to reflect the elimination of bus route 15.

Page 7-3: Delete the second paragraph and substitute the following paragraph:

This UPRR/Caltrain rail corridor has also been identified as the possible location for accommodating the through route of the California High Speed Rail (HSR) Project. Conceptual plans call for an elevated track within the UPRR right of way, with no station planned for Morgan Hill. California voters approved some funding toward High Speed Rail in November 2008, and the federal government has also identified funding that may be awarded to California High Speed Rail. The City of Morgan Hill has expressed a strong preference for a US 101 corridor alignment for the segment of High Speed Rail through Morgan Hill (possibly with a station) rather than having HSR within or near the UPRR corridor in the downtown area, as an elevated HSR would be visually intrusive and impede the Specific Plan goals for the 20-block Downtown, in terms of unifying the blocks into a cohesive downtown.

Page 7-3: Delete the second, third and fourth paragraphs under "Transportation Projects and Improvements", and substitute the following paragraphs:

<u>Monterey Road:</u> The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

<u>Depot Street:</u> The City of Morgan Hill has studied a possible Circulation Element Amendment to change the current plan to close Depot Street when the planned Dunne/UPRR grade separation

(undercrossing) project occurs, so that Depot Street can remain connected to Dunne Avenue. Depot Street offers an important alternate north-south travel route within the downtown, and provides access to public parking lots located on Depot Street. This Downtown Specific Plan will accommodate any decision that may be made regarding Depot Street; however, the preferred option would be a plan to re-route Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses.

In the future, signalization of the Depot/Main intersection will be necessary. In planning for installation of the traffic signal, it will be necessary to carefully coordinate signal timing, given the at-grade UPRR road crossing and proximity of other signals at Main/Monterey and Main/Butterfield. The Morgan Hill Redevelopment Agency should pay for installation of the signal when warranted by traffic levels, and should also pursue extending Depot Street north of Main, and then curving to connect with McGlaughlin Drive, to establish a route to/from Central Avenue.

<u>VTA Bus Route and Monterey Road:</u> The City of Morgan Hill and the Santa Clara Valley Transportation Authority should continue to work together to improve the pedestrian and transit environment along Monterey Road. Locating attractive bus stops at appropriate locations adequately separated from outdoor dining areas, and using "bulb outs" to provide plaza areas and comfortable pedestrian crossing distances, is encouraged. Upgrading the bus stops with attractive custom shelters, signage, paving treatments, lighting and other amenities would ensure that transit helps in improving the downtown. A key objective for the City of Morgan Hill will be to ensure appropriate locations for the bus stops serving downtown, such as not directly in front of outdoor dining areas.

Page 7-6: Modify the paragraph at the top of the second column to read as follows:

Upper West Little Llagas Creek winds through the Downtown area. The PL 566 flood control project offers the opportunity to incorporate a trail along Upper Llagas Creek as part of flood control improvement. This trail would provide pedestrians and bicyclists access from Downtown to areas north and south along the creek. The flood control project will be comprised of open channels in the downtown area, however the locations where the creek now runs under Monterey Road and under the shopping center on Block 20 (SW corner Dunne/Monterey) will likely continue to run through a below-ground box culvert. However, project design and other property redevelopment efforts should explore the feasibility of "daylighting" the creek and offering a continuous trail alongside of the flood control project.

Chapter 8: Implementation and Plan for Investment

Page 8-4: In the right column, add bullet and title in front of the second paragraph, and revise the second paragraph to read as follows:

- **Business Relocation and Site Redevelopment:** The Agency may also provide assistance to certain businesses deemed to be incompatible uses in Downtown, or to certain sites/uses that impede achievement of the community's vision for downtown. For

example, the Agency is providing assistance to facilitate relocation of the concrete batch plant from Block 15 to a block outside of the downtown area. In the future, the property owners, business owners and Morgan Hill Redevelopment Agency are strongly encouraged to pursue as priority projects the redevelopment of the two existing banks at the southwest and southeast corners of Main Avenue and Monterey Road, in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

Page 8-6: Add additional bullets to end of list:

- degree to which it contributes to a critical mass of retail uses
- degree to which is contributes to the desired downtown sense of place

Page 8-7: Add a second paragraph to the end of #1: "To comply with a mitigation measure in the DTSP Master EIR, the City of Morgan Hill shall create a land use and parking database for the downtown area and shall document the demand for parking from retail/service and office development (non-residential land uses) and changes in parking supply, through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory and construction measures are undertaken to provide adequate parking supply as development and redevelopment occurs in the 14-block Downtown Core area."

Page 8-7: In #2 regarding Third Street, delete existing second sentence and substitute: "Third Street Promenade and Plaza improvements will be complete by December 2009."

Page 8-8: Add a #8 as follows:

8. Coordinated Marketing, Leasing and Retail Strategies

The Redevelopment Agency, Downtown Assocation, Downtown PBID, and property and business owners should work together to create coordinated marketing, leasing and retail strategies.

Page 8-9: Add a fourth item to Phase 2:

4. Re-Route Depot Street To Connect to Church Street

If the Community & Cultural Center parking lot is modified or a parking structure created on this lot during Phase 2, then Depot Street should be re-routed through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses. This project may not occur until Phase 3 or later, depending upon the method of implementing the parking strategy.

Page 8-9: Revise Phase 3 item #2 "Monterey Road Narrowing and Streetscape Improvements" to read as follows:

The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with

Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

There are a variety of options for use of the right-of-way if Monterey Road is reduced to two vehicular travel lanes. Some of these options include the addition of either bike routes or "sharrows" through Downtown, widening of sidewalks, establishment of outdoor dining areas, and the construction of angled parking to increase parking resources. The center median could be retained, renovated with new landscaping, or eliminated. The specific use of the right of way would be subject to a community design planning process.

Page 8-10: Re-label #7 to say: "Potential Additional Grade-Separated Railroad Crossing for Pedestrians, Bicycles and Emergency Vehicles", and add the following text to the end of the paragraph:

It may be that the most viable location for such a crossing would be closer to Diana Avenue; emergency vehicles could travel on Diana and/or through the Courthouse parking lot to an undercrossing of the railroad tracks, with the connection ending near a relocated Depot Street in an area that is now the Community & Cultural Center parking lot, which is planned for reconfiguration.

Page 8-10: Revise first paragraph under "Subsequent Development Entitlements and Permits":

Proposed projects that meet the overall intent of the Specific Plan but which are not in substantial conformance with the development standards of the applicable zoning district, will need to file an application for rezoning as a Planned Development pursuant to Chapter 18.30 (Planned Development District) of the Zoning Ordinance. The Planned Development (PD) process allows for variations to standard development requirements. As an example, if a 5-story development were to be proposed on the current site of the VTA/Caltrain parking lot on Block 16, this would need to be pursued as a PD and rezoning.

Page 8-11: Revise the first paragraph to read as follows:

Design Permits are required for projects located in the Downtown, pursuant to Chapter 18.74 (Design Review) of the Zoning Ordinance. Within the 18-block Specific Plan area, noticed public hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff in accordance with Chapter 18.74, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director (minor projects may be approved by staff).

Page 8-13: Add the following language to the end of #4 text regarding "Future Fire Station with Potential Additional Grade-Separated Railroad Crossing for Pedestrians, Bicycles and Emergency Vehicles":

The possibility of adding a grade-separated undercrossing of the railroad tracks for pedestrians, bicycles and possibly emergency vehicles, should be studied. It may be that the most viable location for such a crossing would be closer to Diana Avenue; emergency vehicles could travel on Diana and/or through the Courthouse parking lot to an undercrossing of the railroad tracks, with the connection ending near a relocated Depot Street in an area that is now the Community & Cultural Center parking lot, which is planned for reconfiguration.

Page 8-14: Add the following to the end of the "Relationship to the General Plan" section:

Table 2 on page 16 of the Morgan Hill General Plan will be amended to create a new General Plan land use designation to accommodate the unique provisions established for the Central Business District, as follows:

Land Use Designation	Acres	Primary Uses	Density Range	Minimum Lot Area	Maximum Bldg Lot Coverage	Maximum Height *
Mixed Use-CBD	45	Downtown	no min/no max	3,500 sf	NA	2-story: 35' to roof plate 3-story: 45' to roof plate 4-story: 55' to roof plate

** additional height would be considered under a Planned Development (PD) rezoning*

Page 18 of the Morgan Hill General Plan shall be amended to delete the current text description of "Mixed Use", and to substitute the following:

Mixed Use. The Mixed Use designation has two expressions: the "Mixed Use-CBD" is applied to certain Central Business District (CBD) parcels within the Downtown Specific Plan area, and the Downtown Specific Plan is adopted as the General Plan land use map, goals, policies, programs and zoning standards applicable to the Downtown. The remainder of the "Mixed Use" locations, totalling approximately 23 acres, are located in areas near downtown, and the density range provides for 8 to 20 units per acre, as implemented by the Central Commercial-Residential (CC-R) zoning district.

The General Plan shall also be amended to include a policy to allow the Multi-Family Medium land use category to allow for Commercial Use Overlay Zoning to be placed on the residentially-designated portion of Downtown Plan Block 20, to allow commercial uses within existing buildings through obtaining a Commercial Administrative Use permit, during the time prior to redevelopment of the residentially-designated portion of the block with residential uses.

Additionally, the Morgan Hill General Plan shall be amended, as a "clean-up" measure, to remove the terms "Non-Retail Commerical" from the text and land use map, and to instead substitute the term "Limited Commerical-Residential".

Page 8-14: Delete the existing paragraph under "CEQA Compliance" and substitute the following paragraphs:

Adoption of the Downtown Specific Plan constitutes a project under the California Environmental Quality Act (CEQA). A Master Environmental Impact Report (MEIR) has

been prepared in accordance with CEQA to identify potentially significant impacts and mitigation and avoidance measures to be implemented to address these impacts. A summary of these mitigation and avoidance measures is contained as the last section of this Chapter 8.

The Morgan Hill City Council certified the Final MEIR in conjunction with approving the Downtown Specific Plan, and has made appropriate findings and adopted a Statement of Overriding Considerations for impacts that cannot be fully mitigated to a less than significant level.

Page 8-15: Add a second paragraph to the "Subsequent Projects" discussion:

It must be emphasized that the phasing assumptions are not intended to and will not be interpreted to act as a geographic or numeric constraint to the location, level and/or timing of development. Under the adopted Specific Plan and Master EIR, other blocks or portions of blocks may develop sooner or later than the projections in Chapter 2 of this Plan. The overall level and location of actual development will be monitored by the City to ensure that land use regulations, parking supply and management activities, and environmental (CEQA) compliance is appropriate to actual conditions over time.

Page 8-15: Delete the existing two paragraphs under "Residential Development Control System (RDCS)", and substitute the following:

Morgan Hill voters approved a ballot measure in May 2009 to exempt 500 residential units from the RDCS process within the Downtown area (Blocks 1 – 20), within the city's current RDCS population cap of 48,000 persons in the year 2020. The 500 units represents an average of 45 units per year. Under Measure F, there are another 100 allotments for downtown that can be obtained without competing (although projects must be reviewed to ensure that the RDCS minimum score is obtained). Under the exemption, residential and mixed use development in Downtown that are consistent with the Specific Plan will need only to secure a Design Permit and Building Permit, with some uses also requiring a Conditional Use Permit or DAUP. If a project proposes a change to the Specific Plan development standards, a Planned Development zoning designation would be required, but the residential units would still be exempt from the RDCS.

Page 8-16: Add a new section to this Chapter; title the section "Summary of Impacts and Mitigation & Avoidance Measures from Master Environmental Impact Report (MEIR)".

Include the following introductory text prior to presenting the Summary Table:

The Master EIR presents impacts and mitigation/avoidance measures for two timeframes: 2015 and 2030, and for two possible configurations of Monterey Road in the downtown between Main Avenue and Dunne Avenue. The Downtown Specific Plan Project approved by the City of Morgan Hill in 2009 consists of "The Project", which assumes Monterey Road remains 4 lanes through the Downtown. The "Project Alternate" information presented in the Master EIR pertains to the configuration of Monterey Road as a 2-lane facility, and impacts/mitigation measures applicable to the Project Alternate are denoted by addition of "-A" to the impact/MM numbering system.

The following mitigation measures and avoidance measures shall be imposed as conditions of approval for development projects, or otherwise carried out by the City of Morgan Hill, Morgan Hill Redevelopment Agency, or other appropriate entity, as described in the Mitigation Monitoring

and Reporting Program (MMRP) adopted in conjunction with certification of the Master EIR and adoption of the 2009 Downtown Specific Plan.

Summary of Significant Impacts

The following information summarizes the significant effects of the proposed project and mitigation measures proposed to reduce these effects. Impacts that are less than significant are not described in this summary and can be found in the text of the MEIR. A complete description of the project and of its impacts and proposed mitigation measures can be found in the text of the MEIR.

Significant Impact	Mitigation and Avoidance Measures
Transportation Impacts	
Impact TRANS-1: Under 2015 conditions, the proposed project would exacerbate LOS D intersection operations at Monterey Road/Main Avenue during the AM peak hour. **(Significant Impact)**	**MM TRANS-1.1:** Monterey Road/Main Avenue. The addition of 2015 project traffic volumes would exacerbate LOS D intersection operations during the AM peak hour. The mitigation required to reduce the impact from the proposed project to less than significant during the AM peak hour would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact TRANS-1a: Under 2015 conditions, the project alternate would result in impacts to the intersection of Monterey	**MM TRANS-1a.1:** Monterey Road/Main Avenue. The addition of 2015 traffic volumes on the project alternate roadway network would exacerbate LOS D intersection operations to LOS F and LOS D- during the AM and PM peak

Significant Impact	Mitigation and Avoidance Measures
Road/Main Avenue (LOS F during AM and LOS D- during PM peak hour). **(Significant Impact)**	hours, respectively. The mitigation required to reduce the impact from the project alternate to less than significant during the AM and PM peak hours would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The southbound approach would need to be widened to include two southbound left-turn lanes, a through lane, and a right-turn lane. These improvements would not conflict with the narrowing of Monterey Road from four to two lanes. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact TRANS-2a: Under 2015 conditions, the project alternate would result in impacts to the intersection of Dunne Avenue/Monterey Road (LOS D during PM peak hour). **(Significant Impact)**	**MM TRANS-2a.1:** <u>Monterey Road/Dunne Avenue.</u> The addition of 2015 traffic volumes on the project alternate roadway network would degrade acceptable (LOS D+) operations to LOS D operations during the PM peak hour. The mitigation required to reduce the impact from the project alternate to a less than significant level during the PM peak hour would be to provide for Dunne Avenue an eastbound right-turn overlap phase and a southbound approach with a left-turn, through lane and shared through-right lane. This configuration would be inconsistent with narrowing Monterey Road from four to two lanes between Dunne Avenue to Fifth Street and would require modification of the narrowing proposed under the Project Alternate to retain four lanes on Monterey Road between Dunne Avenue and Fifth Street.

Significant Impact	Mitigation and Avoidance Measures
	During a future Monterey Road streetscape planning process, the City of Morgan Hill should explore feasibility and desirability of retaining additional lanes in the block of Monterey Road between Dunne Avenue and Fifth Street; however, with the current project alternate roadway network, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact TRANS-4: The proposed Specific Plan, under 2030 conditions, would degrade Monterey Road/Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. **(Significant Impact)**	**MM TRANS-4.1:** Monterey Road/Main Avenue. The addition of 2030 traffic volumes would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact TRANS-4a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Monterey Road intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. **(Significant Impact)**	**MM TRANS-4a.1:** Monterey Road/Main Avenue. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach would also need to be widened (i.e.

Significant Impact	Mitigation and Avoidance Measures
	two southbound left-turn lanes, a through-lane, and a right-lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact TRANS-5: The proposed Specific Plan, under 2030 conditions, would degrade Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. **(Significant Impact)**	**MM TRANS-5.1:** Depot Street/Main Avenue. The addition of 2030 traffic volumes would degrade the Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and the peak-hour signal warrant would be met. Signalizing this intersection would mitigate this impact to a less than significant level. It should be noted that signalization at this location was recommended in the Circulation Element update that is currently in progress. The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. **(Less Than Significant Impact with Mitigation)**
Impact TRANS-5a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/ Depot Street intersection operations from LOS C and D to LOS E and F during the AM and PM peak hours, respectively,	**MM TRANS-5a.1:** Main Avenue/Depot Street. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Main Avenue and Depot Street intersection from LOS C and LOS E to an unacceptable LOS E and LOS F during the AM and PM peak hours, respectively. In addition, the peak hour warrant is exceeded during both peak hours. Providing a signal at this location would reduce this

Significant Impact	Mitigation and Avoidance Measures
and would meet the peak hour signal warrant criteria. **(Significant Impact)**	impact to a less than significant level and provide acceptable (LOS D+ or better) operations during both peak hours. It should be noted that the recommendation for a signal is also identified in the recommended roadway network for the General Plan Circulation Element update that is currently in progress. The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. **(Less Than Significant Impact with Mitigation)**
Impact TRANS-6a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Hale Avenue intersection operations from LOS B to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. **(Significant Impact)**	**MM TRANS-6a.1:** <u>Main Avenue/Hale Avenue.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Main Avenue and Hale Avenue from LOS B to an unacceptable LOS E during the AM peak hour. In addition, the peak hour warrant is exceeded during the AM peak hour. Providing a signal at this location would reduce this impact to a less than significant level and provide acceptable (LOS D+ or better) operations during both peak hours. It should be noted that the recommendation for a signal is also identified in the recommended roadway network for the General Plan Circulation Element update that is currently in progress. The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. **(Less Than Significant Impact with Mitigation)**
Impact TRANS-7a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Dunne Avenue/Monterey Road intersection operations from LOS D+ to LOS D during the PM peak hour. **(Significant Impact)**	**MM TRANS-7a.1:** Dunne Avenue/Monterey Road. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Monterey Road and Dunne Avenue from an acceptable LOS D+ to an unacceptable LOS during the PM peak hour. The mitigation required to reduce the impact from the project alternate to a less than significant level during the PM peak hour would be to provide an eastbound right-turn overlap phase, and a southbound approach with a left-turn, through lane and shared through-right lane to operate acceptably (LOS D+ or better). This configuration would be inconsistent with narrowing Monterey Road from four to two lanes between Dunne Avenue to Fifth Street and would require modification of the narrowing proposed under the Project Alternate. During a future Monterey Road streetscape planning process,

Significant Impact	Mitigation and Avoidance Measures
	the City of Morgan Hill could explore feasibility and desirability of retaining additional lanes in the block of Monterey Road between Dunne Avenue to Fifth Street; however, with the current project alternate roadway network, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact TRANS-8a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Butterfield Boulevard intersection operations from LOS D+ to LOS D during the PM peak hour. **(Significant Impact)**	**MM TRANS-8a.1:** Main Avenue/Butterfield Boulevard. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Main Avenue/Butterfield Boulevard from an acceptable LOS D+ to an unacceptable level of service LOS D during the PM peak hour. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level. The City of Morgan Hill will monitor traffic at this location and make necessary improvements at the time the intersection is projected to operate at an unacceptable level. **(Less Than Significant Impact with Mitigation)**
Impact TRANS-10: While implementation of some or all of the parking strategies outlined in the Specific Plan would increase parking supply in the Downtown to meet parking demand as development in the Downtown Core intensifies, the City has no adopted program to monitor parking availability and undertake measures to provide adequate supply. **(Significant Impact)**	**MM TRANS-10.1:** The City shall create a land use and parking database for the downtown area and shall be required to document the demand for parking from retail and office development and changes in parking supply through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory, and construction measures are undertaken to provide adequate parking supply. Implementation of this measure would reduce the impact of the Specific Plan development on parking supplies to a less than significant level. **(Less Than Significant Impact with Mitigation)**
Noise and Vibration Impacts	
Impact NV-1: Residential development proposed under the Downtown Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. Exterior noise levels exceeding the acceptable General Plan standards would result in	**MM NV-1.1:** Residential development shall be setback from traffic and railroad noise sources to reduce ambient noise levels in outdoor use areas to the extent feasible. Noise-sensitive outdoor spaces shall be shielded with buildings or noise barriers wherever possible. Residential development proposed under the Specific Plan shall strive to reduce traffic noise levels to 60 dBA L_{dn} or less and railroad train noise levels to 70 dBA L_{dn} or less in outdoor use areas through a combination of setbacks, noise barriers, and

Significant Impact	Mitigation and Avoidance Measures
significant impacts to outdoor spaces in new residential development in the Downtown. **(Significant Impact)**	building design/layout. The specific determination of what treatments are necessary would be conducted on a project-by-project basis. Implementation of these measures would reduce noise impacts to outdoor use areas to a less than significant level for many of the proposed downtown residential units, however, even with incorporation of these mitigation measures to the extent feasible, the outdoor spaces for some residential units will continue to be impacted and, therefore, this impact is significant and unavoidable. **(Significant Unavoidable Impact)**
Impact NV-2: Interior noise levels would be reduced through the incorporation of standard measures, however, L_{max} noise levels of up to 110 dBA from train warning whistles, would exceed the City's L_{max} noise standards. **(Significant Impact)**	**MM NV-2.1:** Project-specific acoustical analyses shall be submitted for all residential and mixed-use projects where exterior noise levels exceed 60 dBA L_{dn}. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to the UPRR, Monterey Road, or Butterfield Boulevard. Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required to reduce maximum instantaneous noise levels (L_{max}) to 50 dBA in bedrooms and 55 dBA in other habitable rooms. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible, and sensitive interior spaces should be located further from the railroad corridor. Projects shall also incorporate setbacks, as great as feasible, from the railroad corridor and construct noise barriers. The specific determination of what treatments are necessary would be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, would be submitted to the City along with the building plans and approved prior to issuance of a building permit. The City should also explore designation of the at-grade rail crossings as "quiet zones". Quiet zones could be established so that trains would not be required to sound their warning whistles but would require greater safety controls at the crossings. Wayside horn systems could be installed at the at-grade crossings to confine horn noise only in the immediate vicinity of the crossings. For some downtown residential properties incorporation of project-specific noise reduction treatments will reduce this impact to a less than significant level; however, for many units on properties adjoining the railroad the interior L_{max} noise standards may not be met even with incorporation of

Significant Impact	Mitigation and Avoidance Measures
	feasible and best available methods and, therefore, this impact would be significant and unavoidable. **(Significant Unavoidable Impact)**
Impact NV-3: Residential uses allowed under the Specific Plan within approximately 50 feet of the UPRR would be subject to vibration from railroad trains that would exceed the FTA impact guidelines. **(Significant Impact)**	**MM NV-3.1:** Residential structures shall be located at least 50 feet from the nearest railroad track unless project specific vibration analyses indicate that vibration levels at the building site and/or the design of the project result in vibration levels of 75 VdB or less. **(Less Than Significant Impact with Mitigation)**
Impact NV-4: Construction activities, even with incorporation of standard measures, could impact noise sensitive receptors in the project area for more than one year. **(Significant Impact)**	**MM NV-4.1:** The following mitigation measures shall be implemented, as conditions of approval, in addition to construction hour limitations in the Morgan Hill Municipal Code, to reduce potential construction related noise impacts to nearby sensitive receptors: • Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers. • Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials. • Utilize “quiet” air compressors and other stationery noise sources where technology exists. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem. Implementation of the mitigation and standard measures identified above, would reduce noise generated by construction projects in the Specific Plan project area, however, given the duration of time (greater than one year) that sensitive receptors may be exposed to construction noise, this impact would remain significant and unavoidable. **(Significant Unavoidable Impact)**

Significant Impact	Mitigation and Avoidance Measures
Air Quality Impacts	
Impact AQ-2: Projected new development through 2015 and 2030 under the proposed project would result in an increase in regional air pollutant emissions of ROG and PM_{10} in excess of BAAQMD thresholds and, therefore, would result in significant impacts to regional air quality. **(Significant Impact)**	**MM AQ-2.1:** The Specific Plan shall be amended to require submission of an Air Quality and Transportation Demand Management (AQ-TDM) Plan as part of the Design Permit (Architectural and Site Review) application for review and approval by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts: • Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas. • Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities. • Allow only natural gas fireplaces. No wood burning devices would be allowed. • Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc. • Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development. • Provide showers and lockers for employees bicycling or walking to work. • Provide transit information kiosks and bicycle parking at commercial facilities. • Provide secure and conveniently located bicycle parking and storage for workers and patrons. **MM AQ-2.2:** Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities: • Electric vehicle charging facilities. • Preferential parking for Low Emission Vehicles (LEVs). The above measures have the potential to reduce project-related regional emissions by five to ten percent. A reduction of this magnitude would not reduce emissions to below the BAAQMD significance threshold of 80 pounds per day for ROG and PM_{10}. Project regional air quality impacts, therefore, would remain significant and unavoidable. **(Significant Unavoidable Impact)**
Impact AQ-5: Demolition and construction activities due to redevelopment in the Specific Plan project area, even with incorporation of City of Morgan Hill	**MM AQ-5.1:** The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible demolition and construction dust control measures to reduce construction impacts to a less than significant level. The following construction practices shall be incorporated into

Significant Impact	Mitigation and Avoidance Measures
standard measures, may generate construction-period exhaust and fugitive dust that would temporarily affect local air quality. **(Significant Impact)**	dust mitigation plans implemented during demolition and construction phases of proposed development in the Specific Plan project area to reduce dust and exhaust emissions: • Water active demolition areas to control dust generation during demolition of structures and break up of pavement. • Cover all trucks hauling demolition debris from the site. • Use dust proof chutes to load debris into trucks whenever feasible. • Water all active construction areas at least twice daily. • Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind. • Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. **AM AQ-5.1:** The following additional measures recommended by the BAAQMD to reduce engine exhaust emissions: • Use alternative fueled construction equipment, when feasible. • Minimize idling time (five minutes maximum). • Maintain properly tuned equipment. • Limit the hours of operation of heavy equipment and/or the amount of equipment in use. **(Less Than Significant Impact with Mitigation)**

Significant Impact	Mitigation and Avoidance Measures
Hazards and Hazardous Materials	
Impact HM-1: Soil and/or groundwater in the project area may be contaminated by hazardous materials that could be disturbed, exposed, or released due to development and redevelopment in the project area. **(Significant Impact)**	**MM HM-1.1:** A Phase I Environmental Site Assessment shall be required for all properties proposed for redevelopment with residential uses where previous uses include industrial, commercial or agricultural use. If warranted, a Phase II Environmental Site Assessment shall be prepared which identifies specific remediation measures required to ensure the site is suitable for residential development. **MM HM-1.2:** If remediation activities are required on any parcel within the Specific Plan project area, these activities shall be carried out in accordance with a Remediation Plan prepared to address the findings of the Phase II Environmental Site Assessment. The Remediation Plan shall specify the cleanup levels that will be applied and the anticipated regulatory agency responsible for oversight. Potential impacts associated with the remediation activities, such as air and health impacts associated with excavation activities, transportation impacts from removal or remedial activities, and risk of upset in the event of an accident at the site or during transport of contaminated soil shall also be addressed to ensure no significant impacts from implementation of the Remediation Plan. **MM HM-1.3:** The Central Coast Regional Water Quality Control Board (RWQCB) and County of Santa Clara Department of Environmental Health Local Oversight Program (LOP) are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. In accordance with the Fuel Leak Site Case Closure for Unocal #6169 (Case No. 14-668, SCVWDID No. 09S3E28C03f), the County, RWQCB, and the Community Development Department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells on the Unocal 76 station parcel of Block 14. A Clearance Letter from either of these agencies outlining site history and any requirements for cleanup or handling of residual contamination shall be submitted to the Community Development Director prior to the issuance of a site development permit. **MM HM-1.4:** The Central Coast Regional Water Quality Control Board and County of Santa Clara Department of Environmental Health Local Oversight Program are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. Prior to the issuance of a site

Significant Impact	Mitigation and Avoidance Measures
	development permit on Block 20, a Clearance Letter from either of these agencies outlining site history and requirements for cleanup or handling of residual hydrocarbon contamination on the site shall be submitted to the Community Development Director. **(Less Than Significant with Mitigation)**
Biological Resources	
Impact BIO-1: Tree removal during the nesting season could impact protected tree-nesting raptors. Any loss of fertile bird eggs, or individual nesting birds, or any activities resulting in nest abandonment during construction, would constitute a significant impact. **(Significant Impact)**	**MM BIO-1.1:** Removal of trees in the Specific Plan area could be scheduled between September and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required. **MM BIO-1.2:** If removal of the trees on-site would take place between January and August (inclusive), a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity. The applicant shall submit a report indicating the result of the pre-construction survey and any designated buffer zones to the satisfaction of the Community Development Director. **(Less Than Significant Impact with Mitigation)**
Cumulative Impacts	
Impact C-TRANS-1: The proposed project, along with other pending General Plan amendments, would result in significant cumulative impacts to three signalized intersections and one unsignalized intersection. **(Significant Cumulative Impacts)**	**MM C-TRANS-1.1:** Monterey Road/Main Avenue. The combination of cumulative traffic from all of the proposed projects and from implementation of the Project Alternate to narrow Monterey Road to one lane in each direction would cause the intersection to operate at LOS F during the AM and PM peak hours. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase).

Significant Impact	Mitigation and Avoidance Measures
	The southbound approach of Monterey Road would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a shared through-right lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)** **MM C-TRANS-1.2:** Monterey Road/Dunne Avenue. The addition of cumulative traffic and the narrowing of Monterey Road would degrade the intersection operations from LOS D+ to LOS D during the PM peak hour. This intersection requires an eastbound right-turn overlap phase, and a southbound approach with a left-turn lane, through lane and shared through-right lane to operate acceptably (LOS D+ or better) and reduce the project's contribution to this cumulatively significant impact. These improvements (two southbound through lanes at this intersection) would conflict with narrowing of Monterey Road and the installation of traffic calming and pedestrian improvements evaluated as the project alternate. One of the City's goals for the proposed Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and traffic calming measures. This mitigation is not consistent with the priority of reducing vehicle speeds on Monterey Road and is not proposed by the project. During a

Significant Impact	Mitigation and Avoidance Measures
	future Monterey Road streetscape planning process, the City of Morgan Hill should explore the feasibility and desirability of incorporating this mitigation measure, to retain additional lanes in the block of Monterey Road, between Dunne Avenue and Fifth Street. **(Significant Unavoidable Cumulative Impact)** **MM C-TRANS-1.3:** Main Avenue and Butterfield Boulevard. The addition of cumulative traffic at this location would degrade the intersection operations from LOS C- and LOS D+ to LOS D during the AM and PM peak hours, respectively. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service. **(Less Than Significant Cumulative Impact with Mitigation)** **MM C-TRANS-1.4:** Dunne Avenue and Del Monte Street. The addition of cumulative traffic at this location would degrade intersection operations from LOS B to LOS E and LOS F during the AM and PM peak hours, respectively. The peak-hour traffic volumes at this intersection would meet the peak-hour signal warrant during the PM peak hour and installation of a traffic signal would mitigate the impact at this intersection and provide LOS C (20.6 seconds of average delay) and LOS C+ (20.8 seconds of average delay) operations during the AM and PM peak hour. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service. **(Less Than Significant Cumulative Impact with Mitigation)**

SECTION 5 COPIES OF THE COMMENT LETTERS RECEIVED ON THE DRAFT EIR

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

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September 14, 2009

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SCL101-R15.86
SCH#2008012025

Ms. Kathleen Molloy Previsich
Community Development Department
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037-4128

Dear Ms. Molloy Previsich:

Morgan Hill Downtown Specific Plan – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Morgan Hill Downtown Specific Plan. The following comments are based on the Draft Environmental Impact Report (DEIR).

The City of Morgan Hill is responsible for all traffic impacts and project mitigation, including any needed improvements to State highways generated from future projects derived from the proposed Plan. These projects' fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for each specific project and all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in these environmental documents.

Regional Transportation Impact
The Department strongly urges the City to develop a regional transportation impact fee (RTIF) program to mitigate the impacts of future growth on regional corridors. Traffic impact fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system and reduce delays while maintaining reliability on major roadways throughout the San Francisco Bay Area.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

Lisa Carboni

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

County of Santa Clara

Roads and Airports Department

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

September 2, 2009

Ms. Kathy Molloy Previsich
Community Development Director,
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Notice of Availability, Draft Master Environmental Impact Report (EIR) and Public Comment Period for the Morgan Hill Downtown Specific Plan

Dear Ms. Previsich,

Your August 2009 Notice along with the attachment for the subject project have been revised. Our comment is as follows:

> The present Draft Master EIR for Morgan Hill Downtown Specific Plan revises the City General Plan and zoning ordinance to increase the size and density of future projects in the downtown area of Morgan Hill. However traffic analysis is made for County Roadway outside Morgan Hill Downtown. This EIR needs to analyze traffic impact on County Roads including, but not limited to, San Pedro Avenue, Main Street past City jurisdiction, Diane Avenue, Hill Road and County Roads to the south and west of Morgan Hill.

Please take in consideration the above comment in the DEIR to be resubmitted for our review. Thank you for the opportunity to review and comment on this project. If you have any questions, please contact me at 408-573-2464.

Sincerely,

Raluca Nitescu, PE
Project Engineer

cc: AP, MA, WRL, File

Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

SANTA CLARA
Valley Transportation Authority

September 14, 2009

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

Attention: Kathy Molloy Previsich

Subject: Morgan Hill Downtown Specific Plan Draft Master EIR

Dear Ms. Molloy Previsich:

Santa Clara Valley Transportation Authority (VTA) staff has reviewed the Draft Master EIR for the Morgan Hill Downtown Specific Plan. Overall, VTA is supportive of the Plan's vision; however, we have concerns regarding statements suggesting the removal of transit service from Monterey Highway. We have the following specific comments.

Land Use/Transportation Integration

VTA is fully supportive of the Downtown Specific Plan's vision of strengthening downtown as the social and activity heart of Morgan Hill. We are pleased to see many measures to intensify land use development in downtown and encourage transit-and pedestrian-oriented uses. VTA strongly supports development around transit, and accordingly the Plan's designation of the VTA/Caltrain parking lot on Butterfield Boulevard as High Density Residential/Planned Development. This is consistent with the principles of the VTA *Joint Development Policy & Implementation Plan*, and we look forward to a continuing partnership with the City to explore development opportunities. The overall direction of the Downtown Specific Plan is also consistent with VTA's *Community Design & Transportation* (CDT) Program Cores, Corridors and Station Areas framework which identifies VTA and local jurisdiction priorities for locating concentrated mixed-use development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and has been endorsed by all 15 Santa Clara County cities and the County, and we feel Morgan Hill's Downtown Specific Plan land use elements demonstrate leadership in implementing the CDT concepts and principles.

Transit Service

We believe VTA's transit services will help the City achieve its vision for downtown by providing a viable travel option for residents, workers and visitors to downtown. However, for this to work effectively, it is very important that Monterey Road continue to be a multimodal corridor that embraces transit services. Accordingly, we are concerned to see the Specific Plan state that "to create a more pedestrian-friendly atmosphere along Monterey Road and to better connect to the train station, bus routes running along Monterey Road should be diverted to Depot Street or

Butterfield Boulevard via Main Avenue and/or Dunne Avenue." This suggestion seems to contradict the City's plans for an active and multimodal downtown and it is inconsistent with VTA's Transit Sustainability Policy and Service Design Guidelines that were adopted by the VTA Board in 2007. In addition, this suggestion appears to conflict with the City's efforts to improve the pedestrian connections between the Caltrain Station and Monterey Highway for which the City has received over $4m in grants through MTC's Transportation for Livable Communities (TLC) Program. Pedestrian-friendly environments are also transit friendly environments - and the presence of transit along Monterey Highway, we think, represents unique economic and community-building opportunities for the City.

As communicated to the City of Morgan Hill in past discussions, VTA does not support rerouting one of our core transit routes off this main arterial. Monterey Highway is part of the arterial street network in the County and is utilized by VTA's bus line 68. This line operates from Gilroy through Morgan Hill and terminates at the San Jose Diridon Caltrain Station. The line operates seven days a week with 15 to 20 minute frequencies during most of the weekday and every 30 minutes on weekends. Service starts at 4:30 am on weekdays and 6:00 am on weekends. Service ends at about 12:30 am on all days. This route averages about 2,700 passengers per weekday.

We believe the proposal to connect line 68 with the other transit services at the Morgan Hill Caltrain Station would degrade transit service to most passengers. The proposed deviation is not supported by VTA's Board adopted Service Design Guidelines for route types like line 68 as it is one of VTA's core arterial services and should be as direct as possible. Line 68 provides an important regional connection for passengers traveling within South County and to Downtown San Jose. The deviation onto Depot Street would impact about 1,200 weekday passengers who are traveling along this section of Monterey Highway to access other areas. The benefit of improving the connection of line 68 to the Caltrain Station, which is only 1/8 mile from Monterey Highway - about a three minute walk - for a small numbers of passengers does not seem to outweigh the impact to the 1,200 passengers who would be inconvenienced by this out of direction travel. Also about 150 passengers who currently use the three pairs of stops along Monterey Highway would be impacted. Only three weekday round trips trains and no local VTA bus lines currently serve the Caltrain Station, so moving line 68 there would not provide much benefit for transferring passengers.

We believe transit service is an important component of a successful downtown and represents, and we are looking forward to working with the City on improving the transit and pedestrian environment here. Upgrading the bus stops with shelters, signage, paving treatments, lighting and other amenities could ensure that transit helps in improving the downtown. These improvements are supported by many City policies and mitigation measures presented in the Master DEIR.

Cities around the county, nation and world embrace bus service as part of pedestrian friendly design by providing attractive bus stops and restricting automobiles and parking in the downtown business areas. Using "bulb-outs" at bus stops can provide plaza areas and space which is more comfortable for pedestrians and can provide shorter, safer crossing areas at intersections. As a local example, the City of Mountain View incorporated bulb-outs and custom shelters at the bus stops on Castro Street and their downtown district has become a popular destination for dining and shopping. This is an excellent local example of how a vibrant downtown district can capitalize on and embrace bus transit service.

In conclusion, VTA does not support the Specific Plan's suggestion of diverting bus service from Monterey Road. However, we'd be happy to further explore with you the opportunities to improve the transit and pedestrian environment on Monterey Road in order to achieve the vision established by the Specific Plan.

If you have any questions, please call Ying Smith at (408) 321-5770 or Roy Molseed at (408) 321-5784.

Sincerely,

Chris Augenstein, AICP
Deputy Director, Planning

CA:YS:kh

cc: Jim Unites, Deputy Director, Service and Operations Planning

MH0903

Santa Clara Valley Water District

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 30408
West Little Llagas Creek

September 15, 2009

Ms. Kathy Molloy Previsich, Director
Community Development Department
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Morgan Hill Downtown Specific Plan

Dear Ms. Molloy Previsich:

The Santa Clara Valley Water District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the subject project, received on August 3, 2009. The project includes amending the City of Morgan Hill's General Plan and Zoning Ordinance for the purpose of invigorating and revitalizing the downtown area through modified land use designations and implementation of various design guidelines. The District has the following comments on the DEIR:

Section 3.6.1.2 Flooding—The first paragraph of this section references Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) which were used to provide flood elevation information in the Specific Plan area. The District notes that the flood elevations provided appear to correspond to earlier flood maps which are no longer in effect. FEMA recently digitized the FIRMs (now knows as DFIRMs) and the new maps for Santa Clara County, including the City of Morgan Hill, are effective May 18, 2009. The District recommends updating the text in this section to reflect the existing effective FIRM maps which are based on North American Vertical Datum 1988.

Section 3.6.1.2 Planned Flood Control Improvements—This section discusses the Upper Llagas Creek Flood Protection Project (PL-566) in general, but there is no discussion on how the future flood protection improvements may be considered in the Specific Plan area or the role it may play. When the PL-566 improvements are constructed, the Specific Plan area will be removed from the 100-year floodplain. As well as providing flood protection benefits to the

Specific Plan area, it may be possible to incorporate the PL-566 project into the Specific Plan area as a transportation improvement (i.e. trails) or other open space/recreational benefit if the West Little Llagas Creek corridor is treated as a resource and adequate setbacks or other land use tools can be utilized to allow for more options during the planning and design of PL-566. Similar, albeit larger scale, improvements were made on the Guadalupe River in downtown San Jose. Allowing for future development in the Specific Plan area to include, rather than to hide, West Little Llagas Creek may allow for a multi-purpose flood protection facility that can enhance the community as well as protect it.

Section 3.6.1.4 Regulatory Overview (Water Quality)—This section mentions the State Water Resources Control Board's National Pollution Discharge Elimination System (NPDES) General Permit for Construction activity, but there is no mention of the Phase II NPDES General Permit for Municipalities under which the City of Morgan Hill (City) is now permitted. The City's Phase II NPDES permit contains certain requirements which the City will need to impose on new development. The District understands the City is in the process of renewing their permit, possibly as a co-permittee with the County of Santa Clara and the City of Gilroy. Any future municipal NPDES permit will also have development standards that the City will be required to impose on future development. The District recommends this section of the DEIR discuss the City's municipal NPDES permit requirements and how it may affect development of the Specific Plan.

Section 3.6.2.3 Flooding—This section contains one mitigation measure which addresses increased runoff from development and one measure to prevent new development from flooding. Although mitigation is proposed to address increased runoff to West Little Llagas Creek from development, the District recommends the measure be more specific to address the fact that West Little Llagas Creek floods rather frequently such as during a 3-year event. The District recommends measure SM HYDRO-6 be modified to state "...the runoff rate from the proposed development would be less than or equal to existing conditions during various flood events such as a 3-year, 10-year, 25-year and 100-year..." or other similar condition to address the effects of increased runoff during a range of flood events to ensure existing areas subject to flooding do not experience increased frequency of flooding. The District also recommends mitigation be provided to address impacts to the existing floodplain from fill or blockages due to development which can increase existing water surface elevations or change the location or pattern of the existing floodplain. The City's Flood Damage Prevention Ordinance, Section 18.42.140, includes language which may address this concern.

Section 3.6.2.3 Water Quality—This section contains two mitigation measures to address water quality issues from construction associated with the Specific Plan. Although there is a

background discussion on post-construction water quality impacts that may be produced by development of the Specific Plan, neither SM HYDRO-7 nor SM HYDRO-8 includes measures to address post-construction water quality impacts. Post-construction water quality mitigation measures can be found at the Santa Clara Valley Urban Runoff Pollution Prevention Program's website (http://www.scvurppp-w2k.com/default.htm). It may be helpful to reference post-construction water quality mitigation measures required as part of the City's municipal NPDES permit or included in the City's Storm Water Management Plan.

The District appreciates the opportunity to comment on the DEIR and looks forward to reviewing the final EIR when it is available. Please contact me at (408) 265-2607, extension 2319, if you have any questions.

Sincerely,

Yvonne Arroyo

Yvonne Arroyo
Associate Engineer
Community Projects Review Unit

cc: L. Lee, B. Ganjoo, S. Tippets, Y. Arroyo, File

30408_52283ya09-15

PLANNING COMMISSION COMMENTS ON THE DRAFT MEIR

From Downtown Specific Plan Public Hearing, September 1, 2009

Commissioner John Liegl: Concerned about the impacts to the intersection of Main Avenue and Monterey Road. The major concern is that there is a bottleneck at this location, and the potential Project Alternate with its narrowing of Monterey Road would further contribute the bottleneck. Is there any level of mitigation that could be implemented, such as narrowing the sidewalks, or different signal phasing/operations?

Commissioner Robert Escobar: Would the Project Alternate either increase or eliminate parking on Monterey Road?

Commissioner Susan Koepp-Baker: If the Monterey Road Narrowing Design Alternative is implemented, such that the block between Dunne and 5th is kept 4 lanes, how long would it take to clear traffic at the intersection of Monterey/Fifth where the merge from two to one lane in each direction occurs?

Commissioner John Moniz: Is it realistic to assume in the traffic analysis that all of the identified 2015 circulation improvements would be implemented in the next five years, recognizing that the outputs received from the model are based on this assumed roadway network?

Chairperson Wayne Tanda: What roadway improvements are included in the Project Alternate condition?

Vice-Chairperson Joseph Mueller: The EIR should discuss the reduction in noise resulting from the train undercrossing on Dunne Avenue being implemented – there will be less train whistles.

On page 125 of the EIR, further description is needed of what would be required to implement the "quiet zones" for the at-grade rail crossings to reduce train whistle noise.

The Reduced Project Alternative that allows less development than the current General Plan should be revised to instead address a geographically smaller downtown project area, reducing square footage and concentrating development in the blocks between 2nd and 4th Avenues. Would like the EIR to include an alternative that is half way between the No Project Alternative and the Project.

General concern regarding the need for a fire station and the number of projects that are approved and may be approved before the station is definitely provided. The impact on response time is not discussed. How many projects can be approved before the threshold is tripped at which point construction of the station becomes mandatory.

Do a run of the traffic model that includes keeping Depot Street connected to Dunne Avenue by re-routing it through the Community & Cultural Center parking lot, and see how that helps LOS at Monterey/4th and Monterey/5th, under both Project (Monterey at 4 lanes) and Project Alternate (Monterey at 2 lanes) Scenarios.

Chairperson Wayne Tanda: Under the project scenario, the intersection of greatest concern is Monterey at Main; however, the wait times are not unreasonable at 60 seconds (LOS E) under the Project (with Monterey at 4 lanes). The Project Alternate results in much longer delays, at 102 seconds (LOS F) when Monterey Road Narrowing is assumed. Some congested communities have "levels of F", and perhaps we need to consider a "floor" to an F that Morgan Hill would allow, rather than having so standard whatsoever.

The intersection LOS spirals down under two-way stop controls and signalization should be analyzed, even though warrants are not met under the warrant analysis performed by the consultants. Should an “area warrant” versus a “signal warrant” be used? Restricting these intersections to right-turn only during peak hours should also be considered. Monterey Road will have free flow, but delays will be greater on side streets.

What LOS standard do other downtowns use, such as Los Gatos, San Jose and Mountain View?

Commissioner John Liegl: Have one-way streets or one-way couplets been considered on any of the roadways within the project area?

Comments from Public: None.

September 2, 2009

Kathy Molly Prevish
Director of Community Development
City of Morgan Hill

Regarding: DEIR Comments – Downtown Specific Plan

Dear Kathy,

Please accept my following comment regarding the Draft Environmental Impact Report for the Downtown Specific Plan:

> The alignment of the proposed high speed line through Downtown Morgan Hill should be addressed in the Final EIR and in the Downtown Specific Plan. Given, however, that a high speed rail line through the Downtown may have a dramatic negative impact on abutting and nearby properties, an objective evaluation of the alignment of the high speed rail line in the Route 101 corridor should be strongly advocated by the City.

Sincerely,

Wayne Tanda, Chair
Morgan Hill Planning Commission

----Original Message-----
From: Joe Mueller [mailto:joemueller@verizon.net]
Sent: Monday, September 07, 2009 9:07 PM
To: Jim Rowe; Kathy Molloy Previsich
Subject: Downtown SP EIR Comments
Importance: High

Kathy, Jim

Good morning,

Here are my comments on the Downtown Specific Plan EIR:

1. Page 36, Paragraph 4. Third and fourth sentences need to be clarified.
Third sentence does not apply at the corner which is an 80 foot square of retail.

2. Page 37, Table CBD line. Minimum lot size does not work for corners.

3. Page 37, Table CBD line. 2.25 FAR requires at least 22K SFT.

4. Page 42, Paragraph 3. The EIR Project Area is larger than the Specific Plan area. The Draft EIR appears to be using the two terms interchangeable which can cause some confusion including "Specific Plan Project" on Page
43
Paragraph 1.

5. Page 42, Paragraph 4. What does "conservative analysis" mean?

6. Page 42, Paragraph 5 and 6. Need to reference how the increased development was arrived at.

7. Page 45, Paragraph 3. "Build out" should be projected 2030 development the Specific Plan goes will require more that 808 at complete build out.

8. Page 54, Paragraph 2. The last sentence is not correct. The exempt units are limited to 600 units (Measure A and F) not any project within the 20 block area.

9. Page 61, Paragraph 1. Implication is that the peak hour traffic for the retail is larger than residential. Is this a correct assumption?

10. Page 65, Paragraph 3. Impact. The EIR should comment on the impact of the shading on open Plaza's or Public gathering places.

11. Page 68, Paragraph 4. Monterey has two southbound lanes from just south of the Monterey/Old Monterey intersection which is along way from Monterey and Wright avenue.

12. Page 72, Route 15. Route 15 has been cancelled. The EIR should comment on the impact of this cancellation on traffic counts.

13. Page 83, Paragraph 6. Where is Table 13?

14. Page 87, Paragraph 2. Increased development has been assumed. Where is the increase development located?

15. Page 87, Paragraph 5. Please explain "internal to downtown area." Is this limited to the Specific Plan area?

16. Page 95, Paragraph 1,2. Retail space numbers do not appear to be consistent. I believe the 186K SFT includes 90K SFT that is already in the existing conditions.

17. Page 103, Table. How was the residential parking requirement calculated and does it include guest parking?

18. Page 104, Paragraph 3. Where is Figure 9?

19. Page 109, Paragraph 2. Instead of every two years, what about a Development trigger?

20. Page 122, Impact. How much of this impact can be reduced by building placement?

21. Page 123, Paragraph 6. What a noises from special events on third street, other streets or open plazas? Some events could occur of a regular basis or be multiple days long.

22. Page 133 Local Air Quality. How does this analysis document the impact of the lower LOS standards when the VMT and traffic projects do not reach the proposed standards at most intersections?

23. Page 151. I believe there is a rule against altering the pattern of flooding. Will the increased building coverage allowed by the Project violate this rule.

24. Page 152, Paragraph 6. I believe the statement that the Monterey Road narrowing would include removal of the landscape median is wrong. No decision to include removal of the median has been made.

25. Page 154, Paragraph 1. Please explain why multiple dry years is only 200 AF less than normal when a single dry year is 13,000 AF less than normal.

26. Page 173, Paragraph 4. What is the proposed revision to the City's Historic Resources Code?

27. Page 196, Scenic views. With 3 and possibly 4 story buildings on some sites, other sites will probably loose there views of El Toro, Western or Eastern hills. It is also possible that views from an early project could be altered by a later project. Is this a significant impact?

28. Page 203, AM ENER 1.1. The energy section should discuss the impact of the exemption of 500 units from RDCS which will result in lower BIG scores for the these units. Current RDCS projects commit to 131 points versus the 70 points required under the sustainability ordinance.

29. Page 206, Paragraph 1. The Morgan Hill Unified School District should be included in the last sentence.

30. Page 206, Paragraph 5. The more relevant measure of response time is
5
minutes travel time (90% of the time) since it is determine by the distance between the first responding Fire Station and the location in question.

31. Page 209, Paragraph 2. My copy of the Draft CIP does not have a 40 acre passive park. An addition of 40 acres will not reach the 5 acre/1000 residents goal if the active recreational lands are removed from the list used to reach 213 acres.

32. Page 209, Paragraph 2, The latest estimated population is 42,950 per June 2009 RDCS Quarterly Report.

33. Page 211, Paragraph 4, The addition of a third Fire Station would reduce response times not increase response time.

34. Page 212, Impact PS-1. A third Fire Station has been planned for many years. How long after a need is identified does it become a significant impact if it has not been built? In this case, we are increasing density in a small area which means more complex fire situation.

35. Page 212, Police Service. No discussion of increased call demand over the average Morgan Hill residential area due to the increased residential density in the Specific Plan Area.

36. Page 212, Police Service. Many Downtown areas have substations. With the recent reports of criminal behavior in the Downtown area the EIR should discuss when or if a substation would be needed in the Downtown Specific Plan area.

37. Page 213, Table. The High School capacity (3060 students)will not meet the increased demand of 223 students. Only 211 available.

38. Page 213, Table. Table does not show available Elementary Schools with Capacity to support increased demand.

39. Page 214, SM PS-3. The RDCS Quarterly report will need to include units exempt from the RDCS in order to meet this requirement.

40. Page 217, Paragraph 2. There is no mention of Measure F - 100 units exempt from competing under the RDCS. Measure F units are available to the Downtown Core Area.

41. Page 220, Paragraph 3. similar to question 40. No mention of Measure F.

42. Page 220, Paragraph 3. Second sentence. Voters have already approved Measure A and F. Why is more voter approval needed?

43. Page 221, Paragraph 4. Table next page. GPA 5 project has been dropped.

44. Page 234, Paragraph 1. For the High Speed Rail, the design speed through Morgan Hill is 250 MPH. What is the impact if the speed through Morgan Hill is 150 to 200 MPH?

45. Page 246, MM AQ 2.2. Does this mitigation mean that the new parking lot on Depot need to have an Electric Vehicle Charging facility added?

46. Page 247, AM ENER 1.4. Is the overhang required by this mitigation allowed by the Design Guidelines in the Downtown Specific Plan?
Balconies
and Awnings are discussed but overhangs.

47. Page 256, Paragraph 5. See questions 31 and 32.

48. Page 259, Paragraph 6. "the above measures" where are they?

49. Page 279. Reduced Scale. There are two better reduced scale
projects: 1.
Cut the incremental development allowed by the Downtown Specific Plan in half or 2. Reduce the area covered by the Specific Plan.

50. Page 286, Section 8.5. This section needs to discuss the impact of allowing an unrestricted CBD zoning which would allow retail on the site except along the Butterfield frontage. Retail on this site would be competing with the retail on the Westside of the tracks.

51. Page 4, Paragraph 4. Block 16 change description is not consistent with Section 8.5

Please email or call with any questions.

Thanks for the help.

Joe

DEVELOPMENT SERVICES
SEP 11 2009
CITY OF MORGAN HILL

September 10, 2009

Kathy Molloy Previsich
Community Development Director
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

SUBJECT: Morgan Hill Downtown Specific Plan – Draft EIR

Dear Ms. Molloy Previsich:

I appreciate the opportunity to comment on the Morgan Hill Downtown Specific Plan – Draft EIR. I believe the Downtown Specific Plan is a vital element for the City of Morgan Hill and improvements in the downtown have the potential to add vitality and offer a sense of place for the community. I have reviewed the Morgan Hill Downtown Specific Plan – Draft EIR and provide the following comments and recommendations on the document for clarification.

1) Complete the downtown grid roadway network for positive circulation, access and parking by pursuing the extension of Del Monte Ave from W. 3rd Street to W. Dunne Avenue.
2) Pursue public parking lots on the west side of Monterey Road. Most of the future parking is proposed between Monterey Road and Depot Street. No additional public parking is proposed west of Monterey Road. This limits commercial expansion on the west side and further establishes Monterey Road as a pedestrian obstacle.
3) The EIR identifies that the intersection on Monterey & Main is the poorest functioning signalized intersection in the City at LOS D (significant impact). This poor traffic signal operation is principally caused by school traffic in the morning period. The City should not allow this intersection to deteriorate any further.
4) The EIR identifies the "Project" as having a 4 lane Monterey Road configuration and a "Project Alternate" as having a 2 lane Monterey Road configuration. For the downtown area to provide a pedestrian oriented atmosphere Monterey Road MUST be reduced to a 2 lane configuration. Other traffic operation changes will also need to be implemented to successfully transform the downtown for a pedestrian atmosphere to be achieved.
5) The EIR states that for Project conditions the intersection of Monterey & Main will remain fairly stable at LOS D (significant impact) with the 2030 AM peak going to LOS E+ (significant). The EIR further states that for Project Alternate conditions (2 lane) that the intersection of Monterey & Main will severely deteriorate to LOS E and F (significant impact). This level of congestion is significant and NOT acceptable. It will be extremely important for the City to review and design the Monterey Road transitions at Main and Dunne to not allow these intersection degradations to occur in the 2 lane Project Alternate option.

I look forward to reviewing your response to these comments.

Sincerely,

Donald W. Dey
203 La Via Azul Court
Morgan Hill, CA 95037