

APPENDIX A
NOTICE OF PREPARATION (NOP)
AND RESPONSES TO THE NOP



ARNOLD SCHWARZENEGGER
GOVERNOR

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



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

January 9, 2008

PLANNING DEPT.

JAN 14 2008

CITY OF MORGAN HILL

To: Reviewing Agencies

Re: Morgan Hill Downtown Specific Plan
SCH# 2008012025

Attached for your review and comment is the Notice of Preparation (NOP) for the Morgan Hill Downtown Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Kathleen Molloy Previsich
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008012025
Project Title Morgan Hill Downtown Specific Plan
Lead Agency Morgan Hill, City of

Type NOP Notice of Preparation
Description This preliminary Draft Downtown Specific Plan represents an effort by the City of Morgan Hill to Update the 2003 Downtown Design Plan, so that certain land use, circulation and public improvement policies and regulations are revised in a manner that supports reality-based, feasible implementation strategies for achieving the community's vision for downtown.

Lead Agency Contact

Name Kathleen Molloy Previsich
Agency City of Morgan Hill
Phone (408) 779-7248 **Fax** (408) 779-7236
email
Address 17555 Peak Avenue
City Morgan Hill **State** CA **Zip** 95037

Project Location

County Santa Clara
City Morgan Hill
Region
Cross Streets Main Avenue, Butterfield Avenue, Dunne Avenue, Del Monte Avenue
Parcel No.

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways U.S. 101
Airports
Railways
Waterways
Schools
Land Use Mixed use, Central Business District (CBD)
GPD: CC-R (Central Commercial - Residential)

Project Issues Aesthetic/Visual; Air Quality; Traffic/Circulation; Public Services; Water Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Toxic/Hazardous; Landuse; Noise; Population/Housing Balance; Recreation/Parks

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received 01/09/2008 **Start of Review** 01/09/2008 **End of Review** 02/07/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

Resources Agency

- Fish & Game Region 2
Banky Curtis
- Resources Agency
Nedell Gayou
- Dept. of Boating & Waterways
David Johnson
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Sharon Howell
- California Energy Commission
Paul Richards
- Cal Fire
Allen Robertson
- Office of Historic Preservation
Wayne Donaldson
- Dept. of Parks & Recreation
Environmental Stewardship Section
- Reclamation Board
DeeDee Jones
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nedell Gayou
- Conservancy
- Fish and Game
Depart. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch
- Fish & Game Region 1E
Laurie Harnsberger
- Fish & Game Region 3
Robert Fierke
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M
Gabrina Gatchel
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region
- Other Departments
Food & Agriculture
Steve Stauffer
Dept. of Food and Agriculture
Dept. of General Services
Public School Construction
Dept. of General Services
Robert Sleppy
Environmental Services Section
Dept. of Health Services
Veronica Malloy
Dept. of Health/Drinking Water
- Independent
Commissions/Boards
Delta Protection Commission
Debby Eddy
Office of Emergency Services
Dennis Castillo
Governor's Office of Planning & Research
State Clearinghouse
Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Ken Lewis
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Jean Satino
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques
- Business, Trans. & Housing
Caltrans - Division of Aeronautics
Sandy Hesnard
Caltrans - Planning
Terri Perovic
California Highway Patrol
Shirley Kelly
Office of Special Projects
Housing & Community Development
Lisa Nichols
Housing Policy Division
- Dept. of Transportation
Caltrans, District 1
Rex Jackman
Caltrans, District 2
Marcellino Gonzalez
Caltrans, District 3
Jeff Pulverman
Caltrans, District 4
Tim Sable
Caltrans, District 5
David Murray
Caltrans, District 6
Marc Bimbaum
Caltrans, District 7
Cheryl J. Powell
- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Durbin
- Caltrans, District 11
Marlo Orso
- Caltrans, District 12
Ryan P. Chamberlain
- Cal EPA
Air Resources Board
Airport Projects
Jim Lerner
Transportation Projects
Raw Ramalingam
Industrial Projects
Mike Tolstrup
California Integrated Waste Management Board
Sue O'Leary
State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance
State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
State Water Resources Control Board
Steven Herrera
Division of Water Rights
Dept. of Toxic Substances Control
CEQA Tracking Center
Department of Pesticide Regulation
- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other

County of Santa Clara

Roads and Airports Department



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

January 25, 2008

PLANNING DEPT.

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

JAN 28 2008

CITY OF MORGAN HILL

Subject: Notice of Preparation of an Environmental Impact Report (EIR) and Notice of Scoping Meeting for the Morgan Hill Downtown Specific Plan

Dear Ms. Previsich,

Your January 4, 2008 Notice along with the attachments for the subject project have been reviewed. At the present time we have no comments.

Please provide us with a copy of the Draft EIR including the traffic circulation for review and comments.

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 Nutescu
Project Engineer

cc: MA, WRL, File

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5535
FAX (510) 286-5559
TTY 711

PLANNING DEPT.**FEB 06 2008**

*Flex your power!
Be energy efficient!*

CITY OF MORGAN HILL

February 4, 2008

SCL-101-R015.86
SCL101848
SCH2008012025

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

Dear Ms. Molloy Previsich:

Morgan Hill Downtown Specific Plan – Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the NOP and have the following comments to offer.

As lead agency, the City of Morgan Hill is responsible for all future project mitigation, including any needed improvements to state highways. The project's fair share contributions, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project's traffic mitigation fees should be specifically identified in the Draft Environmental Impact Report (DEIR). Any required roadway improvements should be completed prior to issuance of project occupancy permits. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process if required; see the end of this letter for more information regarding the encroachment permit process.

We would like to meet, after the Draft of the Specific Plan is completed, with and encourage the City of Morgan Hill to coordinate preparation of a traffic impact study with our office to help sharpen the focus of your scope of work and answer any questions you may have. Please see the Caltrans' "*Guide for the Preparation of Traffic Impact Studies*" at the following website for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

Specifically, a detailed Traffic Impact Analysis (TIA) should identify impacts to all affected state facilities with and without the proposed project. The TIA should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Average Daily Traffic (ADT), AM and PM peak hour volumes on all significantly affected streets and highways, including crossroads and controlling intersections.
3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus project, and 3) cumulative for the intersections in the project area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We look forward to reviewing the TIA, including Technical Appendices and the Draft Environmental Impact Report (DEIR) for this project. Please send two copies to:

José L. Olveda
Office of Transit and Community Planning
Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Traffic Forecasting

1. The first two paragraphs on page 2 of the "Morgan Hill Downtown Specific Plan Executive Summary" seem to contradict themselves. The first paragraph includes the statement, "The Master EIR environmental analysis and parking strategy will be based on these projections instead of the "maximum buildout under zoning." However, the second paragraph states, "It must be emphasized that the 2015 and 2030 projections and phasing assumptions are not intended and will not be interpreted to act as a geographic or numeric constraint to the location, level and/or timing of the development within the Specific Plan Boundary." If the analysis is to be limited to a projected development level, how can the development not be constrained to these levels?
2. The "Parking Management Strategy" section states that developers will not be required to provide on-site parking. The City's redevelopment agency will develop the needed parking themselves. However, it is unclear what will occur if the pace of development outstrips the provided parking, either because of faster than expected development or slower than expected parking development. What is to prevent development from proceeding without the needed parking?

Ms. Molloy Previsich

February 4, 2008

Page 3

Encroachment Permit

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Community Planning

The Department encourages you to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connected to these nodes with streets configured to encourage walking and biking, as a means of reducing regional vehicle miles traveled and traffic impacts on the state highways.

In addition, consider developing and applying pedestrian, bicycling and transit performance or level of service measures and modeling pedestrian, bicycle and transit trips that your project will generate so that impacts can be quantified. Mitigations resulting from this analysis could improve pedestrian and bicycle access to transit, thereby reducing traffic impacts on state highways. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any mitigation for traffic impacts and describe any pedestrian and bicycle mitigations that would in turn be needed as a means of maintaining and improving access to transit and reducing traffic impacts on state highways.

Transit

The specific plan should include transit strategies that encourage more transit service and riders. The close proximity to the Morgan Hill Caltrain Station should be an integral part of the transit strategy.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

PLANNING DEPT.

FEB 06 2008

CITY OF MORGAN HILL



February 5, 2008

Kathleen Molloy Previsich
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

RE: Morgan Hill Downtown Specific Plan, SCH# 2008012025

Dear Ms. Previsich:

As the state agency responsible for rail safety within California, we recommend that any development projects as part of the Morgan Hill Downtown Specific Plan that are adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way (ROW).

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

We recommend that the following be analyzed in the draft EIR:

A nexus-based fair-share impact fee from the projects in the downtown area could be used to perform improvements at the crossings.

Every project adjacent to the railroad ROW should be required to install continuous vandal resistant fencing or other appropriate barriers to deter trespassing.

The draft EIR should investigate if traffic queues are expected to extend across railroad tracks. Such queuing increases the probability that a motorist will stop on the tracks and be unable to clear the tracks as a train approaches, whether due to congestion or a stalled vehicle. Improvements to traffic signals (advance preemption and pre-signals), lane configuration, signage and markings should all be considered to address this issue.

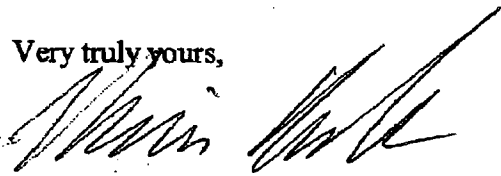
No new development should be allowed on land adjacent to mainline at-grade highway rail crossings within the footprint of land needed for future grade-separation structures. Any development adjacent to existing at-grade rail crossings should dedicate the land needed for a grade separation to the City.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual

conceptual design phase will help improve the safety to motorists and pedestrians in the City.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles", written in a cursive style.

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad
Hubert Chan, Caltrain



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

February 8, 2008

PLANNING DEPT.

FEB 15 2008

CITY OF MORGAN HILL

Ms. Kathleen Molloy Previsich
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, California 95037-4128

Dear Ms. Previsich:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Morgan Hill Downtown Specific Plan (SCH# 2008012025.) As you may be aware, DTSC oversees the cleanup of hazardous substance release sites pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting the following comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project and future associated development projects adequately address any remediation activities which may be required to address any hazardous substance releases.

The project description indicates that land use changes are proposed. For each site where development is to occur under the Specific Plan, current and historical land use should be determined to identify land uses that may have resulted in hazardous substance releases. In particular, properties where there have been industrial uses could potentially have contamination. Sampling and analysis of soil and groundwater should be conducted at sites where current or historical operations may have caused a hazardous substance release. The results of sampling should be discussed in the EIR or the CEQA documents for individual development projects, which the NOP states will be prepared. Screening levels or any risk assessments that are used in determining whether contamination poses a potential, significant human health or environmental risk should be identified and discussed. If volatile organic compounds are present in soil or groundwater, the potential human health risk from vapor intrusion into future buildings will need to be considered.

If remediation activities are required, these activities should be discussed in the EIR or CEQA documents for individual development projects along with the cleanup levels that will be applied and the anticipated regulatory agency oversight. Potential impacts associated with the remediation activities should also be addressed. For example, if the remediation activities include the need for soil excavation, the EIR or CEQA documents

Ms. Kathleen Molloy Previsich
February 8, 2008
Page 2

for individual development projects should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from removal or remedial activities; and (4) risk of upset should there be an accident at the site or during the transport of contaminated soil.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed.

Please contact Jovanne Villamater at (510) 540-3876, or via email at JVillam1@dtsc.ca.gov if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Mark Piros, P.E., Unit Chief
Northern California - Coastal Cleanup Operations Branch

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Voluntary Cleanup Program

**Statutory Authority:
California Health and
Safety Code, Chapter
6.8, section
25355.5(a)(1)(C)**

DTSC's Voluntary Cleanup Program allows motivated parties who are able to fund the investigation and cleanup and DTSC's oversight to move ahead at their own pace to investigate and remediate their sites.

Some of the highlights of this program are:

- Project Proponents do not admit to legal liability for remediation of a site by entering into an agreement with DTSC.
- The cleanup process is consistent with the National Oil and Hazardous Substances Contingency Plan (the "National Contingency Plan", NCP) and Chapter 6.8 of the Health and Safety Code.
- Provides direct access to qualified DTSC staff including, but not limited to, geologists, engineers, scientists, and toxicologists.
- DTSC provides coordination with other State, federal, or local agencies who may have input on certain aspects of a project.
- Services to be provided by DTSC and a cost estimate for this work are set forth in an agreement.
- The Project Proponent or DTSC may terminate the agreement for any reason by giving 30-day advance written notice to the other party.
- Professional services provided include document review, oversight of site characterization, risk assessment, evaluation of feasible cleanup alternatives, and implementation of site remediation, and certification upon completion.

Public participation activities are tailored to the project.

Project Proponents may include, but are not limited to owners of property with known or suspected hazardous substance contamination, other State or local agencies, real estate developers or others involved with proposed changes in land use or ownership.

Most properties are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, is under current DTSC enforcement, or if it falls outside of DTSC's jurisdiction. Sites under the current oversight of other State or local regulatory agencies may enter the program for specific services only with the overseeing agency's consent.



Voluntary Cleanup Program

Under the Voluntary Cleanup Program, DTSC is committed to a cooperative, team approach with the Project Proponent. The common goal is to achieve an efficient remediation which is protective of public health and the environment.

For Further Information Please Contact

Kevin Shaddy
Brownfields Revitalization Unit
Clovis Field Office
(559) 297-3929
1515 Tollhouse Road
Clovis, California 93611-0522
KShaddy@dtsc.ca.gov

Tim Miles
Sacramento Regional Office
(916) 255-3710
8800 Cal Center Drive
Sacramento, California 95826-3200
TMiles@dtsc.ca.gov

Tom Kovac
Clovis Field Office
(559) 297-3939
1515 Tollhouse Road
Clovis, California 93611-0522
TKovac@dtsc.ca.gov

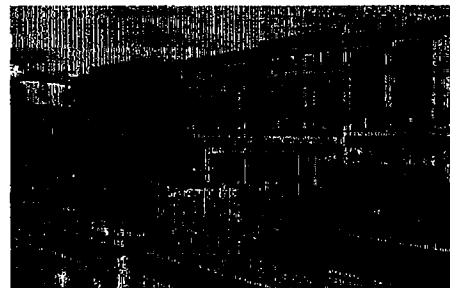
Janet Naito
Berkeley Regional Office
(510) 540-3833
700 Heinz Avenue, Suite 200C
Berkeley, California 94710
JNaito@dtsc.ca.gov

Tedd Yargeau
Glendale Regional Office
(818) 551-2864
1011 North Grandview Avenue
Glendale, California 91201
TYargeau@dtsc.ca.gov

Maryam Tasnif-Abbasi
Cypress Regional Office
(714) 484-5489
5796 Corporate Avenue
Cypress, California 90630
MTasnif@dtsc.ca.gov

Additional information is available on
DTSC's webpage:

- Fact Sheet:
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/SMP_FS_VCP.pdf
- Lead Agency Identification Application:
<http://www.calepa.ca.gov/Brownfields/MOA/>
- Policy and Procedure:
http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm#Policies_and_Procedures
- EnviroStor:
<http://www.envirostor.dtsc.ca.gov/public/>



*Town and Country Village Shopping Center
San Jose, California*

Further information is available on the DTSC
webpage at: <http://www.dtsc.ca.gov>

02/11/2008 10:33 4003215787

ENVIRON ANALYSIS

PAGE 02



PLANNING DEPT.

FEB 11 2008

CITY OF MORGAN HILL

February 11, 2008

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

Attention: Development Review Committee

Subject: Morgan Hill Downtown Specific Plan

Dear Sir or Madam:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a Draft EIR on updating the Morgan Hill Downtown Specific Plan for 2030 level of development. We have no comments at this time but look forward to reviewing the Draft EIR.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Molseed", is written over the word "Sincerely,".

Roy Molseed
Senior Environmental Planner

RM:kh