

**First Amendment/
Final Environmental Impact Report**

**Butterfield - MWest (formerly Keenan)
General Plan Amendment Project**

**GPA-14-04
State Clearinghouse #2014072009**

**City of Morgan Hill
November 2014**

PREFACE

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (FEIR) for the Butterfield – Keenan General Plan Amendment Project. The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period from August 26, 2014 to October 9, 2014. This volume consists of comments received by the Lead Agency on the Draft EIR during the public review period, responses to those comments, and revisions to the text of the Draft EIR.

In conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft EIR by making written findings for each of those significant effects.

According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report 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 will mitigate or avoid the significant effect 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 of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (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.

ORGANIZATION OF THE FINAL EIR

This document, which includes responses to comments and text revisions, has been prepared in accordance with Section 15088 of the CEQA Guidelines. The Final EIR included the following sections:

Section 1.0 List of Agencies and Organizations Who Received the Draft EIR

The agencies, organizations, and individuals who received copies of the Draft EIR are listed in this section.

Section 2.0 List of Comment Letters Received on the Draft EIR

This section contains a list of all parties who submitted written comments on the Draft EIR.

Section 3.0 Responses to Comments Received on the Draft EIR

This section contains written comments received on the Draft EIR and the responses to those comments.

Section 4.0 Revisions to the Text of the Draft EIR

This section contains text revisions to the Draft EIR. Text revisions can be made as a result of comments received during the Draft EIR public review process, corrections or clarifications to the text, or to reflect modifications that have been made to the project to reduce impacts.

Section 5.0 Copies of Comment Letters Received on the Draft EIR

This section contains copies of the full comments letters received.

In accordance with CEQA and the CEQA Guidelines, the FEIR will be made available to the public prior to consideration of the Environmental Impact Report. All documents referenced in this FEIR are available for public review in the City of Morgan Hill's Community Development Agency, Planning Division office (17575 Peak Avenue Morgan Hill, CA 95037), on weekdays during normal business hours and on the City's internet site at: <http://www.morgan-hill.ca.gov/index.aspx?NID=868>.

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SECTION 1.0 LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS WHO RECEIVED THE DRAFT EIR

The following is a list of agencies, businesses, community organizations, and individuals who received a copy of the Butterfield- MWest (Formerly Keenan) General Plan Amendment Project Draft EIR.

National Agencies

United States Fish and Wildlife Service – Endangered Species

State Agencies

California Natural Resources Conservation Service State Office
Metropolitan Transportation Commission

Regional Agencies

Association of Bay Area Governments
County of Santa Clara Department of Environmental Health
County of Santa Clara Division of Agriculture
Santa Clara County Roads and Airports – Planning Division
Santa Clara Valley Transportation Authority, Congestion Management Program
Santa Clara Valley Water District – Community Projects Review

City Agencies

City of Gilroy Planning Department
City of Morgan Hill Chamber of Commerce
City of Morgan Hill Public Library
City of Morgan Hill Unified School District
City of San Jose Planning Department

Community Agencies and Organizations

Committee for Green Foothills
Gavilan College (Community College)
Greenbelt Alliance
Northern California Carpenters Regional Council, Central District
Thrive! Morgan Hill

Businesses

Adams Broadwell Joseph & Cardozo
Recology South Valley
Pacific Gas and Electric

Individuals

Eric Carruthers
Gordon Jacoby
Mike Muller
Patrick Scheufler
Jim Sergi

SECTION 2.0 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR

Shown below is a list of agencies, organizations, and individual who commented on the DEIR. The list below also identifies the dates of the letters received. Comments that raise questions regarding the adequacy of the EIR or analyses in the EIR require substantive responses. Comments that contain only opinions regarding the proposed project do not require substantive responses in the FEIR. Complete copies of all the letters received are included in Section 5.0 of this FEIR.

State Agencies

- A. California Department of Transportation October 9, 2014

Regional Agencies

- B. Santa Clara Valley Transportation Authority October 9, 2014
C. Santa Clara Valley Water District September 4, 2014

Organizations, Businesses, and Individuals

- D. TenCate Advanced Composites USA, Inc. October 9, 2014
E. Kerry M. Williams on behalf of Project Applicant MWest/Butterfield October 8, 2014

SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all the comments on the DEIR that were received by the City in letters and emails during the 45-day review period. The comments are organized under headings containing the source of the letter and the date submitted. The specific comments from each of the letters are presented as “Comment” with each response to that specific comment directly following. Each of the letters submitted to the City of Morgan Hill are attached in their entirety (with any enclosed materials) in Section 5.0 of this document.

A. RESPONSE TO COMMENTS FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION, OCTOBER 9, 2014

Comment A-1: Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIR and have the following comments to offer. Please also refer to Caltrans comments on the Notice of Preparation in a letter dated August 1, 2014.

Traffic Impacts

One of Caltrans’ ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. Regarding U.S. (US) 101 Southbound (SB) Ramps/Cochrane Road and Northbound (NB) Ramps/Cochrane Road:

The GPA Traffic Impact Analysis (TIA), throughout different scenarios, shows a 30 percent increase in volume of traffic at this off-ramp. The increased traffic volume at this ramp is over 1,700 vehicles per hour (vph). Based on Caltrans design requirements, an increase in volume to over 1,500 vph requires that the off-ramp to be widened to two lanes to accommodate the increased volume. Please evaluate the need to mitigate this impact.

Response A-1: The TIA prepared for the General Plan Amendment looked at conditions 20 years into the future, in addition to existing conditions. The proposed residential use of the site added to existing conditions does not create the need to widen the off-ramp to two lanes. The forecast 30 percent increase in volume is from General Plan cumulative growth in 2030, and the project contribution is minimal (ranging from 0.1% to 1.6% of 2030 volumes, depending upon the specific ramp), as documented in the TIA included as an appendix to the Draft EIR. The need for, and timing of, widening this off-ramp will be coordinated between the City and Caltrans as volumes increase over time as the General Plan growth is implemented.

The NOP comment letter referenced in the comment above has been included in Section 5.0 of this Final EIR.

Comment A-2: Please provide the AM and PM peak hour 95 percentile queuing analysis for the SB US 101 Off-Ramp/Cochrane Road and Northbound US 101 ramps/Cochrane Road for our review and comments.

Response A-2: The requested queuing analysis has not been completed for the traffic analysis of the proposed land use change, rather it would be prepared and shared with Caltrans at the time a specific development project TIA is completed. The analysis of the project included a range of density that the proposed General Plan land use designation would allow (between 14 and 21 dwelling units per acre). Given the nature of the proposed project, (a change in land use, and not a specific development project) the request for a queuing analysis is premature.

Comment A-3: Please clarify whether the US SB 101 Ramps/Cochrane Road intersection and the US 101 NB Ramps/Cochrane Road intersection volumes are based on a counted output volume of each intersection or if demand volumes were used in the intersection analyses.

Response A-3: The ramp intersection volumes are based on counts.

Comment A-4: Lead Agency. As the lead agency, the City of Morgan Hill (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit required for work in the State right-of-way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Response A-4: No feasible improvements are identified for traffic impacts that would require encroachment onto Caltrans' right-of-way. Therefore, it is not anticipated that encroachment permits will be required. See also VTA **Response B-1** below.

Comment A-5: Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or which may affect State highways, a TMP or construction TIA may be required of the developer for approval by Caltrans prior to construction. Traffic Management Plans must be prepared accordance with Caltrans' Manual on Uniform Traffic Control Devices. Please ensure that such plans are also prepared in accordance with the TMP requirements of the corresponding jurisdictions.

Response A-5: This comment is noted, and in the event traffic restrictions and detours are needed as described, a TMP or construction TIA would be prepared pursuant to Caltrans requirements.

Comment A-6: Vehicle Trip Reduction

We also commend and encourage the City to continue developing Travel Demand Management

(TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include lower parking ratios, car-sharing programs, Bicycle parking and showers for residents, and providing transit passes to: residents, among others.

In addition, please ensure secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures are analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Response A-6: This City will consider the specific details of a TDM plan when a specific development project is filed for the site, and will carefully consider the details and suggestions provided in the comment.

Comment A-7: Traffic Impact Fees

Please identify traffic impact fees to be used for project mitigation development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Response A-7: The City of Morgan Hill currently does not have a traffic impact fee program in place for projects to make fair share contributions to regional facilities, such as freeway widening. If such a program is adopted in the future by the City, a subsequent project (specific development) related to this GPA project, if it were to be implemented after adoption of such a program, would be conditioned to provide fair share funding, as applicable. See also VTA **Response B-1** below.

Comment A-8: Voluntary Contribution Program

US 101 is critical to regional and interregional traffic in the San Francisco Bay Region. It is vital to commuting, freight, and recreational traffic and is among the most congested regional facilities. Given the scale and location of the proposed project and the traffic generated, along with other projects in the vicinity, this project is likely to have a significant regional impact to the already congested State Highway System.

Caltrans encourages the City to participate in Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program and plan for the impact of future growth: on the regional transportation system. Contributions would be used to help fund regional transportation programs that improve the transportation system to lessen future traffic congestion, improve mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Response A-8: Refer to VTA **Response B-1** below.

Comment A-9: Feasible Mitigation Measures

Caltrans does not agree with the assertion in Mitigation Measure TRAN -1 that there are no feasible mitigation measures available to reduce the impact to the freeway segment. We request instead that the City work with Caltrans to identify and implement feasible measures on a fair-share basis, including but not limited to the US 101 Express Lane Project, to ensure all mitigation measures are funded and implemented. Also, Caltrans recommends that in order to reduce traffic impacts and vehicle miles travelled on US 101, the City work with the developer and Caltrans to improve the pedestrian and bicycle connections to the Morgan Hill Caltrain Station. This could be done by installing sidewalks, curb ramps, crosswalks, street trees, bike facilities, and by refreshing existing bike lane striping between the Caltrain Station and the proposed development.

It is essential that feasible mitigation be included to ensure that impacts from the project on the transportation network are reduced or eliminated. This will be important to the success of this project. We also recommend working with Caltrans to develop a mitigation monitoring and implementation plan that identifies an implementation schedule or impact thresholds to trigger development of mitigation projects.

Response A-9: Refer to VTA **Response B-1** below for discussion of the issue of fair share fee contributions to planned US 101 improvements. Whether fair share fees would constitute adequate, feasible mitigation would be re-considered at the time of project-level environmental review when a specific development project is filed for site. As discussed in VTA **Response B-3** below, a future specific development project will be required to provide pedestrian and bicycle improvements along the site frontage and in the vicinity to facilitate connections to transit and nearby retail opportunities.

Comment A-10: Encroachment Permit

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

Response A-10: This comment is acknowledged. The current proposed General Plan Amendment does not create the need for any improvements within State right-of-way that would trigger the need for an encroachment permit. Further, it is not anticipated that a future specific project, based on the analysis completed to date in the current GPA Draft EIR, would create the need for any improvements within State right-of-way that would trigger the need for an encroachment permit. However, in the event that any work associated with the development of the subject site was required to be completed with State right-of-way, an encroachment permit would be obtained as noted in the comment.

**B. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY, OCTOBER 9, 2014**

Comment B-1: The TIA and DEIR find a Significant and Unavoidable impact according to CMP criteria on SB US 101 from Burnett Avenue (lane drop) to Cochrane Road in the PM peak period. The DEIR notes that, “The VTA has identified plans to widen US 101 to four lanes through the extension of the southbound and northbound HOV lanes from north of Cochrane Road, south through Morgan Hill to Gilroy. This includes removal of the lane drop on the impacted freeway segment and carrying the HOV lane south. The future improvements will remove the current merge and poor operating conditions, however, there is currently no program in place to fund the improvement envisioned by VTA.”

VTA disagrees with the final statement that there is "no program in place to fund the improvement." VTA notes that certain Cities in Santa Clara County have included commitments to provide voluntary contributions to regional transportation improvements as mitigation measures in CEQA documents. In addition, VTA notes these voluntary contributions will be executed via ad hoc funding agreements between the City and VTA, triggered when the project applies for a building permit or other approval milestones. VTA requests that the City include a mitigation measure in the DEIR for the project to commit to voluntary contributions to regional transportation improvements in VTP 2040/Plan Bay Area on the impacted freeway or parallel corridors, such as the US 101 Express Lanes Project.

Response B-1: Under CEQA Guidelines Section 15126.4(4)(A) and (B) , there must be an essential nexus (i.e. both a connection and rough proportionality) between a mitigation measure and a project impact. Mitigation measures must be feasible, fully enforceable, and it must be reasonably foreseeable that a mitigation measure will directly resolve an identified impact within a timeframe that is relevant to the project (thus creating a nexus). Under CEQA Guidelines Section 15364, ‘feasible’ is defined as ‘capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social, and technological factors.’

For the City to require a contribution by the project to the VTA, there would need to be documentation in the record showing that the contribution would go directly to solving the congestion issues at the impacted US 101 segment, within a timeframe that is meaningful to the future specific development project. Neither the timing of the future specific project nor the freeway widening project are currently known. The planned freeway widening is not within the jurisdiction and control of the City, rather the improvement would happen under the jurisdiction of Caltrans and the VTA. Currently, there are no formal funding agreements or other mechanisms between the City and the aforementioned transportation agencies that would guarantee that the project’s payment of impact fees would result in widening of the impacted US 101 segment within the same general timeframe as project implementation. There is no nexus study that has been completed to determine fair-share contributions to the highway widening planned on US 101 in southern Santa Clara County. Additionally, freeway widening projects can take years to be approved due to the complexities of funding, completion of required studies, property acquisition, etc. To the City’s knowledge, the

planned freeway widening has not yet completed necessary CEQA environmental review, therefore, Caltrans and the VTA are not yet able to commit to its implementation, as opposed to merely conducting planning and feasibility studies which are exempt under CEQA. For these reasons, until such time as the freeway improvement has undergone environmental review and a fair share funding program exists, a payment of fees by the future specific development project would not satisfy the requirements of CEQA related to mitigation, i.e. the City could not make a finding that the project's impact to the identified freeway segment had in fact been reduced to a less than significant level.

The EIR accurately states that there is currently no formal, adopted impact fee program in place to help fund widening of US 101 in southern Santa Clara County. The ad hoc voluntary agreements mentioned in the comment reached in other jurisdictions do not constitute a formal program the City could rely upon in making findings under CEQA Guidelines Section 15091 for purposes of the current subject project. The City cannot, therefore, at the present time definitively conclude that a contribution by the project proponent (whether imposed or voluntary) to the VTA would resolve the identified project impact on southbound US 101 from Burnett Avenue to Cochrane Road in the PM peak period, within a timeframe that is relevant to the project. The City will reconsider this situation at the time a specific development is proposed on the site. The future specific project proponent, in the absence of a formal fair share program compliant with CEQA, could consider making a voluntary contribution to the VTA, however, this is not legally enforceable by the City, would not guarantee any physical improvement to the US 101 segment affected by the project, and cannot, therefore, currently be written into the DEIR as a mitigation measure.

Comment B-2: The project is not located in a transit-rich area, being served only by VTA Community Bus Line 16 with hourly service during the AM and PM peak periods. Given the project's location and significant freeway impacts identified in the DEIR, the DEIR should identify effective Transportation Demand Management measures to reduce auto trips and greenhouse gas emissions associated with the project, such as public-private partnerships or developer contributions to provide improved transit service in the area (for example, shuttles to Caltrain or VTA Express Bus stops).

Response B-2: As described in Section 2.5.2.2 of the DEIR, the project will result in less than significant greenhouse gas emission impacts. To encourage the use of transit including Caltrain, the City of Morgan Hill will condition the future specific development project proposed for the site to include feasible TDM measures. TDM measures could include shuttles to Caltrain or VTA Express bus stops, a contribution to support expansion of VTA service to serve the project site, etc.

Comment B-3: Given the limited transit service available near the project location, site design elements that encourage walking and bicycling will be important in the project's overall strategy to reduce automobile trips. VTA encourages the City to include policies and measures to support walking and bicycling for daily tasks as part of the General Plan Amendment.

VTA recommends that the project provide wide sidewalks with a buffer strip between pedestrians and automobiles with landscaping elements such as closely planted trees, shrubs, or light posts. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations (which are sometimes called a 'continuous barrier') improve pedestrian perceptions of comfort and safety on a roadway. VTA also encourages the provision of a well-connected street network to minimize distances for pedestrian and bicycle trips to and from the site.

Response B-3: The City has policies in place to enhance pedestrian accommodations and design. Per the City Municipal Code, Section 12.02.090, future development on the site will include sidewalks along its frontage to improve pedestrian access to adjacent land uses, including sidewalks along Jarvis Drive and Butterfield Boulevard. Per the requirements of the City's *Architectural Review Handbook*, a minimum five-foot wide planted parkway should be provided on arterial streets between the street and sidewalk. The parkway should be planted with shade trees to provide a pleasant pedestrian environment and contribute to streetscape continuity. Additionally, street trees should be planted in the landscaped area between the sidewalk and any adjacent wall or fence.

The current project is a proposed land use change, i.e. General Plan Amendment, and not a specific development project. Details pertaining to pedestrian and bicycle facilities on-site and along existing roadways in the project area will be determined when a specific project-level development is proposed for the site. Pedestrian and bicycle facilities will be designed and provided in accordance with City requirements and policies, which will ensure adequate accommodation and design for connectivity.

Comment B-4: VTA recommends that crosswalks and a pedestrian-actuated signal should be provided across Butterfield Boulevard at Jarvis Drive to facilitate pedestrian and bicycle access to retail sites located east of the project site. The DEIR notes that this intersection will eventually be signalized, however the purpose of signalization would be to mitigate Cumulative auto level of service impacts at the intersection, and would not take place until the intersection fell below LOS D (MM C-TRAN-2, pg. 169). VTA recommends that the City provide pedestrian crossing improvements and/or a pedestrian-actuated signal at this intersection as soon as the area starts to develop to facilitate pedestrian travel by residents the area.

Response B-4: The City does not support the installation of crosswalks and a pedestrian-actuated signal at Butterfield Blvd and Jarvis Drive (north) with the development of this project. Pedestrians have the option of going north to cross at the existing crosswalk at Cochrane Road or south to Sutter Boulevard. The difference in walking distance from the center of the project site to the center of the Cochrane Plaza shopping center between a route that uses Jarvis Drive versus Cochrane Road, is approximately 400 feet.

C. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY WATER DISTRICT, SEPTEMBER 4, 2014

Comment C-1: Santa Clara Valley Water District staff has reviewed the plans for the Notice of Preparation of an Environmental Impact Report for Butterfield Keenan General Plan Amendment and Rezoning Project, received on July 7, 2014.

Response C-1: The Notice of Preparation circulated for public comment on the scope and content of the Draft EIR from July 1, 2014 to July 30, 2014. The Draft EIR circulated from August 26, 2014 to October 9, 2014. While the letter references the Notice of Preparation, since the letter was submitted during the circulating period for the Draft EIR, the comment letter from the District has been treated as a comment on the Draft EIR and responses to the environmental (i.e. CEQA) matters raised in the letter are provided in this Final EIR, and the District letter is provided in full in Appendix A of this document.

Comment C-2: The proposed project is not located adjacent to any District facilities or within any district right-of-way. In accordance with the District's Water Resources Protection Ordinance, a District permit is not required for this project.

Response C-2: This comment confirms information provided in the Draft EIR and notes a future specific development project proposed on the site would not require a District permit.

Comment C-3: The District's previous comments regarding concerns for mitigation of the increased runoff of any development within the Upper Llagas Creek watershed, especially in those cases where the land use is proposed to be more intense than the land use for the PL-566 hydrology, still apply.

Response C-3:

As described in the Draft EIR, *Section 2.10 Hydrology and Water Quality*, future development will add impervious surfaces to the now vacant project site which will increase stormwater runoff that will eventually drain into Llagas Creek through the Butterfield drainage channel. During major storms, water can be pumped from the adjacent detention pond and discharged northward into Fisher Creek to relieve pressure downstream in Llagas Creek.

As listed in the Draft EIR, page 119, several Morgan Hill General Plan Public Health and Safety Element policies will be applied to any future specific development project on the site, including:

- *Policy 4k:* Require developers whose proposed projects would induce downstream flooding to provide mitigation to eliminate the flood-inducing impacts of their projects; and
- *Policy 4o:* Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete

solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention

Per Standard Measure SM HYD-1.1 (Draft EIR page 123), at the time of future development of the site, in accordance with Morgan Hill Municipal Code Chapter 17.32, a complete storm drainage study of future specific development must be submitted showing amount of runoff, and existing and proposed drainage structure capacities. This study will be subject to review and approval by the Director of Public Works

Per Standard Measure SM HYD-1.2 (Draft EIR page 123), in accordance with Morgan Hill Municipal Code Chapter 17.32, the stormwater collection system in the project area will be designed to be capable of handling runoff without local flooding. On-site detention facilities will be designed to a 25-year storm capacity; whereas, on-site retention facilities shall be designed to a 100-year storm capacity. Off-site detention and retention facilities may also be proposed, and are subject to the approval of the Director of Public Works.

Comment C-4: Cumulative impacts to water supply and hydrology should be discussed as it relates to other recent General Plan Amendments such as in the area known as the Southeast Quadrant.

Response C-4: Cumulative impacts to water supply and hydrology are presented in Draft EIR Section 4.0 Cumulative Impacts. Cumulative water supply and demand are discussed beginning page 185 of the Draft EIR, which found cumulative projects would result in a *decrease* in water demand compared to current General Plan development assumptions for each proposed site, see Tables 4-7 and 4-8, Draft EIR page 189. Since the City's 2010 Urban Water Management Plan concluded that even in the worst-case scenario, the supply of potable water in the City would exceed demand associated with the current General Plan land use assumptions by over 6,000 acre-feet per year, the modest *reduction* in potential water demand that would result from the proposed projects would not be cumulatively significant.

Regarding cumulative hydrology conditions, Cumulative Table 4-5 (page 182) identifies the pending General Plan Amendments by drainage basin and new impervious surface area. General Plan *Policy 4p* requires careful consideration of the cumulative effects of development which would drain into the upper reaches of Llagas Creek and other creeks, in order to avoid the need for channelization and consequent destruction of its riparian vegetation and natural habitat. This policy would be implemented at the time specific development projects are proposed for each site.

In accordance with the City of Morgan Hill Standard Conditions of Approval, each project is required to prepare and submit a Storm Drainage Study to the Director of Public Works for review and approval prior to issuance of grading permits. Since each site would be required to provide water detention and biotreatment measures to moderate the rate of runoff, the projects would not result in a cumulatively significant impact to the City's storm drainage systems.

D. RESPONSE TO COMMENTS FROM TENCATE ADVANCED COMPOSITES USA, INC., OCTOBER 9, 2014

Comment D-1: Thank you for inviting comments on the subject General Plan Amendment (GPA) regarding 19 acres across Butterfield from our industrial buildings. I reviewed the GPA with nearby industrial owners and tenants totaling ~250,000 square feet of occupied space near the proposed GPA site. The companies involved are Tencate Advanced composites, KR Anderson, Krayden and Andpak and they each oppose the GPA and endorse the following comments.

We relocated from San Jose to Morgan Hill Ranch relying on industrial zoning established by Morgan Hill. We believed such zoning would accommodate initial needs and future growth. If you approve the GPA change from industrial to residential for the 19 acres across Butterfield from us that cuts off expansion near our current locations and also reduces the overall ability of Morgan Hill to expand its light industrial business base, thus curbing important economic growth within the city and potentially driving desirable light industrial growth to less a less focused area. We feel the GPA is not adequately thought through and is certainly not supportive of local businesses that fuel Morgan Hill's economy.

It is our understanding the original GPA proposal involved significantly more acreage than what is now under review. We can only speculate as to why the original proposal was downsized, but it is not unreasonable to believe greater pressure to re-zone will follow if the pending GPA is approved. The pending GPA adds momentum to what already happened at Cochrane and Butterfield where residential development got started.

Response D-1: The comment expresses opposition to the proposed residential land use designation on the basis that it would remove the site from the City's supply of vacant industrial land and could curb future industrial growth in the City. This comment does not involve an environmental (i.e. CEQA) issue related to the project, and is noted for consideration by the City's decision-makers (e.g. Planning Commission and ultimately City Council), however no substantive response is required. The comment concludes by speculating that if the current proposed GPA to allow residential development on the subject 19 acres is approved, that additional residential development will be proposed on the remaining approximately 40 acres currently planned for industrial uses on the west side of Butterfield Blvd., south of Jarvis Drive and north of Digital Drive. It is acknowledged that an application was submitted originally for the remaining acreage. However, the request was pared down to the current 19 acres. If at some future point an application were to be filed for residential development on the remaining acreage, it would be considered through the ongoing comprehensive update or separately after the ongoing comprehensive General Plan Update is complete. The comment is noted as a possible consequence (albeit not reasonably foreseeable in a manner that would allow quantified analysis as part of the current EIR) should the current proposed residential GPA be approved. .

Comment D-2: We are aware of another re-zoning proposal under consideration for a second 19 acre site between Cochrane and Jarvis and from Butterfield to the edge of existing retail/office

development on Sutter. The cumulative impacts of that proposal should be added to the impacts of the pending GPA, which on its own would permit 409 homes with approximately 1,243 residents. Why was this detail left out of the EIR regarding the pending GPA?

Response D-2: The site that is referenced in **Comment D-2** above appears to be the project commonly known as the *Cochrane Road Commercial Development Project* (Assessor's Parcel Numbers 726-25-035 and 726-32-021). The project proposed to develop 196,300 square feet of commercial uses, and did not involve a General Plan Amendment (GPA). An Initial Study/Mitigated Negative Declaration was completed for the project and the project was approved by the Morgan Hill City Council in August 2014.

Section 4.0, *Cumulative Impacts* in the Butterfield-MWest (formerly Keenan) Draft EIR includes the evaluation of the combined effects of the group of pending proposed General Plan Amendments in Morgan Hill. Since the Cochrane Road Commercial Development Project (approved in August 2014) did not involve a GPA, the specific project was not included in the list of pending GPAs. Instead development of the site consistent with the current *Industrial* land use designation was assumed and modeled in the 2030 General Plan build out scenario. This analysis assumed the site would be developed with 52,000 sq.ft. of general office, 150 motel rooms, and a 127,000 sq.ft. shopping center. Therefore, the cumulative analysis completed for the Butterfield-MWest (formerly Keenan) GPA has accounted for substantial commercial development of the nearby parcel referenced in the comment.

Comment D-3: As to traffic specifically, particularly the Cochrane/101 interchange, the draft EIR cites significant and unavoidable negative impacts with no feasible mitigation measures. This impacts Morgan Hill residents commuting to and from jobs north of town as well as our employees and suppliers. And this is before the cumulative impact added by the second 19 acre site is added to the impact of the pending GPA. And as we all know, traffic on Butterfield during morning and evening commute times continues to increase as the economy in Silicon Valley improves. In addition, adding greater residential density without improving Butterfield to handle greater capacity will have a negative impact on this main Morgan Hill artery. So why are the traffic impacts of the second 19 acre site not included in the current EIR? Are they not relevant to traffic management issues facing the Planning Commission and City Council?

Response D-3: As noted above in the prior **Response D-2**, the cumulative traffic analysis did take into consideration commercial development of the 19 acre site bounded by Cochrane Road, Butterfield Boulevard, Sutter Boulevard, and Jarvis Drive. Therefore, the Draft EIR's traffic analysis accurately discloses current conditions, the increase in trips and additional intersection delay caused by proposed residential development of the Butterfield-MWest (formerly Keenan) GPA site, and in the Cumulative section, the combined effects of other pending GPAs and the build out of the current General Plan in 2030, including the parcel mentioned in the comment.

Comment D-4: While the EIR does address how modifications to intersections near Cochrane and Butterfield "might" improve traffic circulation by 2030 or so, it fails to note that much of the traffic includes large trucks. Nothing comes to us by taxi. Thus deliveries to us and shipments from us will be slowed down causing frustration for both residential and commercial drivers. Why? Because slow moving truck traffic mixed in with slow moving residential traffic makes it more difficult for everybody to get in and out of Morgan Hill when using Cochrane to reach 101. That adversely decreases the value of our buildings as desirable locations for our companies or companies like us. Why is that a good idea?

Response D-4: This comment notes that trucks are among the mix of vehicles traveling along Cochrane Drive and Butterfield Boulevard, and that increased congestion along those roadways could decrease the attractiveness of the area to future businesses. The Draft EIR's traffic analysis did assume there were trucks on these two important commercial streets providing access to US101. As disclosed in the Draft EIR's, future cumulative traffic volumes, including a mix of trucks, creates the need to improve certain intersections near the project site, to ensure adequate level of service consistent with the City's standards.

Comment D-5: Our TenCate campus of >100,000 square feet faces the proposed Keenan residential development. We run 24-hour operations, sometimes 7 days a week, involving large truck and fork lift activity at all hours. This creates a fertile breeding ground for conflict with residential neighbors. This is an example of why Morgan Hill needs to retain a buffer between residential and industrial uses so that both can thrive without disturbing the other.

Response D-5: As discussed in the Draft EIR's Noise section (page 49), noise monitoring, including long-term measurements that account for 24-hour business activity, was completed to evaluate the noise environment surrounding the site, including operations from existing businesses. That analysis found that the proposed GPA site was primarily affected by roadway and railroad noise, and not from industrial uses to the east across Butterfield Boulevard in that there are offices facing Butterfield Boulevard and the project site.

Comment D-6: That said, we understand the need for buffers between residential and industrial land uses means that someone needs to be on the edge of each use. Reasons include odors, noise and operating hours in addition to incompatible traffic patterns. So a transitional buffer aimed at more general commercial and office type uses might be appropriate where more industrial activities are not. Living next to a two story suburban office building is one thing; living next to a manufacturing plant or warehouse building is something else.

Response D-6: This comment suggests the City consider other non-residential alternatives to development of the site, if not developed with industrial uses as currently designated in the General Plan. As recommended by CEQA Guidelines Section 15126.6, the Draft EIR's range of alternatives was developed to avoid or minimize environmental impacts while feasibly achieving most basic project objectives. A commercial alternative would not achieve the basic project objective of developing the site with residential use. The Draft EIR does include a non-residential development Alternative (see Draft EIR Section 7.5.1.2 *No Project/Existing*

Plan Development Alternative) in which the site is assumed to be developed according to the existing *Industrial General Plan* designation and *PUD Planned Development* zoning with approximately 212,246 sq.ft. of industrial use. A commercial development alternative could involve a wide range of uses (office, retail, personal services, etc.) with a range of trip generation rates, and it is unknown whether a commercial development alternative would avoid the significant freeway impact of the project. A commercial development alternative with a mix of uses generating vehicular trips similar to the Industrial development alternative included in the Draft EIR would presumably also avoid the impact to southbound SB101, however it is possible a mix of commercial uses generating higher vehicle trips than the Industrial alternative could impact the freeway. Given a commercial development alternative would not be facially superior than the residential GPA project in avoiding environmental impacts and would not achieve basic project objectives, such an alternative was not included in the Draft EIR and would have limited environmental informational value (i.e. in terms of impacts avoidance while achieving project objectives) if included in the Final EIR.

The comment highlights the importance of buffering residential uses from industrial uses, and to that end the Draft EIR (page 12) identifies several policies of the City's General Plan involving buffering strategies (Policy 6b, 8a and 8e, respectively) that would be considered when a specific development project is submitted if the proposed GPA is implemented.

Comment D-7: When we moved to Morgan Hill from San Jose in 1999, the infrastructure of hotels, restaurants and retail in the city was minimal. Morgan Hill and its residents today enjoy a thriving infrastructure fueled by visiting customers and suppliers. Having great restaurants supporting our community like Odeum, Maurizio's, Ladera Grill, and many others depends on support from a strong local business base. Further, from a hotel perspective, the thriving hospitality (and related restaurant) business within Morgan Hill is directly proportional to business travel to our city. To decrease land designated for industrial use weakens stability and growth for service, retail, restaurant and hospitality businesses that our employees and visitors provide to many Morgan Hill employers. Many of them, like us, believed industrial zoning would be a benefit. Location decisions were made relying on continued expansion by users like us. Why is it a good idea to reduce their growth opportunities, as well as our own?

Our opposition to the General Plan Amendment is grounded in the belief that Morgan Hill meant it when the current industrial zoning was approved where we are now located and hope to locate as we expand. Please consider the implications of the pending GPA on the industrial vitality of our facilities and the commercial businesses our employees and visitors support.

Response D-7: This comment expresses opposition to the proposed project and states concerns related to perceived economic development issues, and is noted and will be considered by the City Council when it considers the merits of the proposed project. As it does not involve environmental (i.e. CEQA) issues discussed in the Draft EIR, no further response is required.

E. RESPONSE TO COMMENTS FROM KERRY M. WILLIAMS ON BEHALF OF PROJECT APPLICANT MWest/BUTTERFIELD OCTOBER 8, 2014

Comment E-1: In accordance with the letter submitted on 9/3/2014, Keenan Land Company is no longer the agent for the Butterfield Jarvis property. Please reflect in the Final EIR, where applicable, and going forward, that the Applicant is “MWest Propco XXIII LLC” or “MWest/Butterfield.”

Response E-1:

The applicant’s name and company name were not referenced in the Butterfield-Keenan General Plan Amendment Project Draft EIR. Text has been added to Draft EIR *Section 1.3 Project Description* indicating the current applicant of record is now “MWest/Butterfield.”

Comment E-2: The proposed project is variously described in the DEIR as including 409 or 410 units. The traffic study analyzed development of up to 410 units. We suggest that the Final EIR include clean-up edits to consistently describe the number of units in the proposed project as either 409 or 410.

Response E-2: The Draft EIR assumes for purposes of analysis the proposed General Plan Amendment would result in a maximum of 409 housing units. As explained in Footnote #9 on page 32 of the Draft EIR, the TIA was prepared (prior to completion of the Draft EIR) assuming 410 units, while during subsequent preparation of the Draft EIR the City determined that 409 units was the maximum achievable applying the proposed Multi-Family Medium land use designation to the site acreage. The one unit discrepancy is limited to the traffic analysis and inconsequential in terms of the project’s impact analysis.

Comment E-3: We noted that the DEIR generally refers to the 2011 BAAQMD Guidelines for thresholds and methodology for assessing air quality and GHG impacts, but there are a few references to the 2012 BAAQMD Guidelines (see, e.g., p. 83, footnote 21 refers to BAAQMD 2012 Guidelines). We suggest that the Final EIR include clean-up edits to consistently reference the BAAQMD Guidelines relied on by the City – it appears the correct reference is to the May 2011 BAAQMD Guidelines.

Response E-3: The air quality and greenhouse gas emissions analyses in the Draft EIR are based upon the general methodologies in the most recent May 2012 BAAQMD CEQA Air Quality Guidelines and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines. The reference on page 83 (in the footnote 21) to May 2012 BAAQMD CEQA Air Quality Guidelines in the Draft EIR is the correct reference. References to the May 2011 and May 2012 BAAQMD CEQA Air Quality Guidelines in the Draft EIR are accurate for the specific topic being addressed.

Comment E-4: On August 13, 2012, Blackstone Consulting LLC prepared a comprehensive Phase I ESA for the subject property. I believe that Mr. Keenan may have previously provided you a copy of the report. Blackstone concludes that there are no recognized environmental conditions on the subject property. Accordingly, we respectfully request that the City include the attached clarifying revisions to the hazardous materials mitigation measures. We would appreciate the opportunity to discuss these measures with you at your convenience.

MM-HAZ-1.1: → Prior to ~~issuance of a grading permit for a submittal of any~~ specific development project for review by the City, soil samples shall be collected to determine, ~~using then-applicable environmental screening levels applicable to the type of use proposed by the project at that location, whether the project site's soils exceed such screening levels ("Impacted Soils") and mitigation or environmental management measures (e.g., removal, encapsulation, treatment) are needed, or whether additional sampling is needed to determine whether mitigation or environmental management measures are needed if the project site's soils have been impacted or contaminated.~~

MM-HAZ-1.2: → If ~~Impacted Soils is found to occur on-site, mitigation or environmental management measures (e.g., removal, encapsulation, treatment) shall be implemented and a completion report shall be prepared demonstrating confirmation soil samples shall be collected to document that all impacted soil has been removed and that either the~~ concentrations of contaminants in soils at the project site have been restored to concentration levels that do not exceed the residential California EPA/California Human Health Screening Levels (CCHSLs), ~~or that other suitable mitigation has been implemented. This documentation~~ Prior to issuance of a certificate of occupancy for the project, the completion report shall be provided to the City of Morgan Hill Community Development Director and any ~~oversight environmental~~ agency (e.g. County Environmental Health, RWQCB, DTSC) ~~that elects to assert jurisdiction over the project site~~ overseeing the implementation of mitigation or environmental management measures.

MM-HAZ-1.3: → ~~Impacted Soil removed from the project site shall be disposed of at an appropriately permitted landfill or other disposal site appropriately disposed of as a California hazardous waste (per Title 22 of the California Code of Regulations), with additional analysis and sampling completed, as appropriate, per requirements of the permitted landfill facility accepting the impacted soil.~~

MM-HAZ-1.4: → The source and quality of all imported soil during construction activities shall be documented per the guidance of the DTSC's *October 2001 Clean Fill Advisory*. ~~Prior to issuance of a certificate of occupancy for the project, T~~his documentation shall be provided to the City of Morgan Hill Community Development Director and ~~any oversight any environmental~~ agency (e.g. County Environmental Health, RWQCB, DTSC) ~~that elects to assert jurisdiction over the project site~~ overseeing the implementation of mitigation or environmental management measures.

Response E-4: The City reviewed the Phase I Environmental Site Assessment (Phase I ESA) completed by Blackstone Consulting LLC on August 23, 2012. The City incorporated the findings and conclusions in the Phase I ESA into the Section 2.11, *Hazards and Hazardous Materials* analysis in the Draft EIR, and the Phase I ESA was included as an appendix to the Draft EIR. The clarifying revisions to the hazardous materials mitigation measures MM

HAZ-1.1 - MM HAZ-1.4 as recommended in the comment are included as text revisions in Section 4.0, *Revisions to the Text of the Draft EIR* with the following exceptions:

- **MM HAZ-1.1:** The timing of **MM HAZ-1.1** was not adjusted to issuance of a grading permit as suggested, but was retained at the time of the City's review of a specific development alternative to allow the City to understand the site's environmental conditions at the time it was conducting the appropriate project-level CEQA review.
- **MM HAZ-1.2:** The timing of **MM HAZ-1.2** was adjusted to prior to issuance of grading or building permit, rather than certificate of occupancy as suggested. This would ensure the site was in appropriate condition to protect construction workers as well as residents long term.
- **MM HAZ-1.4:** The timing of **MM HAZ-1.4** was adjusted to prior to issuance of grading or building permit, rather than certificate of occupancy as suggested. This would ensure the site was in appropriate condition to protect construction workers as well as residents long term.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT EIR

This section contains revisions to the text of the *Draft Environmental Impact Report*, _____, dated _____. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 7 *Section 1.3 Project Description*. Add the following text to clarify the current applicant of record as follows:

The applicant of record at the time of the preparation of the Draft EIR was the Keenan Land Company. Since circulation of the Draft EIR, the applicant of record has changed to MWest/Butterfield.

Page 131 *Section 2.11.3 Hazardous Materials Mitigation*. The four mitigation measures are revised as follows:

MM HAZ-1.1: Prior to submittal of any specific development project for review by the City, soil samples shall be collected to determine, using then-applicable environmental screening levels applicable to the type of use proposed by the project at that location, whether the project site's soils exceed such screening levels ("Impacted Soils") and mitigation or environmental management measures (e.g., removal, encapsulation, treatment) are needed, or whether additional sampling is needed to determine whether mitigation or environmental management measures are needed if the project site's soils have been impacted or contaminated.

MM HAZ-1.2: If impacted soils is found to occur on-site, mitigation or environmental management measures (e.g., removal, encapsulation, treatment) shall be implemented and a completion report shall be prepared demonstrating~~confirmation soil samples shall be collected to document that all impacted soil has been removed and that either the concentrations of contaminants in soils at the project site have been restored to concentration levels that do not exceed the residential California EPA/California Human Health Screening Levels (CCHSLs), or that other suitable mitigation has been implemented.~~ This documentation Prior to issuance of a grading or building permit for the project, the completion report shall be provided to the City of Morgan Hill Community Development Director and any oversight environmental agency (e.g. County Environmental Health, RWQCB, DTSC) that elects to assert jurisdiction over the project site is overseeing the implementation of mitigation or environmental management measures.

MM HAZ-1.3: Impacted Ssoil removed from the project site shall be disposed of at an appropriately permitted landfill or other disposal site ~~appropriately disposed of as a California hazardous waste (per Title 22 of the California Code of Regulations), with additional analysis and sampling completed,~~ as

appropriate, per requirements of the permitted landfill facility accepting the impacted soil.

MM HAZ-1.4: The source and quality of all imported soil during construction activities shall be documented per the guidance of the DTSC’s *October 2001 Clean Fill Advisory*. Prior to issuance of a grading or building permit for the project, this documentation shall be provided to the City of Morgan Hill Community Development Director and any oversight environmental agency (e.g. County Environmental Health, RWQCB, DTSC) that elects to assert jurisdiction over the project site overseeing the implementation of mitigation or environmental management measures.

Page 157 *Section 4.2 List of Cumulative Impacts.* Remove the existing Table 4-1 and replace it with the revised Table 4-1 which includes changes to the names and descriptions of select cumulative projects as follows:

Table 4-1: Cumulative Projects		
Project Name and File #	Location	Description
Pending Projects		
Condit- Evergreen GPA GPA-13-02 <i>*Project evaluated in this EIR</i>	18.18-acre site located 750 feet south of E. Dunne Avenue between Condit Road and Murphy Avenue, 580 feet east of US 101.	Change the land use designation from <i>Commercial</i> to <i>Multi-family Medium (14-21 du/ac)</i> to allow development of up to 381 residential dwelling units on the site.
Edmundson – Oak Meadow GPA GPA-11-04/ZA-11-13	20-acre site is located off West Edmundson Avenue approximately 0.38 miles west of Monterey Road.	Change the land use designation from <i>Single-Family Low (1-3 du/ac)/Rural County</i> to <i>Single Family Low/Open Space</i> to allow development of the site with up to 54 single-family dwelling units.
Laurel – DeRose GPA GPA 13-02/ZA-13-09/EA-13-11	6.81 -6.82 acre site located on Laurel Road approximately 260 feet north of	Change the land use designation from <i>Multi-family Low (5-14 du/ac) (4.54 4.55 acres)/Commercial (2.27 acres)</i> to all <i>Multi-family Low (5-14 du/ac) (6.81 6.82 acres)</i> to allow development of the site with up to 31 residential units beyond the

Table 4-1: Cumulative Projects

Project Name and File #	Location	Description
	E. Dunne Avenue.	current 63 residential unit capacity at the site. The overall 6.84 <u>6.82</u> -acre site would be developed with up to 95 residential dwelling units.
Laurel – Honda GPA GPA-14-01/ <u>ZA-14-08</u> /EA-14-01	4.84-acre site located on Laurel Road approximately 260 feet north of E. Dunne Avenue.	Change the land use designation from <i>Multi-family Low (5-14 du/ac)</i> (2.32 acres)/ <i>Commercial</i> (2.32 acres) to all <i>Commercial</i> (4.84 acres) to allow development of the site with approximately 35,370 sf of commercial space beyond the 35,370 sf of commercial development currently anticipated for the site (based on a 0.35 floor area ratio).
Butterfield – Keenan <u>MWest</u> (formerly Keenan) GPA GPA-14-04/EA-14-04 <i>*Project evaluated in this EIR</i>	19.49-acre site located on the west side of Butterfield Boulevard, south of Jarvis Drive.	Change the land use designation from <i>Industrial</i> to <i>Multi-family Medium (14-21 du/ac)</i> to allow development of the site with up to 409 dwelling units.
Lightpost/_ Riverpark Hospitality GPA GPA-14-05/EA-14-05	3.39-acre site located at the southeast corner of Lightpost Way and Madrone Parkway.	Change the land use designation from <i>Industrial</i> to <i>Commercial</i> to allow development of the site with a 180-unit hotel totaling approximately 140,000 sf.

Table 4-1: Cumulative Projects

Project Name and File #	Location	Description
Butterfield – Community Development Partners/Morgan Hill Retirement GPA GPA-14-06/ZA-14-01/EA-14-06	12.54-acre site located on Butterfield Boulevard at the intersection of Barrett Avenue.	Change the land use designation from <i>Industrial</i> (6.32 acres) to <i>Commercial</i> to allow development of the site with a congregate care facility totaling 100,000 sf (including up to 181 dwelling units). Change the land use designation from <i>Multi-medium</i> <i>family Medium (14-21 du/ac)</i> (5.65 acres) to <i>Commercial</i> for an existing developed property and change the land use designation from <i>Industrial</i> (0.57 acres) to <i>Commercial</i> for a vacant property for a potential 10,890 sf building (including 7,500 sf of retail space).
Ciolino – City of Morgan Hill/EAH GPA-14-07/ZA-14-01/EA-14-07	0.25-acre site located at the southwest corner of Ciolino Avenue and Monterey Road.	Change the land use designation from <i>Commercial</i> to <i>Multi-family Medium (14-21 du/ac)</i> , to allow development of the site with up to five residential dwelling units.
Monterey – <u>UCP-KB Home (formerly UCP)</u> GPA-14-03	4.37-acre site, located on the east side of Monterey Road immediately north of Central High School.	Change the land use designation from <i>Non-Retail Commercial</i> to <i>Multi-Family Medium (Low 5-14 -21 du/ac)</i> to allow development of the site with up to 59 residential dwelling units.
Southeast Quadrant	1,290- acre site bounded by Condit Road and Highway 101 to the west, San Pedro Avenue to the north, Carey Avenue to the east, and Maple Avenue to the south.	The project will change the land use designation on 1,290 acres from <i>Open Space</i> (97 acres) and <i>Rural County</i> (1,193 acres) to <i>Public Facilities</i> (38 acres), <i>Residential Estate</i> (76 acres), <i>Sports-Recreation Leisure</i> (251 acres), and <i>Open Space</i> (445 acres). 480 acres of the plan area will remain designated as <i>Rural County</i> .

Page 163 *Section 4.3.1 Cumulative Land Use; 4.3.1.1 Cumulative Land Use Impacts; Cumulative Population and Housing.* Revise the text in the first paragraph as follows:

The cumulative projects will result in up to ~~1,043~~ 1,010 housing units, and up to ~~3,265~~ 3,161 residents assuming 3.13 residents per unit.

Page 171 *Section 4.3.3 Cumulative Noise Impacts; 4.3.3.1 Cumulative Traffic Noise Impacts.* Revise the second paragraph as follows:

The Monterey-~~UCP (KB Home) (formerly UCP)~~, Ciolino-City of Morgan Hill, Edmundson-Oak Meadow, and Butterfield-Community Development Partners/Morgan Hill Retirement GPA projects have locations within the City (see Figure 13) that are distant from other cumulative projects and/or will generate negligible volumes of traffic on the City roadways.

Section 4.3.3 Cumulative Noise Impacts; 4.3.3.1 Cumulative Traffic Noise Impacts; Arterial Roadways. Revise the second paragraph as follows:

The projects which will generate larger volumes of trips on the shared arterial roadway segments include Laurel-Honda ~~GPA~~, Laurel-DeRose ~~GPA~~, ~~Keenan-Butterfield-Condit-Evergreen~~, Lightpost-Rivermark ~~GPA~~, and ~~Condit-Evergreen Keenan-Butterfield-MWest (formerly Keenan)~~ (the proposed project).

Page 175 *Section 4.3.3 Cumulative Noise; 4.3.3.3 Conclusion.* Revise the first paragraph as follows:

As described, the percentage of trips added to Murphy Avenue adjacent to the project site from the proposed project, Butterfield-~~Keenan~~ MWest (formerly Keenan) ~~GPA project~~, and from the high school will be negligible compared to the ADT which will exist along Murphy Avenue once the roadway is expanded.

Page 177 *Section 4.3.5 Cumulative Biological Resources; Land Cover Loss.* Remove the existing Table 4-4 and replace it with the revised Table 4-4 which includes changes to the names of select cumulative projects as follows:

Table 4-4: Land Cover	
Project Sites	Land Cover Types
<p>Condit- Evergreen GPA GPA-13-02</p> <p>Site Size: 18.2 acres</p>	<ol style="list-style-type: none"> 1. Non-native annual grassland (approx. 7 acres) <ol style="list-style-type: none"> a. Dominant grass and forb species such as wild oat, yellow star thistle, Italian ryegrass, foxtail, and rip gut brome. 2. Fallow Orchards (approx. 11.2 acres)

Table 4-4: Land Cover	
Project Sites	Land Cover Types
<p>Butterfield – Keenan MWest (formerly Keenan) GPA GPA-14-04/EA-14-04</p> <p>Site Size: 19.5-acres</p>	<p>1. Non-native and ruderal annual grassland vegetation. (approx. 19.5 acres)</p>

Table 4-4: Land Cover	
Project Sites	Land Cover Types
Edmundson – Oak Meadow GPA; GPA-11-04/ZA-11-13 Site Size: 20 acres	1. Annual Grassland (approx. 15 acres) <ol style="list-style-type: none"> a. Dominated by non-native grasses and forbs (approx. 15 acres) b. Two potential wetland swales 2. Oak Woodland (approx. 3 acres) <ol style="list-style-type: none"> a. dominated by mature coast live oak 3. Evaporation Basin/Drainages (approx. 0.3 acre) <ol style="list-style-type: none"> a. vegetation mostly characteristic of the surrounding vegetation found in the grassland habitat b. Basin consists of sparse hydrophytic plants 4. Developed (Residential)/Ruderal (approx. 2 acres) <ol style="list-style-type: none"> a. One single house, with associated barn, trailers, corrals, and out-buildings b. Land cover supports primarily non-native landscaped vegetation and ruderal annual grassland vegetation.
Laurel – DeRose GPA GPA 13-02/ZA-13-09/EA-13-11 Site Size: 6.8 acres	1. Non-native annual grassland (approx. 6.5 acres) 2. Graveled/graded area (approx. 0.3 acres)
Laurel – Honda GPA GPA-14-01/ZA-14-08/EA-14-01 Site Size: 4.8 acres	1. Non-native annual grassland (approx. 4.8 acres)
Lightpost/Riverpark Hospitality GPA GPA-14-05/EA-14-05 Site Size: 3.4 acres	1. Non-native annual grassland (approx.. 2.3 acres) 2. Landscaping/trees (approx. 1.1 acre)
Butterfield Community Development Partners/Morgan Hill Retirement GPA GPA-14-06/ZA-14-01/EA-14-06 Site Size: 12.5 acres	1. Multi-family Residential Development with landscaping (approx. 5.6 acres)* [currently developed; proposed project would not change the land cover type] 2. Non-native grassland (approx. 6.3 acres) 3. Graded area (approx. 0.6 acre)

Table 4-4: Land Cover	
Project Sites	Land Cover Types
Ciolino – City of Morgan Hill/EAH GPA-14-07/ZA-14-02+/EA-14-07 Site Size: 0.25 acres	1. Non-native grassland (approx. 0.25 acres)
Monterey-UCP KB Home (formerly UCP) GPA-14-03 Site Size: 4.4 acres	1. Non-native grassland (approx. 3 acres) a. trees and shrubs along the perimeter of the western property boundary 2. Graded area (approx. 1.0 acre) 3. Concrete/pavement (approx. 0.4)
Southeast Quadrant Site Size: 1,290- acre site	1. Agricultural/Row Crops (approx. 976 acres) 3. Grassland (approx. 12 acres) 4. Orchard (approx. 10 acres) 5. Riparian (approx. 18 acres) 6. Vineyard (approx. 10 acres) 7. Orchard/Residential (approx. 76 acres) 8. Residential (approx. 188 acres)
Total Approximate Potential Land Cover Acreage Loss Due to Development	1. Concrete/Pavement: 0.4 acres 2. Evaporation Basin/Drainages: 0.3 acres 3. Grassland: 65 acres 4. Graveled/Graded Areas: 2 acres 5. Landscaping/Trees: 1 acre 6. Orchards: 11 acres 7. Oak Woodland: 3 acres 8. Residential with Landscaping: 2 acres 9. Southeast Quadrant: 759 acres (includes agricultural/row crops, rural residences, grassland, farms and orchards)
<p>*Not included in total acreage loss. The proposed project would not redevelop the multi-family residential development property; only a change in land use designation is proposed. Therefore the land cover type for the multi-family development would not change.</p>	

Page 182 *Section 4.3.6 Cumulative Hydrology and Water Quality; 4.3.6.1 Drainage.* Remove the existing Table 4-5 and replace it with the revised Table 4-5 which includes changes to the names and details of select cumulative projects as follows:

Table 4-5: Cumulative Impervious Surfaces			
Project	Site Size (acres)	Drainage Basin ¹	Estimated Impervious Surfaces (acres) ²
Condit-Evergreen GPA	18.18	Madrone Channel	14.54
Edmundson-Oak Meadow GPA	20	West Little Llagas Creek	16
Laurel-DeRose GPA	6.81 6.82	Butterfield Channel	5.45
Laurel-Honda GPA	4.84	Butterfield Channel	3.87
Butterfield-MWest (formerly Keenan) GPA	19.49	Butterfield Channel	15.59
Lightpost/Riverpark GPA	3.39	Fisher Creek ³	2.71
Butterfield Community Development Partners/Morgan Hill Retirement GPA	12.54	Butterfield Channel	8.58
Ciolino GPA	0.25	West Little Llagas Creek	0.20
Monterey-UCP (KB Home) (formerly UCP) GPA	4.37	Butterfield Channel	3.50
Total	89.87	---	70.45
¹ Source: City of Morgan Hill. <i>Storm Drainage System Master Plan</i> . January 2002. Figure 4.1. And: Sowers, J.M. et al. <i>Creek & Watershed Map of Morgan Hill & Gilroy</i> . 2009. ² Based on City open space requirements and stormwater treatment sizing criteria, this assumes that 80 percent of the proposed projects will contain impervious surfaces.			

Page 184 *Section 4.3.6 Cumulative Hydrology and Water Quality; 4.3.6.4 Groundwater.* Revise the first paragraph as follows:

All of the cumulative sites except for the Lightpost/Riverpark GPA project site are located above the Llagas Subbasin; the Lightpost/Riverpark GPA project is located above the Coyote Subbasin.

Page 186 *Section 4.3.7 Cumulative Utilities and Service Systems; 4.3.7.1 Cumulative Impacts to Potable Water Facilities; Water Supply and Demand.* Revise the second and third paragraphs as follows:

If approved, the cumulative projects will result in changes in the General Plan land use designations of the sites, which will allow approximately ~~1,043~~ 1,010 residential units, ~~10,890~~ 7,500 sf of commercial space, 8,400 sf of restaurant space, 270 hotel rooms, and a 181-unit congregate care facility. In addition to this foreseeable development, the Southeast Quadrant project will change the scale and type of

development allowed on 1,290 acres of land within the City's SOI, and will also include a 1,600 student high school. Table 4-6, below, shows the anticipated development capacities of the cumulative project sites based on their current General Plan designations and the proposed General Plan designations. Using these estimates, Tables 4-7 and 4-8 estimate the water demand associated with both the existing and proposed land use designations, respectively. Currently, all of the cumulative project sites are vacant and do not account for any potable water demand. The Southeast Quadrant currently consists of 1,290 acres of agricultural land, which assuming approximately 1.7 acre feet/year, consumes roughly 2,193 acre feet of irrigation annually of non-potable water. Based on Table 4-8, the cumulative projects will increase potable water demand by ~~2,463~~ 2,450 acre-feet/year over the existing condition. The 2010 UWMP found that the City's water supply exceeds the demand expected by the year 2030, which assumes development on the cumulative sites consistent with their current General Plan land use designations.

Compared to the development assumed for the sites in the Water System Master Plan and the Urban Water Management Plan, the cumulative projects will result in a decrease in water demand by approximately ~~286~~ 297 acre-feet per year (see Tables 4-7 and 4-8).

Page 187 *Section 4.3.7 Cumulative Utilities and Service Systems; 4.3.7.1 Cumulative Impacts to Potable Water Facilities; Water Supply and Demand.* Remove the existing Table 4-6 and replace it with the revised Table 19 which includes changes to the names and details of select cumulative projects as follows:

Table 4-6: Estimated Maximum Development Capacities

Project Name/Site	Site Size (acres)	Current GP Designation	Current Development Capacity ^a	Proposed GP Designation	Proposed Development
Edmundson-Oak Meadow GPA	20	<i>Single Family Low (1-3 du/ac)/Rural</i>	60 residential units	<i>Single Family Low(1-3 du/ac)//Open Space</i>	60 residential units
Laurel-DeRose GPA	6.81 <u>6.82</u>	4.54 <u>4.55 ac: Multi-Family Low (5-14 du/ac)</u> 2.27 ac: <i>Commercial</i>	63 residential units 34,608 sf commercial	<i>Multi-Family Low (5-14 du/ac)</i>	95 residential units
Laurel-Honda GPA	4.84	2.32 ac: <i>Multi-Family Low (5-14 du/ac)</i> 2.32 ac: <i>Commercial</i>	32 residential units 35,370 sf commercial	<i>Commercial</i>	90 room hotel 5,150 sf high turnover sit-down restaurant 3,253 sf drive-through fast food restaurant
Butterfield- Keenan MWest (formerly Keenan) GPA	19.49	<i>Industrial</i>	212,246 sf industrial	<i>Multi-Family Medium (14-21 du/ac)</i>	409 residential units
Lightpost- 2 Riverpark GPA	3.39	<i>Industrial</i>	36,917 sf industrial	<i>Commercial</i>	180 room hotel
Butterfield Community Development Partners GPA	12.54	7.24 ac: <i>Industrial</i> 5.30 ac: <i>Multi-Family Medium (14-21 du/ac)</i>	78,844 sf industrial 111 residential units	<i>Commercial</i>	181-unit congregate care facility 7,500 sf commercial
Ciolino GPA	0.25	<i>Commercial</i>	3,811 sf commercial	<i>Multi-Family Medium (14-21 du/ac)</i>	Five residential units

Table 4-6: Estimated Maximum Development Capacities

Project Name/Site	Site Size (acres)	Current GP Designation	Current Development Capacity ^a	Proposed GP Designation	Proposed Development
Monterey-UCP <u>KB</u> Home (formerly UCP) GPA	4.37	<i>Non-Retail Commercial</i>	66,625 sf non-retail commercial	<i>Multi-Family Medium (14-21 du/ac)</i>	92 <u>59</u> residential units
Condit-Evergreen GPA (Proposed Project)	18.18	<i>Commercial</i>	277,172 sf commercial	<i>Multi-Family Medium</i>	381 residential units
Southeast Quadrant	1,290	<i>97 ac: Open Space 1,193 ac: Rural County</i>	1,290 acres agricultural	<i>Public Facilities Residential Estate Sports-Recreation- Leisure Open Space Rural County</i>	1,600-student high school – and – <i>38 ac: Public Facilities 76 ac: Residential Estate 251 ac: Sports-Recreation- Leisure 445 ac: Open Space 480 ac: Rural County</i>
TOTALS	1,380 (rounded)	<ul style="list-style-type: none"> • 267 residential units • 417,586 sf commercial • 308,296 sf industrial • 1,290 acres agricultural 		<ul style="list-style-type: none"> • 1,043 <u>1,010</u> residential units • 270 hotel rooms • 7,500 sf commercial • 5,150 sf high turnover sit-down restaurant • 3,253 sf drive-through fast food restaurant • 181-unit congregate care facility • 1,600 student high school 	
^a For all sites designated <i>Commercial</i> , a floor-area ratio of 0.35 is assumed in order to calculate the allowable density of commercial development on a given site. For sites designated <i>Industrial</i> , a floor-area ratio of 0.25 is assumed.					

Page 189 Section 4.3.7 Cumulative Utilities and Service Systems; 4.3.7.1 Cumulative Impacts to Potable Water Facilities; Water Supply and Demand. Remove the existing Table 4-8 and replace it with the revised Table 4-8 which includes changes to the total water demand of the cumulative projects as follows:

Table 4-8: Cumulative Annual Water Demand		
Proposed Development Entitlement	Water Demand Factors	Total Water Demand
1,043 <u>1,010</u> residential units	65,154 gal/unit/yr <i>indoor</i> ^a 41,075 gal/unit/yr <i>outdoor</i>	110,796,847 <u>107,291,290</u> gal/yr
270 hotel rooms	25,367 gal/room/yr <i>indoor</i> ^a 2,819 gal/room/yr <i>outdoor</i>	7,610,220 gal/yr
7,500 sf commercial	177,734 gal/ksf/yr <i>indoor</i> ^a 108,934 gal/ksf/yr <i>outdoor</i>	2,150,010 gal/yr
5,150 sf high turnover sit-down restaurant	303,534 gal/ksf/yr <i>indoor</i> ^a 19,374 gal/ksf/yr <i>outdoor</i>	1,662,976 gal/yr
3,253 sf drive-through fast food restaurant	303,534 gal/ksf/yr <i>indoor</i> ^a 19,374 gal/ksf/yr <i>outdoor</i>	1,049,451 gal/yr
181-unit congregate care facility	65,154 gal/unit/yr <i>indoor</i> ^a 41,075 gal/unit/yr <i>outdoor</i>	19,227,449 gal/yr
Southeast Quadrant (public facilities, residential estate, open space, rural county)	--	659,197,441 gal/yr ^b
TOTAL		801,694,394 <u>798,188,837</u> gal/yr – or – 2,461 <u>2,450</u> acre-feet/year
^a Source: California Air Pollution Control Officers Association (CAPCOA). <i>California Emissions Estimator Model User's Guide, Version 2013.2</i> . July 2013. Appendix D, Table 9.1. ^b Source: City of Morgan Hill. <i>Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan Draft EIR</i> . December 20, 2013. Table 3.14-8.		

Page 190 Section 4.3.7 Cumulative Utilities and Service Systems; 4.3.7.1 Cumulative Impacts to Potable Water Facilities; Water Infrastructure. Revise the third paragraph as follows:

Aside from the Southeast Quadrant, the Butterfield-~~Keenan~~ MWest (formerly Keenan), Lightpost-~~Riverpark~~, and Butterfield Community Development Partners GPA projects would all generate demand for more water demand than planned for those sites in the most recent General Plan, Water System Master Plan, and Urban Water Management Plan.

Page 191 Section 4.3.7 Cumulative Utilities and Service Systems; 4.3.7.2 Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities; Wastewater Treatment Plant. Revise the fourth paragraph as follows:

Based on Tables 4-9 and 4-10, the cumulative projects will increase the daily sewage generation in the City by ~~0.668~~ 0.663 mgd over the existing condition, and ~~0.391~~ 0.386 mgd compared to development that could occur on the subject sites under the existing General Plan designations. The bulk of this increase will result from development in the Southeast Quadrant which is projected to increase wastewater effluent by 0.457 mgd. Therefore, absent the Southeast Quadrant project, daily wastewater discharge from the cumulative projects will actually be expected to decrease by approximately ~~0.065~~ 0.071 mgd compared to a scenario in which the cumulative project sites are developed under their current General Plan designations.

Page 192 *Section 4.3.7 Cumulative Utilities and Service Systems; Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities; Sanitary Sewer System.*
 Remove the existing Table 4-9 and replace it with the revised Table 4-9 which includes changes to select names of the cumulative projects as follows:

Table 4-9: Anticipated Wastewater Generation Based on Current General Plan Designation			
Project Name/Site	Development Capacity Under Current GP Designation	Estimated Indoor Water Demand ^a	Estimated Wastewater Generation Potential
Edmundson-Oak Meadow GPA	60 residential units	3,909,240 gal/yr	3,322,854 gal/yr
Laurel-DeRose GPA	63 residential units 34,608 sf commercial	10,254,298 gal/yr	8,716,154 gal/yr
Laurel-Honda GPA	32 residential units 35,370 sf commercial	8,376,712 gal/yr	7,120,205 gal/yr
Butterfield- Keenan MWest (formerly Keenan) GPA	212,246 sf industrial or 19.49 acres	18,424,872 gal/yr	14,661,141 gal/yr
Lightpost/Riverpark GPA	36,917 sf industrial or 3.39 acres	3,204,737 gal/yr	2,724,027 gal/yr
Butterfield Community Development Partners GPA	78,844 sf industrial or 7.24 acres, and 111 residential units	14,076,428 gal/yr	11,964,964 gal/yr
Ciolino GPA	3,811 sf commercial	675,389 gal/yr	574,081 gal/yr
Monterey- UCP (KB Home (formerly UCP) GPA	66,625 sf non-retail commercial	11,837,084 gal/yr	10,061,522 gal/yr
Condit-Evergreen GPA	277,172 sf commercial	49,267,865 gal/yr	41,877,685 gal/yr
Southeast Quadrant GPA	1,290 acres agricultural	Negligible	Negligible

Table 4-9: Anticipated Wastewater Generation Based on Current General Plan Designation

Project Name/Site	Development Capacity Under Current GP Designation	Estimated Indoor Water Demand ^a	Estimated Wastewater Generation Potential
		TOTAL	101,022,263 gal/yr or approx. 0.277 mgd

^a See Table 21 above for indoor water demand factors.

Page 193 *Section 4.3.7 Cumulative Utilities and Service Systems; Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities; Sanitary Sewer System.*
 Remove the existing Table 4-10 and replace it with the revised Table 4-10 which includes changes to select names, details, and wastewater generation of the cumulative projects as follows:

Table 4-10: Anticipated Wastewater Generation Based on Proposed General Plan Designation

Project Name/Site	Development Capacity Under Proposed GP Designation	Estimated Indoor Water Demand ^a	Estimated Wastewater Generation Potential
Edmundson-Oak Meadow GPA	60 residential units	3,909,240 gal/yr	3,322,854 gal/yr
Laurel-DeRose GPA	95 residential units	6,189,630 gal/yr	5,261,186 gal/yr
Laurel-Honda GPA	90 room hotel	4,832,716 gal/yr	4,107,808 gal/yr
	5,150 sf high turnover sit-down restaurant		
	3,253 sf drive-through fast food restaurant		
Butterfield-Keenan MWest (formerly Keenan) GPA	409 residential units	26,713,140 gal/yr	22,706,169 gal/yr
Lightpost/Riverpark	180 room hotel	4,566,060 gal/yr	3,881,151 gal/yr
Butterfield Community Development Partners GPA	181-unit congregate care facility	13,125,879 gal/yr	11,156,998 gal/yr
Ciolino GPA	7,5000 sf commercial		
Monterey-UCP (KB Home (formerly UCP) GPA	Five residential units	325,770 gal/yr	276,905 gal/yr
	92 59 residential units	5,994,168 3,844,086 gal/yr	5,095,043 3,267,473 gal/yr
Condit-Evergreen GPA	381 residential units	24,823,674 gal/yr	21,100,123 gal/yr

Table 4-10: Anticipated Wastewater Generation Based on Proposed General Plan Designation			
Project Name/Site	Development Capacity Under Proposed GP Designation	Estimated Indoor Water Demand ^a	Estimated Wastewater Generation Potential
Southeast Quadrant GPA	1,600-student high school – and – 38 ac: <i>Public Facilities</i> 76 ac: <i>Residential Estate</i> 251 ac: <i>Sports-Recreation-Leisure</i> 445 ac: <i>Open Space</i> 480 ac: <i>Rural County</i>	Total projected water demand = 659,197,441 gal/yr	166,805,000 gal/yr ^b
		TOTAL	243,713,236 241,855,667 gal/yr – or – 0.668 0.663 mgd
^a See Table 21 above for indoor water demand factors. ^b Source: City of Morgan Hill. <i>Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan Draft EIR</i> . December 20, 2013. Page 3.14-40.			

Page 194 *Section 4.3.7 Cumulative Utilities and Service Systems; Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities; Sanitary Sewer System.* Revise paragraph four as follows:

Aside from the Southeast Quadrant, which includes necessary infrastructure improvements to accommodate development on the scale envisioned in the Southeast Quadrant Plan, the Butterfield-~~Keenan~~ MWest (formerly Keenan), Lightpost-~~Riverpark~~, and Butterfield-~~Community Development Partners/Morgan Hill Retirement~~ GPA projects would all generate more wastewater than assumed for those sites in the most recent General Plan and Sewer System Master Plan.

Page 197 *Section 4.3.9 Cumulative Public Services; 4.3.9.1 Cumulative Public Services Impacts; Schools.* Revise the first paragraph as follows:

Cumulative development under the Condit-Evergreen GPA, Edmundson-Oak Meadow GPA, Laurel-DeRose GPA, Butterfield-~~Keenan~~MWest (formerly Keenan) GPA, Ciolino – City of Morgan Hill/EAH GPA, Monterey – ~~UCP~~ KB Home (formerly UCP), and Southeast Quadrant Area Project, will include new residences that will generate new students at schools in the MHUSD. The Laurel Honda GPA and Lightpost-~~Riverpark~~ GPA involve commercial uses and will would not generate residents or ~~and~~ students.

Section 4.3.9 Cumulative Public Services; 4.3.9.1 Cumulative Public Services Impacts; Schools. Remove the existing Table 4-11 and replace it with the revised Table 4-11 which includes changes to student generation as follows:

Table 4-11: Student Generation at MHUSD Schools			
Project Assigned to MHUSD School District	Number of students generated from project(s)	Number of Students Enrolled (2013-2014)	Enrollment Capacity
Jackson Academy Elementary	95 <u>103</u> total	593	648
Condit- Evergreen GPA GPA-13-012 Project would change the land use designation from <i>Commercial</i> to <i>Multi-family Medium (14-21 du/ac)</i> to allow development of up to 381 residential dwelling units on the site.	86 <u>94</u>	N/A	N/A
Southeast Quadrant GPA Project would change the land use designation on 1,290 acres from <i>Open Space</i> (97 acres) and <i>Rural County</i> (1,193 acres) to <i>Public Facilities</i> (38 acres), <i>Residential Estate</i> (76 acres), <i>Sports-Recreation Leisure</i> (251 acres), and <i>Open Space</i> (445 acres). 480 acres of the plan area will remain designated as <i>Rural County</i> . <i>Up to 38 new single-family residences under the proposed Open Space (Planned Development) General Plan land use designation could be developed.</i>	9	N/A	N/A
Walsh Elementary	93 <u>116</u> total	580	886

<p>Butterfield – KeenanMWest (formerly Keenan) GPA GPA-14-04/EA-14-04 Project would change the land use designation from <i>Industrial</i> to <i>Multi-family Medium (14-21 du/ac)</i> to allow development of the site with up to 410 dwelling units.</p> <p><i>*Project evaluated in this EIR</i></p>	93-101	N/A	N/A
<p>Monterey-KB Home (formerly UCP) GPA-14-03 Project would change the land use designation from <i>Non-Retail Commercial</i> to <i>Multi-Family Low (5-14 du/ac)</i> to allow development of the site with up to 59 residential dwelling units.</p>	15	N/A	N/A
Britton Middle School	34 37	648	841
<p>Condit- Evergreen GPA GPA-13-02</p>	23 26	N/A	N/A
<p>Edmundson – Oak Meadow GPA; GPA-11-04/ZA-11-13 Project would change the land use designation from <i>Single-Family Low (1-3 du/ac)/Rural County</i> to <i>Single Family/Open Space</i> to allow development of the site with up to 54 single-family dwelling units.</p>	4	N/A	N/A

<p>Monterey-UCP (KB Home) (formerly UCP) GPA GPA-14-03</p> <p>Project would change the land use designation from <i>Non-Retail Commercial</i> to <i>Multi-Family Low Medium</i> (5-14-21 <i>du/ac</i>) to allow development of the site with up to 59 residential dwelling units.</p>	<p>4</p>	<p>N/A</p>	<p>N/A</p>
<p>Ciolino – City of Morgan Hill/EAH GPA GPA-14-07/ZA-14-021/EA-14-07</p> <p>Project would change the land use designation from <i>Commercial</i> to <i>Multi-family Medium</i> (<i>14-21 du/ac</i>), to allow development of the site with up to five (5) residential dwelling units.</p>	<p>0.3<u>1</u></p>	<p>N/A</p>	<p>N/A</p>
<p>Southeast Quadrant GPA</p>	<p>3</p>	<p>N/A</p>	<p>N/A</p>
<p>Martin Murphy Middle School</p>	<p>31 <u>33</u></p>	<p>510</p>	<p>928</p>
<p>Butterfield – KeenanMWest (formerly Keenan) GPA GPA-14-04/EA-14-04</p> <p><i>*Project evaluated in this EIR</i></p>	<p>25<u>27</u></p>	<p>N/A</p>	<p>N/A</p>
<p>Laurel – DeRose GPA GPA 13-02/ZA-13-09/EA-13-11</p> <p>Project would change the land use designation from <i>Multi-family Low</i> (<i>5-14 du/ac</i>) (4.54 <u>4.55</u> acres)/<i>Commercial</i> (2.27 acres) to all <i>Multi-family Low</i> (<i>5-14 du/ac</i>) (6.81 <u>6.82</u> acres) to allow development of the site with up to up to 95 residential dwelling units.</p>	<p>6</p>	<p>N/A</p>	<p>N/A</p>

Live Oak High School	54 65	1,117	1,556
Condit- Evergreen GPA GPA-13-01 2	47 58	N/A	N/A
Ciolino – City of Morgan Hill/EAH GPA GPA-14-07/ZA-14-01/EA-14-07	1	N/A	N/A
Southeast Quadrant	6	N/A	N/A
Ann Sobrato High School	78 93	1,425	1,537
Butterfield Keenan MWest (formerly Keenan) GPA GPA-14-04/EA-14-04 <i>*Project evaluated in this EIR</i>	50 62	N/A	N/A
Edmundson – Oak Meadow GPA; GPA-11-04/ZA-11-13	9 8	N/A	N/A
Laurel – DeRose GPA GPA 13-02/ZA-13-09/EA-13-11	12 14	N/A	N/A
Monterey-UCP (KB Home) GPA GPA-14-03	7 9	N/A	N/A
<p>Student generation Rates: <u>0.465 students per unit</u>. Single family detached units – 0.4732; Multi-family detached units – 0.4102 Morgan Hill Unified School District. <i>Residential Development School Fee Justification Study 2013-2014</i>. February 2014. Pp. 11. –January 2010. Student school assignments: Morgan Hill Unified School District. <i>School Locator</i>. Available at: <HTTP://WWW.MHU.K12.CA.US/ABOUT-MHUSD/SCHOOL-LOCATOR/>. Enrollment data: California Department of Education. <i>DataQuest</i>. Available at: < HTTP://DATA1.CDE.CA.GOV/DATAQUEST/>.</p>			

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Section 4.3.9 Cumulative Public Services; 4.3.9.1 Cumulative Public Services Impacts; Cumulative Park Impacts. Revise the first paragraph as follows:

The cumulative projects ~~will~~would result in approximately ~~1,043~~ 1,010 housing units, and ~~3,265~~ 3,161 residents assuming ~~3.04~~ 3.13 residents per unit. This equates to approximately ~~16.33~~ 15.80 acres of new parkland according to the City's goal of five acres of parkland per 1,000 residents.

SECTION 5.0 COPIES OF THE COMMENT LETTERS RECEIVED ON THE DRAFT EIR

The original comment letters received on the Draft EIR are provided on the following pages.

COMMENT LETTER A

**California Department of Transportation
October 9, 2014**

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
 P.O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-6033
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*Serious Drought.
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October 9, 2014

SCL101947
 SCL/101/PM R17.5
 SCH# 2014062009

Mr. Sheldon Ah Sing
 Planning Division
 City of Morgan Hill
 17575 Peak Avenue
 Morgan Hill, CA 95037

Dear Mr. Sing:

Butterfield-Keenan General Plan Amendment (GPA) & Rezoning Project – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIR and have the following comments to offer. Please also refer to Caltrans comments on the Notice of Preparation in a letter dated August 1, 2014.

Traffic Impacts

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. Regarding Highway U.S. (US) 101 Southbound (SB) Ramps/Cochrane Road and Northbound (NB) Ramps/Cochrane Road:

1. The GPA Traffic Impact Analysis (TIA), throughout different scenarios, shows a 30 percent increase in volume of traffic at this off-ramp. The increased traffic volume at this ramp is over 1,700 vehicles per hour (vph). Based on Caltrans design requirements, an increase in volume to over 1,500 vph requires that the off-ramp to be widened to two lanes to accommodate the increased volume. Please evaluate the need to mitigate this impact.
2. Please provide the AM and PM peak hour 95 percentile queuing analysis for the SB US 101 Off-Ramp/Cochrane Road and Northbound US 101 ramps/Cochrane Road for our review and comments.
3. Please clarify whether the US SB 101 Ramps/Cochran Road intersection and the US 101 NB Ramps/Cochran Road intersection volumes are based on a counted output volume of each intersection or if demand volumes were used in the intersection analyses.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Mr. Sheldon Ah Sing/City of Morgan Hill

October 9, 2014

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Lead Agency

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

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right-of-way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or which may affect State highways, a TMP or construction TIA may be required of the developer for approval by Caltrans prior to construction. Traffic Management Plans must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address:

<http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>.

Please ensure that such plans are also prepared in accordance with the TMP requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579.

Vehicle Trip Reduction

Caltrans commends the City for its ongoing progress in locating needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking. By doing so, the City promotes mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways. See "Feasible Mitigation Measures," *infra*, for additional information.

We also commend and encourage the City to continue developing Travel Demand Management (TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include lower parking ratios, car-sharing programs, bicycle parking and showers for residents, and providing transit passes to residents, among others.

In addition, please ensure secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures are analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means

Mr. Sheldon Ah Sing/City of Morgan Hill
October 9, 2014
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of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Traffic Impact Fees

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Voluntary Contribution Program

US 101 is critical to regional and interregional traffic in the San Francisco Bay region. It is vital to commuting, freight, and recreational traffic and is among the most congested regional facilities. Given the scale and location of the proposed project and the traffic generated, along with other projects in the vicinity, this project is likely to have a significant regional impact to the already congested State Highway System.

Caltrans encourages the City to participate in Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program and plan for the impact of future growth on the regional transportation system. Contributions would be used to help fund regional transportation programs that improve the transportation system to lessen future traffic congestion, improve mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Feasible Mitigation Measures

Caltrans does not agree with the assertion in Mitigation Measure TRAN-1 that there are no feasible mitigation measures available to reduce the impact to the freeway segment. We request instead that the City work with Caltrans to identify and implement feasible measures on a fair-share basis, including but not limited to the US 101 Express Lane Project, to ensure all mitigation measures are funded and implemented. Also, Caltrans recommends that in order to reduce traffic impacts and vehicle miles travelled on US 101, the City work with the developer and Caltrans to improve the pedestrian and bicycle connections to the Morgan Hill Caltrain Station. This could be done by installing sidewalks, curb ramps, crosswalks, street trees, bike facilities, and by refreshing existing bike lane striping between the Caltrain Station and the proposed development.

It is essential that feasible mitigation be included to ensure that impacts from the project on the transportation network are reduced or eliminated. This will be important to the success of this project. We also recommend working with Caltrans to develop a mitigation monitoring and implementation plan that identifies an implementation schedule or impact thresholds to trigger development of mitigation projects.

Mr. Sheldon Ah Sing/City of Morgan Hill
October 9, 2014
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Encroachment Permit

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

Should you have any questions regarding this letter, please contact Brian Brandert of my staff at (510) 286-5505 or brian.brandert@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

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

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660

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AUG 05 2014
CITY OF MORGAN HILL

August 1, 2014

SCL101947
SCL/101/R17.5
SCH# 2014072009

Mr. Sheldon S. Ah Sing
Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037-4128

Dear Mr. Ah Sing:

Butterfield-Keenan General Plan Amendment Project – Notice of Preparation (NOP)

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

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic. The TIS Guide is available at the following website address:

http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

The TIS should include:

1. Vicinity map, regional location map, and a site plan in relation to nearby State roadways. The State right-of-way (ROW) should be clearly identified. The maps should also include local roads and intersections and transit facilities.
2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.

Mr. Sheldon S. Ah Sing/City of Morgan Hill

August 1, 2014

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3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS threshold, which is the transition between LOS C and D, and is explained in detail in the TIS Guide, should be applied to all State facilities.
4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics (i.e., lane configurations) for the scenarios described above.
5. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.
6. Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.
7. While preparing the TIS for this project, please keep in mind that the U.S. Highway (U.S.) 101 northbound mixed flow lanes between Dunne Avenue and Cochrane Road during the AM peak hour currently operate at LOS F. Also, that the proposed project is likely to have impacts on the operations of freeway on- and off-ramps in the vicinity.

Lead Agency

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

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction TIS may be required of the developer for approval by Caltrans prior to construction. Traffic Management Plans must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address:

<http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>.

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office of Traffic Management Plans at (510) 286-4647.

Vehicle Trip Reduction

Caltrans encourages you to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways. We also encourage you to develop Travel Demand Management (TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include lower parking ratios, car-sharing programs, bicycle parking, and providing transit passes to residents, among others.

In addition, please ensure secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures are analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Traffic Impact Fees

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Voluntary Contribution Program

U.S. 101 and other State facilities near the site are critical to regional and interregional traffic in the San Francisco Bay region. They are vital to commuting, freight, and recreational traffic and are among the most congested regional facilities. Given the scale and location of the proposed project and the traffic generated, along with other projects in the vicinity, this project will have a cumulative significant regional impact to the already congested State Highway System.

Caltrans encourages the City to participate in Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program and plan for the impact of future growth on the regional transportation system. Contributions would be used to help fund regional transportation programs that improve the transportation system to lessen future traffic congestion, improve

Mr. Sheldon S. Ah Sing/City of Morgan Hill

August 1, 2014

Page 4

mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Encroachment Permit

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

Should you have any questions regarding this letter, please contact Brian Brandert of my staff at (510) 286-5505 or brian.brandert@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

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

COMMENT LETTER B

**Santa Clara Valley Transportation Authority
October 9, 2014**



October 9, 2014

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

Attention: Shelson Ah Sing

Subject: Butterfield-Keenan GPA and Rezoning

Dear Mr. Sing:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for up to 409 residential units on 19.5 acres for a site bounded by Butterfield Boulevard, Jarvis Drive, and Monterey Road. We have the following comments.

Freeway Analysis and Mitigation Measures

The TIA and DEIR find a Significant and Unavoidable impact according to CMP criteria on SB US 101 from Burnett Avenue (lane drop) to Cochrane Road in the PM peak period. The DEIR notes that, "The VTA has identified plans to widen US 101 to four lanes through the extension of the southbound and northbound HOV lanes from north of Cochrane Road, south through Morgan Hill to Gilroy. This includes removal of the lane drop on the impacted freeway segment and carrying the HOV lane south. The future improvements will remove the current merge and poor operating conditions, however, there is currently no program in place to fund the improvement envisioned by VTA." (DEIR, pg. 39)

VTA disagrees with the final statement that there is "no program in place to fund the improvement." VTA notes that certain Cities in Santa Clara County have included commitments to provide voluntary contributions to regional transportation improvements as mitigation measures in CEQA documents. In addition, VTA notes these voluntary contributions will be executed via ad hoc funding agreements between the City and VTA, triggered when the project applies for a building permit or other approval milestones. VTA requests that the City include a mitigation measure in the DEIR for the project to commit to voluntary contributions to regional transportation improvements in VTP 2040/Plan Bay Area on the impacted freeway or parallel corridors, such as the US 101 Express Lanes Project.

Transportation Demand Management/Trip Reduction

The project is not located in a transit-rich area, being served only by VTA Community Bus Line 16 with hourly service during the AM and PM peak periods. Given the project's location and significant freeway impacts identified in the DEIR, the DEIR should identify effective

City of Morgan Hill
October 9, 2014
Page 2

Transportation Demand Management measures to reduce auto trips and greenhouse gas emissions associated with the project, such as public-private partnerships or developer contributions to provide improved transit service in the area (for example, shuttles to Caltrain or VTA Express Bus stops).

Pedestrian and Bicycle Accommodations and Site Design

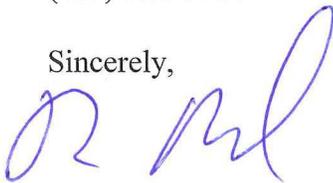
Given the limited transit service available near the project location, site design elements that encourage walking and bicycling will be important in the project's overall strategy to reduce automobile trips. VTA encourages the City to include policies and measures to support walking and bicycling for daily tasks as part of the General Plan Amendment.

VTA recommends that the project provide wide sidewalks with a buffer strip between pedestrians and automobiles with landscaping elements such as closely planted trees, shrubs, or light posts. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations (which are sometimes called a 'continuous barrier') improve pedestrian perceptions of comfort and safety on a roadway. VTA also encourages the provision of a well-connected street network to minimize distances for pedestrian and bicycle trips to and from the site.

VTA recommends that crosswalks and a pedestrian-actuated signal should be provided across Butterfield Boulevard at Jarvis Drive to facilitate pedestrian and bicycle access to retail sites located east of the project site. The DEIR notes that this intersection will eventually be signalized, however the purpose of signalization would be to mitigate Cumulative auto level of service impacts at the intersection, and would not take place until the intersection fell below LOS D (MM C-TRAN-2, pg. 169). VTA recommends that the City provide pedestrian crossing improvements and/or a pedestrian-actuated signal at this intersection as soon as the area starts to develop to facilitate pedestrian travel by residents the area.

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

Sincerely,



Roy Molseed
Senior Environmental Planner

cc: Erik Alm, Caltrans
Brian Brandert, Caltrans

MH1402

COMMENT LETTER C

**Santa Clara Valley Water District
September 4, 2014**

DEVELOPMENT
SERVICES

SEP 08 2014

CITY OF MORGAN HILL

File: 31544
East Little Llagas
Creek

September 4, 2014

Mr. Sheldon Ah Sing
City of Morgan Hill– Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Notice of Preparation of an Environmental Impact Report (EIR) for Butterfield-Keenan General Plan Amendment and Rezoning Project.

Dear Mr. Ah Sing:

Santa Clara Valley Water District staff has reviewed the plans for the Notice of Preparation of an Environmental Impact Report for Butterfield-Keenan General Plan Amendment and Rezoning Project, received on July 7, 2014.

The proposed project is not located adjacent to any District facilities or within any District right-of-way. In accordance with the District's Water Resources Protection Ordinance, a District permit is not required for this project.

The District's previous comments regarding concerns for mitigation of the increased runoff of any development within the Upper Llagas Creek watershed, especially in those cases where the land use is proposed to be more intense than the land use for the PL-566 hydrology, still apply. Cumulative impacts to water supply and hydrology should be discussed as it relates to other recent General Plan Amendments such as in the area known as the Southeast Quadrant.

Please reference District File No. 31544 on any further correspondence regarding this project. If you have any questions or need more information, please contact me at (408) 630-2586.

Sincerely,



Kathrin A. Turner
Assistant Engineer
Community Projects Review Unit

cc: S. Tippets, Y. Arroyo, C. Haggerty, K. Turner, File

31544_56967ya09-04

COMMENT LETTER D

**TenCate Advanced Composites USA, Inc
October 9, 2014**



TENCATE ADVANCED COMPOSITES USA, INC.

DEVELOPMENT
SERVICES

OCT 09 2014

CITY OF MORGAN HILL

October 9, 2014

Leslie Little
Assistant City Manager for Community Development
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Reference: Butterfield-Keenan General Plan Amendment

Dear Leslie:

Thank you for inviting comments on the subject General Plan Amendment (GPA) regarding 19 acres across Butterfield from our industrial buildings. I reviewed the GPA with nearby industrial owners and tenants totaling ~ 250,000 square feet of occupied space near the proposed GPA site. The companies involved are TenCate Advanced Composites, KR Anderson, Krayden and Andpak and they each oppose the GPA and endorse the following comments.

1. We relocated from San Jose to Morgan Hill Ranch relying on industrial zoning established by Morgan Hill. We believed such zoning would accommodate initial needs and future growth. If you approve the GPA change from industrial to residential for the 19 acres across Butterfield from us that cuts off expansion near our current locations and also reduces the overall ability of Morgan Hill to expand its light industrial business base, thus curbing important economic growth within the city and potentially driving desirable light industrial growth to less a less focused area. We feel the GPA is not adequately thought through and is certainly not supportive of local businesses that fuel Morgan Hill's economy.

It is our understanding the original GPA proposal involved significantly more acreage than what is now under review. We can only speculate as to why the original proposal was downsized, but it is not unreasonable to believe greater pressure to re-zone will follow if the pending GPA is approved. The pending GPA adds momentum to what already happened at Cochrane and Butterfield where residential development got started.

2. We are aware of another re-zoning proposal under consideration for a second 19 acre site between Cochrane and Jarvis and from Butterfield to the edge of existing retail/office development on Sutter. The cumulative impacts of that proposal should be added to the impacts of the pending GPA, which on its own would permit 409 homes with approximately 1,243 residents. Why was this detail left out of the EIR regarding the pending GPA?

3. As to traffic specifically, particularly the Cochrane/101 interchange, the **draft EIR cites significant and unavoidable negative impacts with no feasible mitigation measures.** This impacts Morgan Hill residents commuting to and from jobs north of town as well as our employees and suppliers. And this is before the cumulative impact added by the second 19 acre site is added to the impact of the pending GPA. And as we all know, traffic on Butterfield during morning and evening commute times continues to increase as the economy in Silicon Valley improves. In addition, adding greater residential density without improving Butterfield to handle greater capacity will have a negative impact on this main Morgan Hill artery. So why are the traffic impacts of the second 19 acre site not included in the current EIR? Are they not relevant to traffic management issues facing the Planning Commission and City Council?
4. While the EIR does address how modifications to intersections near Cochrane and Butterfield “might” improve traffic circulation by 2030 or so, it fails to note that much of the traffic includes large trucks. Nothing comes to us by taxi. Thus deliveries to us and shipments from us will be slowed down causing frustration for both residential and commercial drivers. Why? Because slow moving truck traffic mixed in with slow moving residential traffic makes it more difficult for everybody to get in and out of Morgan Hill when using Cochrane to reach 101. That adversely decreases the value of our buildings as desirable locations for our companies or companies like us. Why is that a good idea?
5. Our TenCate campus of >100,000 SF faces the proposed Keenan residential development. We run 24 hour operations, sometimes 7 days a week, involving large truck and fork lift activity at all hours. This creates a fertile breeding ground for conflict with residential neighbors. This is an example of why Morgan Hill needs to retain a buffer between residential and industrial uses so that both can thrive without disturbing the other.
6. That said, we understand the need for buffers between residential and industrial land uses means that someone needs to be on the edge of each use. Reasons include odors, noise and operating hours in addition to incompatible traffic patterns. So a transitional buffer aimed at more general commercial and office type uses might be appropriate where more industrial activities are not. Living next to a two story suburban office building is one thing; living next to a manufacturing plant or warehouse building is something else.
7. When we moved to Morgan Hill from San Jose in 1999, the infrastructure of hotels, restaurants and retail in the city was minimal. Morgan Hill and its residents today enjoy a thriving infrastructure fueled by visiting customers and suppliers. Having great restaurants supporting our community like Odeum, Maurizio’s, Ladera Grill, and many others depends on support from a strong local business base. Further, from a hotel perspective, the thriving hospitality (and related restaurant) business within Morgan Hill is directly proportional to business travel to our city.

To decrease land designated for industrial use weakens stability and growth for service, retail, restaurant and hospitality businesses that our employees and visitors provide to many Morgan Hill employers. Many of them, like us, believed industrial zoning would be

a benefit. Location decisions were made relying on continued expansion by users like us.
Why is it a good idea to reduce their growth opportunities, as well as our own?

Our opposition to the General Plan Amendment is grounded in the belief that Morgan Hill meant it when the current industrial zoning was approved where we are now located and hope to locate as we expand. Please consider the implications of the pending GPA on the industrial vitality of our facilities and the commercial businesses our employees and visitors support.

Do not hesitate to contact me directly with any questions at 408-839-8426 or s.unger@tcac-usa.com.

Sincerely,

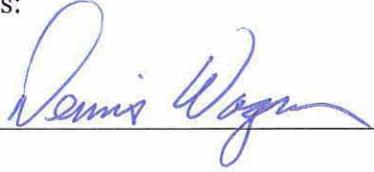


Scott Unger
Group President

Copies:
Members of the Planning Commission
Members of the City Council
Sheldon S. Ah Sing

This letter is endorsed by the following Morgan Hill Businesses:

Krayden, Inc
Dennis Wagner, CEO



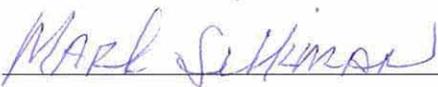
Address: 18330 Sutter Blvd, Morgan Hill, CA 95037
Phone: (408) 825-1800

Andpak



Jim Caviglia, CFO
Address: 400 Jarvis Dr, Morgan Hill, CA 95037
Phone: (408) 782-2500

KR Anderson Company
Mark Silliman, General Manager



Address: 18330 Sutter Blvd, Morgan Hill, CA 95037
Phone: (408) 825-1800

Odeum Restaurant
Salvatore Calisi, Owner & Executive Chef



Address: 17500 Depot St #180, Morgan Hill, CA 95037
Phone: (408) 782-5151

18410 Butterfield Blvd.
Morgan Hill, CA 95037
USA

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COMMENT LETTER E

**Kerry M. Williams on behalf of Project Applicant
MWest/Butterfield
October 8, 2014**

From: Kerry Williams [<mailto:kwilliams@republic-urban.com>]
Sent: Wednesday, October 08, 2014 4:26 PM
To: Andrew Crabtree
Cc: paula.kirlin@hklaw.com; Froman, Chad
Subject: Comments on Morgan Hill Butterfield-Keenan General Plan Amendment Project Draft EIR (SCH# 2014072009)

Andrew,

We appreciate the City's efforts in preparing the Butterfield-Keenan General Plan Amendment Project Draft EIR (SCH# 2014072009). As the project sponsor, we reviewed the DEIR and have prepared a brief list of minor, clarifying comments on the DEIR. Because these comments are clarifying in nature, we do not think a formal comment letter is warranted. Instead, we are submitting these comments to you for the City's consideration in preparation of the Final EIR.

- 1. Project sponsor/Applicant:** In accordance with the letter submitted on 9/3/2014, Keenan Land Company is no longer the agent for the Butterfield Jarvis property. Please reflect in the Final EIR, where applicable, and going forward, that the Applicant is "MWest Propco XXIII LLC" or "MWest/Butterfield."
- 2. Number of Units:** The proposed project is variously described in the DEIR as including 409 or 410 units. The traffic study analyzed development of up to 410 units. We suggest that the Final EIR include clean-up edits to consistently describe the number of units in the proposed project as either 409 or 410.
- 3. BAAQMD Guidelines References:** We noted that the DEIR generally refers to the 2011 BAAQMD Guidelines for thresholds and methodology for assessing air quality and GHG impacts, but there are a few references to the 2012 BAAQMD Guidelines (see, e.g., p. 83, fn 21 refers to BAAQMD 2012 Guidelines). We suggest that the Final EIR include clean-up edits to consistently reference the BAAQMD Guidelines relied on by the City – it appears the correct reference is to the May 2011 BAAQMD Guidelines.
- 4. Hazardous Materials Mitigation measures:** On August 13, 2012, Blackstone Consulting LLC prepared a comprehensive Phase I ESA for the subject property. I believe that Mr. Keenan may have previously provided you a copy of the report. Blackstone concludes that there are no recognized environmental conditions on the subject property. Accordingly, we respectfully request that the City include the attached clarifying revisions to the hazardous materials mitigation measures. We would appreciate the opportunity to discuss these measures with you at your convenience.

We appreciate your attention to these comments. Please do not hesitate to call or email if we can provide additional information.

Kerry

[On behalf of MWest Propco XXIII LLC:](#)

KERRY M. WILLIAMS
Kerry M. Williams Consulting, LLC
Real Estate
Land Acquisition
Entitlements
Project Management
1327 Bernal Avenue
Burlingame, CA 94010
650.703.2194 (m)
k-keenan@pacbell.net

MM HAZ-1.1: Prior to issuance of a grading permit for a submittal of any specific development project for review by the City, soil samples shall be collected to determine, using then-applicable environmental screening levels applicable to the type of use proposed by the project at that location, whether the project site's soils exceed such screening levels ("Impacted Soils") and mitigation or environmental management measures (e.g., removal, encapsulation, treatment) are needed, or whether additional sampling is needed to determine whether -mitigation or environmental management measures are neededif the project site's soils have been impacted or contaminated.

MM HAZ-1.2: If Impacted Ssoils- is found to occur on-site, mitigation or environmental management measures (e.g., removal, encapsulation, treatment) shall be implemented and a completion report shall be prepared demonstrating ; confirmation soil samples shall be collected to document that all impacted soil has been removed and that either the concentrations of contaminants in soils at the project site have been restored to concentration levels that do not exceed the residential California EPA/California Human Health Screening Levels (CCHSLs), or that other suitable mitigation has been implemented. This documentation Prior to issuance of a certificate of occupancy for the project, the completion report shall be provided to the City of Morgan Hill Community Development Director and any oversight-environmental agency (e.g. County Environmental Health, RWQCB, DTSC) that elects to assert jurisdiction over the project siteis overseeing the implementation of mitigation or environmental management measures.

MM HAZ-1.3: Impacted Soil removed from the project site shall be disposed of at an appropriately permitted landfill or other disposal site-appropriately disposed of as a California hazardous waste (per Title 22 of the California Code of Regulations), with additional analysis and sampling completed, as appropriate, per requirements of the permitted landfill facility accepting the impacted soil.

MM HAZ-1.4:

The source and quality of all imported soil during construction activities shall be documented per the guidance of the DTSC's *October 2001 Clean Fill Advisory*. Prior to issuance of a certificate of occupancy for the project, this documentation shall be provided to the City of Morgan Hill Community Development Director and ~~any oversight~~ any environmental agency (e.g. County Environmental Health, RWQCB, DTSC) ~~that elects to assert jurisdiction over the project site~~ overseeing the implementation of mitigation or environmental management measures.

MITIGATION MONITORING OR REPORTING PROGRAM

**Butterfield – MWest (formerly Keenan)
General Plan Amendment Project**

**File No.
GPA-14-04
State Clearinghouse #2014072009**



November 2014

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) concluded that implementation of the Butterfield – MWest (formerly Keenan) General Plan Amendment Project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less-than-significant.

**MITIGATION MONITORING OR REPORTING PROGRAM
BUTTERFIELD – MWEST GENERAL PLAN AMENDMENT PROJECT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Air Quality				
<p>Impact AQ-1: Sensitive receptors in residential dwelling units located north of the project site (along Jarvis Drive) could be exposed to elevated levels of TACs during construction activities on the project site. (Significant Impact)</p>	<p>MM AQ-1: At the time specific development is proposed for the project site with details of construction activity that will allow modeling, a Community Health Risk Analysis will be prepared to evaluate and mitigate impacts from TACs generated during construction (e.g. utilizing Tier 2 off-road and Tier 4 portable diesel equipment, alternative-powered equipment [e.g., electric compressors], alternative fuels [e.g., biofuels], added exhaust devices, or a combination of measures) at nearby sensitive receptors to a less than significant level per BAAQMD health risk thresholds. (Less Than Significant Impact with Mitigation)</p>	<p>Director of the Community Development Department. Project Applicant and Contractors.</p>	<p>Review and approval of the Community Health Risk Analysis by City staff. Ongoing inspections to verify implementation of measures. Incorporation of required measures on all construction documents, contracts, and project plans. Implementation of required measures during construction activities by contractors.</p>	<p>At the time specific development is proposed for the project site, prior to issuance of a Development and/or Design Review Permit.</p>
<p>Impact AQ-2: Sensitive receptors in the vicinity of the project site, including residents of single-family residential units to the north, could be adversely</p>	<p>MM AQ-2.1: At the time any future specific development is considered for the site, the following measures, or equivalent measures, will be required as conditions of approval to reduce the generation of short-term construction dust. The contractor shall implement the following measures, which include BAAQMD recommended Best Management Practices that are required of all projects:</p>	<p>Director of the Community Development Department <i>Continued on the next page.</i></p>	<p>Review and approval of list of measures on Grading Plans. Ongoing inspections to verify implementation of measures. <i>Continued on the next page.</i></p>	<p>At the time specific development is proposed for the site, prior to issuance of a Development and/or Design</p>

**MITIGATION MONITORING OR REPORTING PROGRAM
BUTTERFIELD – MWEST GENERAL PLAN AMENDMENT PROJECT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p>affected by dust generated during construction activities. (Significant Impact)</p> <p><i>Continued on the next page.</i></p>	<ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Avoid staging construction equipment within 200 feet of existing residences or sensitive receptors. 9. Large construction equipment (i.e., over 50 horsepower) working for more than 3 days on the site shall be equipped with 	<p><i>Continued from previous page.</i></p> <p>Project Applicant and Contractors.</p> <p><i>Continued on the next page.</i></p>	<p><i>Continued from previous page.</i></p> <p>Dust control measures shall be listed on Grading Plans and implemented during project construction activities by contractors.</p> <p><i>Continued on the next page.</i></p>	<p>Review Permit, and while project is under construction.</p> <p><i>Continued on the next page.</i></p>

**MITIGATION MONITORING OR REPORTING PROGRAM
BUTTERFIELD – MWEST GENERAL PLAN AMENDMENT PROJECT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<i>Continued from previous page.</i>	<p>diesel particulate matter filters that reduce diesel particulate matter by at least 85 percent.</p> <p>10. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p> <p>MM AQ-2.2: In accordance with the City of Morgan Hill Standard Conditions of approval, prior to issuance of a building permit, the owner of the property or designee will submit to the Planning Division for approval, a management plan detailing strategies for control of dust during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p> <p>Director of the Community Development Department</p> <p>Project Applicant.</p>	<p><i>Continued from previous page.</i></p> <p>Review and approval of management plan.</p> <p>A management plan detailing strategies for control of dust during construction of the project shall be submitted to the Planning Division for review and approval.</p>	<p><i>Continued from previous page.</i></p> <p>At the time specific development is proposed for the site, prior to issuance of a Building Permit.</p>
Biological Resources				
<p>Impact BIO-1: Construction activities associated with future residential development on the site could result in the</p>	<p>MM BIO-1: Raptors/Migratory Birds. Site pre-construction surveys shall be conducted during the breeding season (February 1st through August 31st) for tree-nesting raptors (adjacent to the site at the retention pond) and other migratory birds no more than two weeks prior to the onset of ground disturbance between February and May and within 30 days of the onset of construction from June</p>	<p>Director of the Community Development Department.</p> <p><i>Continued on the next page.</i></p>	<p>Verification of survey. Ongoing inspections to verify implementation of measures.</p> <p><i>Continued on the next page.</i></p>	<p>At the time specific development is proposed for the site, prior to issuance of a Grading Permit,</p>

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<p>incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. (Significant Impact)</p> <p><i>Continued on the next page.</i></p>	<p>through August. Pre-construction surveys during the nonbreeding season are not necessary for tree-nesting raptors and migratory birds, as they are expected to abandon their roosts during construction.</p> <p>If nesting raptors or other migratory birds are detected on or adjacent to the site during the pre-construction survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (up to 250 feet) shall be determined at that time (by a qualified biologist) and may vary depending on location and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.</p> <p>MM BIO-2: Burrowing Owls. Pre-construction surveys shall be conducted during the non-breeding season for burrowing owls. If the target species are deemed absent from the area, then no mitigations are required, and construction could occur within 14 or 30 days (depending on the timing of the survey) following the survey(s). If burrowing owls are identified on site, development on the project site will comply with the City’s Burrowing Owl Habitat Mitigation Plan and measures detailed under Condition 15 of the</p>	<p><i>Continued from previous page.</i></p> <p>Project Applicant and Contractors.</p> <p>Director of the Community Development Department.</p> <p><i>Continued on the next page.</i></p>	<p><i>Continued from previous page.</i></p> <p>The site pre-construction survey shall be submitted to the City for verification and approval.</p> <p>Recommendations from the site pre-construction surveys shall be included in all contract specifications and implemented by contractors.</p> <p>Verification of pre-construction survey. Ongoing inspections to verify implementation of measures.</p> <p><i>Continued on the next page.</i></p>	<p>or tree removal.</p> <p>Pre-construction surveys for raptors/migratory birds shall be conducted no more than two weeks prior to the onset of ground disturbance between February and May and within 30 days of the onset of construction from June through August.</p> <p>At the time specific development is proposed for the site, prior to issuance of a Grading Permit, or tree removal.</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<i>Continued from previous page.</i>	<p>Santa Clara Valley HCP/NCCP to reduce potential impacts to burrowing owls to a less than significant level. (Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p> <p>Project Applicant and Contractors.</p>	<p><i>Continued from previous page.</i></p> <p>The site pre-construction survey shall be submitted to the City for verification and approval. Ongoing inspections to verify implementation of measures.</p> <p>Recommendations from the site pre-construction surveys shall be included in all contract specifications and implemented by contractors.</p>	<p>Pre-construction surveys for burrowing owls shall be conducted during the non-breeding season within 14 or 30 days of construction activities.</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Cultural Resources				
<p>Impact CUL-1: Previously unrecorded prehistoric or historic cultural resources, paleontological resources, or human remains, could be uncovered during future development of the project site.</p> <p><i>Continued on the next page.</i></p>	<p>SM CUL-1.1: The City’s standard cultural resource measures (Municipal Code Section 18.75) are listed below and will be implemented during construction activities for future development on the project site.</p> <ul style="list-style-type: none"> • Construction personnel involved in the site clearing and subsequent grading and trenching shall be informed that there is a potential for the discovery of subsurface cultural resources. Indicators of archaeological site deposits include, but are not limited to, the following: darker than surrounding soils, evidence of fire (ash, fire altered rock and earth, carbon flecks), concentrations of stone, bone and shellfish, artifacts of these materials and animal or human burials. • In the event any unanticipated subsurface cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials. • Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner 	<p>Director of the Community Development Department.</p> <p>Project Applicant and Contractors.</p> <p><i>Continued on the next page.</i></p>	<p>Verification of measures on project plans. Review and approval of any subsequent reports as necessary. Ongoing inspections to verify implementation of measures.</p> <p>All measures to protect unknown archaeological resources at the site as listed in MM SM CUL-1.1, shall be printed on grading and construction plans and implemented by contractors.</p> <p>Prepare and submit reports as necessary to implement measure.</p> <p><i>Continued on the next page.</i></p>	<p>Prior to issuance of a Building Permit.</p> <p>During construction activities.</p> <p><i>Continued on the next page.</i></p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p><i>Continued from previous page.</i></p>	<p>shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p> <ul style="list-style-type: none"> • If resources are encountered, a final report shall be submitted to the Director of Community Development. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Community Development. • If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified 	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p>
<p><i>Continued on the next page.</i></p>		<p><i>Continued on the next page.</i></p>	<p><i>Continued on the next page.</i></p>	<p><i>Continued on the next page.</i></p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p><i>Continued from previous page.</i></p>	<p>paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site. If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the Director of Community Development.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Geology and Soils				
<p>Impact GEO-1: Future development on the project site could result in significant amounts of soil erosion during construction activities. (Significant Impact)</p>	<p>SM GEO-1: Future development on the site will be required to prepare an Erosion Control Plan as a standard condition of approval prior to issuance of a building and/or site development permit, subject to review and approval of the Public Works Department. Conformance with the measures in the erosion control plan would reduce soil erosion during future construction. (Less Than Significant Impact with Mitigation)</p>	<p>Director of Public Works Department. Project Applicant and Contractor.</p>	<p>Review and approval of Erosion Control Plan. Ongoing inspections to verify implementation of plan. The Erosion Control Plan shall be submitted to City staff for review and approval. Measures to reduce erosion shall be listed on grading plans and implemented by contractors.</p>	<p>At the time specific development is proposed for the site, prior to issuance of a Building, Development and/or Design Review Permit.</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
	<p>MM HAZ-1.3: Impacted soil removed from the project site shall be disposed of at an appropriately permitted landfill or other disposal site (per Title 22 of the California Code of Regulations), with additional analysis and sampling completed, as appropriate, per requirements of the permitted landfill facility accepting the impacted soil.</p> <p>MM HAZ-1.4: The source and quality of all imported soil during construction activities shall be documented per the guidance of the DTSC’s <i>October 2001 Clean Fill Advisory</i>. Prior to issuance of a grading or building permit for the project, this documentation shall be provided to the City of Morgan Hill Community Development Director and any environmental agency (e.g. County Environmental Health, RWQCB, DTSC) overseeing the implementation of mitigation or environmental management measures.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p>Director of the Community Development Department.</p> <p>Project Applicant.</p> <p>Director of the Community Development Department.</p> <p>Project Applicant.</p>	<p>Review of documentation showing impacted soil disposal site</p> <p>Documentation showing impacted soil disposal site shall be submitted to the City for review.</p> <p>Review and approval of documentation showing the source and quality of all imported soil during construction activities.</p> <p>Documentation showing the source and quality of all imported soil during construction activities shall be submitted to the City for review and approval.</p>	<p>Prior to approval of a Building Permit.</p> <p>Prior to approval of a Grading or Building Permit.</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p> <p>SM HYD-1.3: In accordance with Morgan Hill Municipal Code Chapter 17.32, the applicant of future specific development shall cause the design and construction to be undertaken for a storm drainage collection system shown on the tentative map or site development plan. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works.</p> <p>SM HYD-1.4: Future development will be required to pay the City of Morgan Hill Storm Drainage Impact fee in accordance with Chapter 3.56 of the Morgan Hill Municipal Code. The fees will be based on the costs required for new facilities and other capital acquisition costs to serve new development.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p> <p>Director of Public Works.</p> <p>Project Applicant and Contractors.</p> <p>Director of Public Works Project Applicant.</p>	<p>constructed to the satisfaction of the Director of Public Works.</p> <p>Review, verification and approval of storm drainage collection system for project.</p> <p>Storm drainage collection system shall be shown on the tentative map or site development plan.</p> <p>Verification of payment of fee by Project Applicant.</p> <p>Fee will be determined by the City of Morgan Hill based on the costs required for new facilities and other capital acquisition costs to serve new development.</p> <p>Payment of fee to the City of Morgan Hill.</p>	<p><i>Continued from previous page.</i></p> <p>During construction activities.</p> <p>Fee shall be paid prior to issuance of a Grading Permit.</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Noise and Vibration				
<p>Impact NOI-1: Interior noise exposures for future units adjacent to Butterfield Boulevard and the UPRR would exceed the City of Morgan Hill Noise Element and Title 24 standards. (Significant Impact)</p>	<p>MM NOI-1: Prior to the issuance of development permits for a specific project, a detailed acoustical analysis, in conformance with California Noise Insulation Standards in Title 24, Part 2 of the California Code of regulations (California Building Code), will be required for final design of the proposed residential uses. The project will incorporate sound control treatments to meet an interior L_{dn} of 45 dBA (or 50 dBA as applicable) or less (with the windows closed) to the satisfaction of the City Building Official.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p>Director of the Community Development Department.</p> <p>City Building Official.</p> <p>Project Applicant and Contractors.</p>	<p>Review and approval of detailed acoustical analysis.</p> <p>The detailed acoustical analysis shall be submitted to the City for review and approval. Required measures shall be listed on all construction documents, contracts, and project plans, and implemented by contractors.</p>	<p>Prior to issuance of a Development Permit.</p>
<p>Impact NOI-2: Residential development on the site closest to Butterfield Boulevard, Monterey Road, and the UPRR would expose future residents to exterior</p>	<p>MM NOI-2: Prior to the issuance of development permits for a specific project, a detailed acoustical analysis, will be required for final design of the proposed residential development. The exterior open space areas shall be designed to meet an exterior L_{dn} of 60 dBA or less, such mitigation measures may include: using the residential buildings to provide shielding for outdoor use areas including courtyards, rear yards, side yards, etc.; constructing sound walls; and/or increased setback distances from the roadway. The final details for these measures will be determined during</p>	<p>Director of the Community Development Department.</p> <p>City Building Official.</p> <p><i>Continued on the next page.</i></p>	<p>Review and approval of detailed acoustical analysis.</p> <p><i>Continued on the next page.</i></p>	<p>Prior to issuance of a Development Permit.</p> <p><i>Continued on the next page.</i></p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p>noise levels in excess of noise standards established in the City of Morgan Hill’s General Plan. (Significant Impact)</p>	<p>development of the final site plan, prior to issuance of development permits.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p> <p>Project Applicant and Contractors.</p>	<p><i>Continued from previous page.</i></p> <p>The detailed acoustical analysis shall be submitted to the City for review and approval.</p> <p>Required measures shall be listed on all construction documents, contracts, and project plans, and implemented by contractors.</p>	<p><i>Continued from previous page.</i></p>
<p>Impact NOI-3: Future construction activities on the site could result in short term noise impacts. (Significant Impact)</p> <p><i>Continued on the next page.</i></p>	<p>MM NOI-3: The following measures shall be included in the project to reduce impacts from construction noise to a less than significant level:</p> <ul style="list-style-type: none"> • Consistent with Section 8.28.040 of the Morgan Hill Municipal Code, construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays. • Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. 	<p>Director of the Community Development Department.</p> <p>Project Applicant and Contractors.</p> <p><i>Continued on the next page.</i></p>	<p>Verification and approval of construction noise control measures. Ongoing inspections to verify implementation of measures.</p> <p>Required construction noise control measures shall be listed on all construction documents, contracts, and project plans, and implemented by</p>	<p>Prior to issuance of a Grading Permit and implemented during construction.</p> <p><i>Continued on the next page.</i></p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p><i>Continued from previous page.</i></p>	<ul style="list-style-type: none"> • Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receptors. • Acoustically shield stationary equipment located near residential receptors with temporary noise barriers or recycled demolition materials. • Utilize "quiet" air compressors and other stationary 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 will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. <p>(Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p>	<p>contractors.</p>	<p><i>Continued from previous page.</i></p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Transportation				
<p>Impact TRAN-2: The intersection of Butterfield Boulevard and Cochrane Road is projected to operate at an acceptable level of service (LOS D) during the PM peak hour under Year 2030 General Plan no project conditions and is projected to deteriorate to an unacceptable LOS E under Year 2030 General Plan with project conditions. (Significant Impact)</p>	<p>MM TRAN-2.1: The addition of a second westbound left-turn lane on Cochrane Road would mitigate the level of service impact at the Butterfield Blvd./Cochrane Road intersection. The addition of a second left-turn lane is not specifically identified within the Year 2030 General Plan roadway network. However, the City has a policy that maintains intersection levels of service at LOS D or better. As individual projects are developed over time in the vicinity of this intersection, the first project that causes the identified significant impact will be conditioned to provide the second left-turn lane, which would improve the intersection’s level of service to LOS C during both AM and PM peak hours under Year 2030 General Plan with and without project conditions.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p>Director of the Community Development Department.</p>	<p>Monitor and impose condition to applicable subsequent project. This measure will be enforced through City policies which maintains intersection levels of service at LOS D or better.</p>	<p>As individual projects are developed in the vicinity of the intersection, the first project that causes the identified significant impact will be conditioned to provide the second left-turn lane. This would be implemented within a year of occupancy of the first project to cause the LOS to degrade to E.</p>
<p>Impact TRAN-3: The intersection of Butterfield Boulevard and Jarvis Drive (North) is projected to operate at an</p>	<p>MM TRAN-3.1: The signalization of Butterfield Boulevard and Jarvis Drive (North) would mitigate the level of service impact at this intersection.</p> <p>The signalization of Butterfield Boulevard and Jarvis Drive (North) is not specifically identified within the Year 2030 General Plan</p>	<p>Director of the Community Development Department. <i>Continued on the next page.</i></p>	<p>Monitor and impose condition applicable to subsequent project. This measure will be enforced through City policies which maintains</p>	<p>As individual projects are developed in the vicinity of the intersection, the first project that</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p>unacceptable level of service (LOS F) during both peak hours under Year 2030 General Plan conditions with and without the proposed project. The peak hour traffic signal warrant checks indicate that the intersection would have traffic volumes that meet thresholds warranting signalization both with and without the proposed project. (Significant Impact)</p>	<p>roadway network. However, the City has a policy that maintains intersection levels of service at LOS D or better. As individual projects are developed over time in the vicinity of this intersection, the first project that causes the identified significant impact will be conditioned to install the traffic signal at this location, which would improve the level of service to LOS B during both the AM and PM peak hours under Year 2030 General Plan with and without project conditions.</p> <p>(Less Than Significant Impact with Mitigation)</p>	<p><i>Continued from previous page.</i></p>	<p>intersection levels of service at LOS D or better.</p>	<p>causes the identified significant impact will be conditioned to provide the traffic signal at this location. This would be implemented within one year of the first project that causes the LOS to degrade to LOS E.</p>
Cumulative Impacts – Biological Resources				
<p>Impact C-BIO-1: The pollutant emissions from project-generated trips would contribute to the significant cumulative indirect</p>	<p>MM C-BIO-1.1: The project shall comply with the Valley Habitat Plan and pay the applicable nitrogen deposition fee based on the number of net new vehicle trips.</p> <p>(Less Than Significant Impact with Mitigation)</p> <p><i>Continued on the next page.</i></p>	<p>Director of the Community Development Department.</p> <p><i>Continued on the next page.</i></p>	<p>Verification of payment by project applicant.</p> <p><i>Continued on the next page.</i></p>	<p>At the time specific development is proposed for the site, prior to issuance of a Building Permit.</p>

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<p>impact to sensitive serpentine habitats. (Significant Cumulative Impact)</p>	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p> <p>Project Applicant.</p>	<p><i>Continued from previous page.</i></p> <p>Receipt of payment of nitrogen deposition fee shall be submitted to the City for review and approval.</p>	
Cumulative Impacts – Transportation				
<p>Impact C-TRAN-1: Future development of the site with up to 409 residential dwelling units in combination with the cumulative projects will result in a significant impact at the Butterfield Boulevard and Cochrane Road intersection. This intersection is projected to operate at an unacceptable level of service (LOS E) during the PM peak hour under Year 2030 General Plan no</p>	<p>MM C-TRAN-1: The addition of a second westbound left-turn lane on Cochrane Road would mitigate the level of service impact at the Butterfield Blvd./Cochrane Road intersection. The addition of a second left-turn lane is not specifically identified within the Year 2030 General Plan roadway network. However, the City has a policy that maintains intersection levels of service at LOS D or better. As individual projects are developed over time in the vicinity of this intersection, the first project that causes the identified significant impact will be conditioned to provide the second left-turn lane, which would improve the intersection’s level of service to LOS C during both AM and PM peak hours under Year 2030 General Plan with and without project conditions.</p> <p>(Less Than Significant Impact with Mitigation)</p> <p><i>Continued on the next page.</i></p>	<p>Director of the Community Development Department.</p> <p><i>Continued on the next page.</i></p>	<p>Monitor and impose condition to applicable subsequent project. This measure will be enforced through City policies which maintains intersection levels of service at LOS D or better.</p> <p><i>Continued on the next page.</i></p>	<p>As individual projects are developed over time in the vicinity of the intersection, the first project that causes the identified significant impact will be conditioned to provide the second left-turn lane. This would be implemented within one year of the first project that</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p>project conditions. The proposed land use amendment for the project site, in combination with other cumulative development, would cause the critical delay to increase by more than 4 seconds and the volume-to-capacity ratio (V/C) to increase by more than 0.01. This constitutes a significant impact to the intersection based on the City's impact criteria. (Significant Impact)</p>	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p>	<p><i>Continued from previous page.</i></p>	<p>causes the LOS to degrade to LOS E.</p>
<p>Impact C-TRAN-2: Future development of the site with up to 409 residential dwelling units in combination with the cumulative projects will result in a significant impact at</p>	<p>MM C-TRAN-2: Implementation of a traffic signal at Butterfield Boulevard and Jarvis Drive (North) would improve the level of service to LOS B during both the AM and PM peak hours under Year 2030 Cumulative General Plan without and with the project conditions. The signalization of this intersection is not specifically identified within the Year 2030 General Plan roadway network. However, the City has a policy that maintains intersection levels of service at LOS D or better. As individual projects are developed</p>	<p>Director of the Community Development Department.</p> <p><i>Continued on the next page.</i></p>	<p>Monitor and impose condition to applicable subsequent project. This measure will be enforced through City policies which maintains intersection levels of service at LOS D or better.</p>	<p>As individual projects are developed over time in the vicinity of the intersection, the first project that causes the</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p>the Butterfield Boulevard and Jarvis Drive (North) intersection. This intersection is projected to operate at an unacceptable level of service (LOS F) during both peak hours under Year 2030 Cumulative General Plan conditions without and with the project. Additionally, the peak-hour traffic signal warrant checks indicate that the intersection would have traffic volumes under Year 2030 Cumulative General Plan without and with project conditions that meet thresholds that warrant signalization. This constitutes a significant impact to</p>	<p>over time in the vicinity of this intersection, the first project that causes the identified significant impact will be conditioned to install the traffic signal at this location.</p> <p>(Less Than Significant Impact with Mitigation)</p> <p><i>Continued on the next page.</i></p>	<p><i>Continued from previous page.</i></p> <p><i>Continued on the next page.</i></p>	<p><i>Continued from previous page.</i></p> <p><i>Continued on the next page.</i></p>	<p>identified significant impact will be conditioned to provide the traffic signal at this location. This would be implemented within one year of the first project that causes the LOS to degrade to LOS E.</p> <p><i>Continued on the next page.</i></p>

**MITIGATION MONITORING OR REPORTING PROGRAM
BUTTERFIELD – MWEST GENERAL PLAN AMENDMENT PROJECT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
the intersection based on the City’s impact criteria. (Significant Impact)	<i>Continued from previous page.</i>	<i>Continued from previous page.</i>	<i>Continued from previous page.</i>	<i>Continued from previous page.</i>

SOURCE: City of Morgan Hill. *Butterfield-MWest General Plan Amendment Project Final EIR*. November 2014.