



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

Memorandum

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

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

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

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

SA1-01

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

Notice of Completion & Environmental Document Transmittal

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

SCH # 2015022074

Project Title: Morgan Hill 2035 General Plan and Residential Development Control System

Lead Agency: City of Morgan Hill

Contact Person: John Baly

Mailing Address: 17575 Peak Avenue

Phone: (408) 778-8480

City: Morgan Hill

Zip: 95037

County: Santa Clara

Project Location: County: Santa Clara

City/Nearest Community: Morgan Hill

Cross Streets: N/A

Zip Code:

Longitude/Latitude (degrees, minutes and seconds): " N / " W Total Acres:

Assessor's Parcel No.:

Section:

Twp.:

Range:

Base:

Within 2 Miles:

State Hwy #:

Waterways:

Railways:

Schools:

Document Type:

CEQA: ☐ NOP
☐ Early Cons
☐ Neg Dec
☐ Mit Neg Dec

☒ Draft EIR
☐ Supplement/Subsequent EIR
 (Prior SCH No.)
 Other:

NEPA: ☐ NOI
☐ EA
☐ Draft EIS
☐ FONSI

Other: ☐ Joint Document
☐ Final Document
☐ Other:

Local Action Type:

☒ General Plan Update
☐ General Plan Amendment
☐ General Plan Element
☐ Community Plan

☐ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☐ Site Plan

☐ Rezone
☐ Prezone
☐ Use Permit
☐ Other: (Subdivision, etc.)

☐ Annexation
☐ Redevelopment
☐ Coastal Permit
☒ Other: RDGS

Development Type:

☒ Residential: Units 6,861

Acres

☒ Office: Sq. ft. 628,698

Acres

Employees

☒ Commercial: Sq. ft. 1.0 mill

Acres

Employees

☐ Industrial: Sq. ft. 1.7 mill

Acres

Employees

☐ Educational:☐ Recreational:☐ Water Facilities: Type

MGD

Transportation: Type

☐ Mining: Mineral☐ Power: Type

MW

☐ Waste Treatment: Type

MGD

☐ Hazardous Waste: Type☒ Other: Public Facilities - 287,377 Sq. Ft.

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Citywide

Project Description: (please use a separate page if necessary)

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

State Clearinghouse Contact:

Project Sent to the following State Agencies

State Review Began: 1.13.2016

SCH COMPLIANCE 02.26.2016

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

SCH#:

Please forward late comments directly to the Lead Agency

AQMD/APCD 20/2

(Resources: 01/16)

Resources

☒ Boating & Waterways☐ Coastal Comm☐ Colorado Rvr Bd☒ Conservation☒ CDFW # 3☒ Delta Protection Comm☒ Cal Fire☒ Historic Preservation☒ Parks & Rec☒ Central Valley Flood Prot.☒ Bay Cons & Dev Comm.☒ DWR☒ OES☐ Resources, Recycling and Recovery

CalSTA

☒ Aeronautics☒ CHP☒ Caltrans # 4☐ Trans Planning

Other

☐ HCD☐ Food & Agriculture

State/Consumer Svcs

General Services

Cal EPA

☒ ARB: ALL Other Projects☐ ARB: Transportation Projects☐ ARB: Major Industrial/Energy☐ SWRCB: Div. of Drinking Water☐ SWRCB: Div. Financial Assist.☐ SWRCB: Wtr Quality☐ SWRCB: Wtr Rights☒ Reg. WQCB # 2☐ Toxic Sub Ctrl-CTC☐ Yth/Adlt Corrections☐ Corrections

Independent Comm

☒ Energy Commission☒ NAHC☐ Public Utilities Comm☐ State Lands Comm☐ Tahoe Rgl Plan Agency

Conservancy

Other:

SA1-01
cont.



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

Memorandum

DEVELOPMENT
SERVICES

JAN 26 2016

CITY OF MORGAN HILL

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

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

SA1-02

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



TRANSMITTAL

DATE January 25, 2016

TO

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Governor's Office of Planning & Research

PHONE NUMBER (916) 445-0613

JAN 26 2016

FROM Joanna Jansen

STATE CLEARINGHOUSE

PROJECT Morgan Hill 2035 DEIR

PLACEWORKS PROJECT NUMBER COMH-01.0

VIA FedEx

☐ AS REQUESTED ☐ PLEASE RETURN

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

MESSAGE

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

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

**SA1-02
cont.**

Notice of Completion & Environmental Document Transmittal

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

SCH # 2015022074

Project Title: Morgan Hill 2035 General Plan and Residential Development Control System

Lead Agency: City of Morgan Hill Contact Person: John Baly
 Mailing Address: 17675 Peak Avenue Phone: (408) 778-6480
 City: Morgan Hill Zip: 95037 County: Santa Clara

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

Document Type:

CEQA: ☐ NOI ☒ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS Other:
☐ Mit Neg Dec Other:

Local Action Type:

☒ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Other: (Subdivision, etc.) ☒ Other: RDSCS

Development Type:

☒ Residential: Units 6,861 Acres ☐ Transportation: Type
☒ Office: Sq. ft. 628,696 Acres ☐ Employees ☐ Mining: Mineral
☒ Commercial: Sq. ft. 1.0 mil Acres ☐ Employees ☐ Power: Type MW
☒ Industrial: Sq. ft. 1.7 mil Acres ☐ Employees ☐ Waste Treatment: Type MGD
☐ Educational: ☐ Hazardous Waste: Type
☐ Recreational: ☒ Other: Public Facilities - 287,377 Sq. Ft.
☐ Water Facilities: Type MGD

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Citywide

Project Description: (please use a separate page if necessary)

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

State Clearinghouse Contact:

(916) 445-0613

State Review Began:

1.13.2016

SCH COMPLIANCE

3.14.2016

NOTE: REVIEW PER LEAD

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

SCH#:

Please forward late comments directly to the Lead Agency

AQMD/APCD 20/2

(Resources: 01/16)

Project Sent to the following State Agencies

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

SA1-02
cont.

DEPARTMENT OF TRANSPORTATION

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



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MAR 03 2016

CITY OF MORGAN HILL

February 26, 2016

SCLGEN112
SCL/GEN/VAR
SCH #: 2015022074

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

Dear Mr. Baty:

Morgan Hill 2035 General Plan – Draft Environmental Impact Report

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

SA2-01

Project Understanding

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

SA2-02

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

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

SA2-03

Lead Agency

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

SA2-04

Traffic Impacts

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

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

SA2-05

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

SA2-06

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

SA2-07

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

**SA2-07
cont.**

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

SA2-08

Vehicle Trip Reduction

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

SA2-09

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

SA2-10

SA2-11

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

SA2-12

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

SA2-12
cont.

SA2-13

Traffic Impact Fees

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

SA2-14

Encroachment Permit

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

SA2-15

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

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

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



March 11, 2016

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

Attention: John Baty

Subject: Morgan Hill 2035 General Plan Update

Dear Mr. Baty:

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

DEIR and Draft General Plan - Land Use and Alternatives Analysis

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

RA1-01

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

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

RA1-02

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

**RA1-02
cont.**

DEIR - VMT Analysis

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

RA1-03

DEIR - Freeway Analysis

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

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

RA1-04

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

DEIR - Transportation Impact Analysis (TIA) Report

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

RA1-05

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

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

RA1-06

Draft General Plan – Roadway Connectivity

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

RA1-07

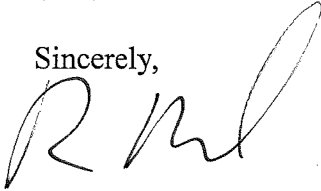
City of Morgan Hill

March 11, 2016

Page 4

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

Sincerely,

A handwritten signature in black ink, appearing to read 'R Molseed', with a large, sweeping loop at the end.

Roy Molseed
Senior Environmental Planner

cc: Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

MH1501

VTA Development Review Program Contact List

Last Updated: 12/18/2015

Please route development referrals to:

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

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

Transportation Impact Analysis (TIA) Reports and Notification Forms:

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

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

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

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

Planning & Program Development Division

3331 North First Street, Building B-2

San Jose, CA 95134-1906

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

Transportation Impact Analysis (TIA) Guidelines (General Questions)

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

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

Auto LOS Methodology

VTA Highway Projects & Freeway Ramp Metering

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

VTA Transit Service, Ridership & Bus Stops

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

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

TDM Programs

Congestion Management Program (CMP)

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

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

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

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

BART Silicon Valley Extension

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

VTA Bicycle & Pedestrian Projects

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

RA1-08

VTA Real Estate

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

VTA Permits (Construction Access Permit, Restricted Access Permit)

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

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

Other Topics and General Questions about VTA Comments

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

**RA1-08
cont.**

5750 Almaden Expressway, San Jose, CA 95118-3614 | (408) 265-2600 | www.valleywater.org



File: 33325
Various

March 14, 2016

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

Subject: Morgan Hill 2035 General Plan

Dear Mr. Baty:

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

RA2-01

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

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

RA2-02

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

RA2-03

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

RA2-04

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

RA2-05

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

RA2-06

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

RA2-06
cont.

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

RA2-07

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

RA2-08

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

RA2-09

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

RA2-10

RA2-11

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

RA2-12

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

RA2-13

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

RA2-14

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

RA2-15

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

RA2-15
cont.

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

RA2-16

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

RA2-17

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

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

RA2-18

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

RA2-19

RA2-20

RA2-21

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

RA2-22

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

RA2-23

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

RA2-24

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

RA2-25

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

RA2-26

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

RA2-27

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

RA2-28

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

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

RA2-29

RA2-30

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

RA2-31

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

RA2-32

Mr. John Baty
Page 5
March 14, 2016

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

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

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

Sincerely,



Yvonne Arroyo
Associate Engineer
Community Projects Review Unit

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

33325_58291ya03-14

RA2-32
cont.

RA2-33



March 14, 2016

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

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

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

Dear Mr. Baty,

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

RA3-01

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

RA3-02

I. PROJECT DESCRIPTION

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

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

RA3-03

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

RA3-04

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

RA3-05

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

RA3-06

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

RA3-07

B. Failure to analyze the full buildout.

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

RA3-08

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

RA3-08
cont.

C. Responsible Agencies.

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

RA3-09

II. ENVIRONMENTAL REVIEW

A. Agriculture and Forestry Resources.

Impact AG-1: Conversion of Farmland

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

RA3-10

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

RA3-11

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

RA3-12

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

RA3-13

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

RA3-14

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

RA3-14
cont.

B. Greenhouse Gas Emissions.

Baseline Emissions Inventory

Page 4.7-20 states that Morgan Hill's baseline emissions inventory totaled 279,407 MTCO₂e in 2010. However, no explanation is provided as to why the use of 2010 levels is appropriate. Has any significant development or other activities occurred since 2010 that might change the baseline emissions levels *in 2015* (the year the NOP was issued for this project)? If not, we suggest adding a discussion explaining that none have occurred and why the 2010 baseline is likely a reliable estimate of baseline 2015 emissions. However, if changes have occurred that call the applicability of the 2010 emissions levels as a proper baseline into question, we suggest analyzing this and adjusting the baseline either up or down to accommodate such changes.

RA3-15

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

RA3-16

Efficiency Targets

Please provide additional explanation as to how the efficiency threshold of 6.6 MTCO₂e per service population per year translates to the 3.3 MTCO₂e and 1.3 MTCO₂e thresholds for 2035 and 2050, respectively. (See pages 4.7-24 and -25.)

RA3-17

Plan Bay Area and the Downtown Transit Center PDA

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

RA3-18

C. Population and Housing.

Baseline Year

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

RA3-19

Impact POP-1: Growth Inducement

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

RA3-20

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

RA3-21

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

RA3-22

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

RA3-23

Impact POP-2: Displacement of Existing Housing

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

RA3-24

Cumulative Impacts

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

RA3-25

Full Buildout

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

RA3-26

D. Utilities and Service Systems (Water Supply).

Water Infrastructure Master Plan

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

RA3-27

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

RA3-28

Regulatory Framework

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

RA3-29

Water Supply Assessment

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

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

RA3-30

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

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

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

**RA3-30
cont.**

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

Water Demand and Supply Projections

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

RA3-31

Wastewater Infrastructure Master Plan

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

RA3-32

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

**RA3-32
cont.**

Impact UTIL-4: Wastewater Treatment Requirements

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

RA3-33

Impact UTIL-5: Wastewater Treatment Facility Expansion

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

RA3-34

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

Impact UTIL-6: Wastewater Treatment Capacity

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

RA3-35

Impact UTIL-7: Cumulative Wastewater Impacts

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

Impact UTIL-11: Energy Impacts

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

RA3-36

E. Growth Inducing Impacts

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

RA3-37

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

RA3-38

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

RA3-39

F. Proposed Chiala Development

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

RA3-40

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

Sincerely,



Neelima Palacherla
Executive Director



MORGAN HILL UNIFIED SCHOOL DISTRICT

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

Delivery: USPS

Email: John.Baty@MorganHill.CA.gov

March 7, 2016

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

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

Mr. John Baty:

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

LA1-01

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

LA1-02

LA1-03

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

LA1-04

DEIR Response

March 7, 2016

Page 1

Insufficient Land

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

LA1-05

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

LA1-06

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

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

LA1-07

Conflicts with the City's Current General Plan

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

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

LA1-08

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

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

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

**LA1-08
cont.**

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

LA1-09

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

LA1-10

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

LAFCO's Objections

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

LA1-11

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

Conclusion

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

LA1-12

Regards,



Kirsten Perez

Assistant Superintendent Business Services

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

Attachments: LAFCO Letter dated February 2, 2016



February 2, 2016

VIA EMAIL [betandos@mhusd.org]

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

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

Dear Mr. Betando,

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

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

LA1-13

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

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

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

EXECUTIVE OFFICER: Neelima Palacherla

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

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

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

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

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

Sincerely,



Neelima Palacherla
LAFCO Executive Officer

Cc:

LAFCO Members

Steve Rymer, City Manager, City of Morgan Hill

Kirk Girard, Director, County Planning and Development Department

LA1-13
cont.

Department of Planning, Building and Code Enforcement

HARRY FREITAS, DIRECTOR



March 11, 2016

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

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

Dear John,

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

LA2-01

Global Comment For All CEQA Resource Sections

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

LA2-02

Utilities and Service Systems

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

LA2-03

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

LA2-04

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

Mr. John Baty,
March 9, 2016
Page 2

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

**LA2-04
cont.**

Sincerely,

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

c: City Manager
City Attorney
Mayor's Office

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
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March 14, 2016

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

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

Dear Mr. Baty:

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

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

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

Sincerely,

Kirk Girard
Director

cc:

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

LA3-01

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



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

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

Part I – Comments on the 2035 General Plan Update

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

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

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

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

LA3-02

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

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

**LA3-02
cont.**

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

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

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

LA3-03

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

LA3-04

Part II – Comments on the Draft EIR

Executive Summary Table

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

LA3-05

Project Description

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

LA3-06

Agricultural Resources

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

LA3-07

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

LA3-08

Alternatives

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

LA3-09

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

LA3-10

County of Santa Clara

Roads and Airports Department

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



March 10, 2016

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

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

Dear Mr. Baty:

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

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

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

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

LA3-11

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

LA3-12

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Aruna', with a horizontal line extending from the end.

Aruna Bodduna
Associate Transportation Planner

cc: MA, AP, DSC

County of Santa Clara

Parks and Recreation Department

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Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
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February 24, 2016

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

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

Dear Mr. Baty:

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

LA3-13

Relationship to the Santa Clara County Countywide Trails Master Plan Update

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

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

LA3-14

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

LA3-14
cont.

Section 4.13.5 Parks and Recreation

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

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

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

LA3-15

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

Section 4.14 Traffic and Transportation

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

LA3-16

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

Sincerely,

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

Hannah Cha
Provisional Planner II

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



**COMMITTEE FOR
GREEN FOOTHILLS**

March 14, 2016

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

Re: Comments on Morgan Hill 2035 Draft EIR

Dear Mr. Baty,

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

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

ORG1-01

ORG1-02

ORG1-03

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

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

ORG1-04

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

ORG1-05

**COMMITTEE FOR
GREEN FOOTHILLS**

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

ORG1-06

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

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

ORG1-07

Significant agricultural impacts are not disclosed in the DEIR.

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

ORG1-08

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

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

ORG1-09

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

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

Thank you for your consideration of these comments.

Sincerely,



Julie Hutcheson
Legislative Advocate

ORG1-09
cont.

ORG1-10

ORG1-11

ORG1-12

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

Joanna,
 Comments from Doug Muirhead.

Thanks,
 -John B.

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

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

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

ORG2-01

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

ORG2-02

-----+-----+-----+-----+-----+-----+-----+-----+-----+
 TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES UTILITIES AND SERVICE SYSTEMS

UTIL-1: Sufficient water supplies would be available to LTS/LTS N/A serve the proposed Project from existing entitlements and resources and new or expanded entitlements would not be required.

ORG2-03

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

-----+-----+-----+-----+-----+-----+-----+-----+-----+
 TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES UTILITIES AND SERVICE SYSTEMS

UTIL-11: The proposed Project would result in a LTS/LTS N/A substantial increase in natural gas and electrical service demands, would use appropriate energy conservation and efficiency measures, and would not require new energy supply facilities and distribution

ORG2-04

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

If the City has projections, what are they?
 If the City foresees limitations, what are they?

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

ORG2-05

Additional access is provided by the Monterey-Salinas Transit (MST) Bus Service, which provides bus service between the Morgan Hill Caltrain Station and the Monterey Transit Plaza in Monterey.

**ORG2-05
cont.**

[comment] MST actually continues north into San Jose, serving SJSU.

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3.2.2 EXISTING LAND USE

Significant parts of the City may appear vacant, including large parcels in the industrial areas of the City.
...residential parcels that have received RDCS allocations may appear vacant, but in fact have pending development.

ORG2-06

[comment] The City of Morgan Hill submitted information on the City's vacant lands as part of its LAFCO USA amendment application material. The maps and vacant lands data / reports submitted by the City are included in Appendix Z of the March 11 hearing staff report. Using the City's information, LAFCO staff prepared a vacant lands inventory that describes the current supply of vacant land within the City's existing boundaries as Appendix X.

This might go well with 3.4.4.2 PROPOSED PLANNING BOUNDARY CHANGES, Table 3-2, the horizon-year 2035 projection for net growth

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3.2.3 SURROUNDING LAND USE

Chesbro Reservoir County Park to the west.

ORG2-07

[comment] I always thought that Chesbro was just a Water District reservoir.
So thanks for the education.

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3.4.1 PROPOSED GENERAL PLAN OBJECTIVES

13 Guiding Principles outline the objectives of the proposed General Plan.
7. Provide high-quality internet connectivity.

ORG2-08

[comment] This has never made sense. Other than City Government intranet and two public access TV channels through the Cable TV franchise agreement with Charter Communications, all internet connectivity is controlled by commercial non-public entities. The City didn't even put in dark fiber as part of Downtown utility undergrounding.

-----+-----+-----+-----+-----+-----+-----+

3.4.2 GENERAL PLAN UPDATE PROCESS

[M]ore than 20 GPAC meetings, and four community workshops have been held during the planning process, all of which were open to the public and included public comment periods.

ORG2-09

[comment] The GPAC meetings were not recorded, so there is no reviewable record.

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3.4.2.6 PUBLIC REVIEW AND ADOPTION

The remaining tasks of the General Plan Update process will include the review and adoption of final documents and the certification of this EIR. This phase includes the 60-day public review period of this EIR,

ORG2-10

[comment] What is the schedule for the EIR for the infrastructure plans?
What is the linkage between the infrastructure master plans and the General Plan and its EIR?
Joanna Jansen, at the February 23 meeting of the Planning Commission to receive comments on the draft GP EIR, stated that the infrastructure master plans were not complete enough to be covered in this EIR, so that a subsequent CEQA document will be required.

From 3.6.5 ANALYSIS OF THE PROPOSED RDCS IN THIS EIR

Projects successive to this EIR include, but are not limited to, the following:

ORG2-11

- Updates to the City's Municipal Service Review and Comprehensive Annexation Plan, and other utility infrastructure master plans, such as the Water, Wastewater, Stormwater, and Telecommunications Master Plans.

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

**ORG2-11
cont.**

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3.5.1.4 OPPORTUNITY SITES

input from the Technical Advisory Committee (TAC)

ORG2-12

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

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3.6.1 PROPOSED RDCS OBJECTIVES

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

ORG2-13

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

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

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

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

ORG2-14

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

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4.1.3 IMPACT DISCUSSION

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

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

General Plan Significance Before Mitigation: Less than significant.

RDCS Significance Before Mitigation: No impact.

ORG2-15

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

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4.3 AIR QUALITY

4.3.3 IMPACT DISCUSSION

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

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

ORG2-16

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

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4.6 GEOLOGY, SOILS, AND SEISMICITY

4.6.1.1 REGULATORY FRAMEWORK

The City of Morgan Hill lies

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

ORG2-17

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

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

[end as of page 281 of 732]

ORG2-17

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

March 21, 2016

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

Subject: Comments Regarding City of Morgan Hill 2035 Draft EIR

Dear Mr. Baty:

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

Reference: Draft EIR, Section 3.6.3

Specifically, the draft EIR states:

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

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

Analysis

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

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

ORG3-01

.....

March 21, 2016

Page 2

Therefore, using the 300 allotments/year number:

Time frame: 2035 – 2020 = 15 years

Building allocations /year = 300

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

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

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

ORG3-02

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

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

Reference: EIR Section 3.6.3

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

Re-Analysis

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

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

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

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

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

ORG3-03

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

Sincerely,

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

E-Mail: RJBenich@yahoo.com

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

From: D. Muirhead [mailto:doug.muirhead@stanfordalumni.org]

Sent: Tuesday, March 22, 2016 1:39 PM

To: John Baty

Subject: MH 2035 GP+RDCS DEIR comments (late: comment period closed 3/14)

Senior Planner John Baty,

Here are a second group of minor comments for the Morgan Hill 2035 DEIR dated January 13, 2016 - but after the close of the comment period which ended March 14, 2016.

ORG4-01

Regards, Doug Muirhead, Morgan Hill

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4.9 HYDROLOGY AND WATER QUALITY

Typical groundwater levels in the downtown Morgan Hill area are typically found at 15 feet bgs.

[comment] What is your source for this data? The September 2015 Groundwater Condition Report from SCVWD shows Llagas Subbasin Well 09S03E22P005 (Morgan Hill) 5 Year Average Depth to Water of about 60 feet and a high mark between Aug-10 and Aug-15 of 40 feet.

The respective values for Llagas Subbasin Well 10S03E13D003 (San Martin) are 50 feet and 20 feet.

ORG4-02

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4.13.2 POLICE PROTECTION SERVICES

The MHPD reports that existing staff and equipment levels are not sufficient to meet current or future demands for service.

[comment] What is your source for this data regarding current demands?

The City of Morgan Hill FY 2015-16 Operating and CIP Budget has no mention of existing staff and equipment levels being insufficient. They did hire 5 new police officers to replace sworn staff who retired.

LAFCO Cities Service Review (December 2015) reported that the City of Morgan Hill did not anticipate difficulty in continuing to provide services or maintain infrastructure or facilities related to service delivery for a population of up to 70,000.

Only the LAFCO USA Amendment for Area 1: Plan for Services as of October 2015 indicates that the City anticipates a significant increase in service costs based on an increased number of large events that would draw in large numbers of people. In addition to a multiservice officer for addressing issues associated with the proposed private high school, the City anticipates it would need to hire three additional sworn officers, a part time records specialist, and a public safety dispatcher

ORG4-03

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

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

**ORG4-03
cont.**

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4.13.5 PARKS AND RECREATION

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

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

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

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

ORG4-04

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