



# Cochrane Commons Phase II Project

## Final Environmental Impact Report

*prepared by*

**City of Morgan Hill**  
17575 Peak Avenue  
Morgan Hill, California 95037  
Contact: Jennifer Carman, Development Services Director

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
449 15th Street, Suite 303  
Oakland, California 94612

**September 2022**

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**September 2022**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

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# 1 Responses to Comments on the Draft SEIR

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## 1.1 Purpose of the Response to Comments on the Draft SEIR

This section contains responses to comments received on the Draft Subsequent Environmental Impact Report (SEIR) prepared for the Cochrane Commons Phase II Project (proposed project). The Draft EIR identifies the likely environmental consequences associated with implementation of the proposed project. This document, together with the Draft SEIR, constitutes the Final SEIR for the proposed project.

## 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft SEIR.

On December 3, 2021, the City of Morgan Hill circulated a Notice of Preparation (NOP) for a 30-day comment period to request input on the types of impacts that could result from the proposed project. The Draft SEIR was made available for public review for a 45-day comment period that began on June 10, 2022 and ended on July 25, 2022. The Notice of Availability of a Draft SEIR was posted with the County Clerk, sent to the State Clearinghouse, published on the City's website, and mailed to responsible agencies. The City also held a virtual community open house as an opportunity for the public to submit verbal comments on the SEIR at 7:00 p.m. on July 13, 2022.

## 1.3 Comments and Responses

This section includes written comments received during the circulation of the Draft SEIR prepared for the proposed project, and responses to those comments.

During the 45-day public review period described above, the City of Morgan Hill received seven comment letters on the Draft SEIR. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter		Page No.
1	Mark Leong, District Branch Chief, California Department of Transportation	1-3
2	Benjamin Hwang, P.E., Assistant Engineer II – Civil, Valley Water	1-8
3	Richard Martinez	1-12
4	Tony Burquez	1-15
5	Natalie Sparrer	1-17
6	Daniel F. Flynn	1-22
7	Doug Muirhead	1-24

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

In some cases, specific changes to the text of the Draft SEIR have been made in response to comments received. In no case do these revisions involve new significant impacts or a substantial increase in the severity of impacts identified in the Draft SEIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft SEIR.

The full, revised version of the Executive Summary is appended to this document.

## California Department of Transportation

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



# Letter 1

July 22, 2022

SCH #: 2022060200  
GTS #: 04-SCL-2021-01069  
GTS ID: 24850  
Co/Rt/Pm: SCL/101/17.96

Jennifer Carman, Development Services Director  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

### **Re: Cochrane Commons Phase II Project Subsequent Environmental Impact Report (SEIR)**

Dear Jennifer Carman:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Cochrane Commons Phase II Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the June 2022 SEIR.

#### **Project Understanding**

The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The project would consist of 498 residential units, consisting of a mix of homes, townhomes, condos, and apartments; 135,000 square feet of retail space; a 140-room hotel; and amending the zoning and General Plan designation to Mixed Use Flex (MUF) for the Phase II development area. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also provide various on-site amenities for residents. A courtyard with outdoor open space would be provided near the proposed apartment units. A clubhouse, recreation hall, and swimming pool would also be provided for on-site residents. The project would include 1,367 parking spaces.

1.1

### **Significant and Unavoidable VMT Impacts- Mitigation**

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the SEIR, this project is found to have significant VMT impacts. Please consider measures to mitigate the project's VMT impacts:

- Upgrade existing Class II bike lanes to Class IV cycle tracks;
- Better bicycle access with protected bike lanes to the Caltrain station, Santa Teresa VTA light rail, and VTA Rapid Bus line 568 at the Morgan Hill Transit Center;
- Install green thermoplastic conflict markings;
- Plant shade trees along sidewalks, install pedestrian refuge islands at Cochrane Rd, and install directional curb ramps;
- Due to potential conflicts at the US-101 ramps, provide crosswalk enhancements at uncontrolled crosswalks on all ramps at the interchange of US-101 and Cochrane Road:
  - Crosswalk at NB 101 On-ramp from WB Cochrane Road.
  - Crosswalk at SB 101 On-ramp from WB Cochrane Road.
  - Crosswalk at SB 101 On-ramp from EB Cochrane Road.
  - Crosswalk at NB 101 On-ramp from EB Cochrane Road.

1.2

### **Construction-Related Impacts**

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

1.3

### **Lead Agency**

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

1.4

### **Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

1.5

### Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

1.6

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,



MARK LEONG  
District Branch Chief  
Local Development Review

c: State Clearinghouse

## Letter 1

**COMMENTER:** Mark Leong, District Branch Chief, California Department of Transportation

**DATE:** July 22, 2022

### Response 1.1

*The commenter thanks the applicant for their inclusion in the environmental review process for the proposed project. The commenter notes the purpose of the project and their understanding of the project description.*

The comment does not pertain to the adequacy of the Draft SEIR, and no response is required. No revisions to the Draft SEIR are required in response to this comment.

### Response 1.2

*The commenter notes that the project analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. The commenter notes that the Draft SEIR found that that proposed project is found to have significant VMT impacts. The commenter suggests considering several measures to mitigate the project's VMT impacts.*

The measures the commenter suggest include adding sidewalks and crosswalks in the project vicinity. As described in Section 2, *Project Description*, on Page 2-7 of the Draft SEIR, the project would include sidewalk and pavement improvements along road frontages that border the project site. While additional sidewalk and crosswalk improvements could be included in the proposed project, it is unlikely that such improvements would result in a substantial reduction of VMT associated with the project.

Please refer to Mitigation Measure TRA-1 in Section 4.2, *Transportation*, of the Draft SEIR. In order to reduce VMT impacts, the proposed project would include additional mitigation to reduce impacts that were not previously included in the 2005 EIR. Mitigation Measure TRA-1 would aim to decrease VMT impacts by developing a Transportation Demand Management (TDM) plan. The TDM plan would include measures such as, but not limited to, school pool programs, transit service expansion, and voluntary travel behavior change programs. No revisions to the Draft SEIR are required in response to this comment.

### Response 1.3

*The commenter requests that impacts to the State Right-of-Way (ROW) from project-related temporary access points be analyzed. The commenter suggests that mitigation measures for construction and noise should be identified. The commenter states that project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans and provides the permit application link. The commenter states that coordination with Caltrans may be required to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).*

The applicant would be required to coordinate and obtain permits with Caltrans should construction result in impacts to the State ROW from project-related temporary access points and the STN. If applicable, the applicant would prepare a TMP to reduce construction traffic impacts to the STN.



Please refer to Appendix A, *Initial Study*, for a full evaluation of construction-related noise impacts. Construction activities would be required to comply with all construction noise-related policies found in the Morgan Hill General Plan and Municipal Code. Construction would be required to occur between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday pursuant to the City's Noise Ordinance Section 8.28.040(D)(1). Impacts related to construction noise would be less than significant.

No revisions to the Draft SEIR are required in response to this comment.

#### **Response 1.4**

*The commenter states that as the Lead Agency, the City of Morgan Hill is responsible for all project mitigation, including any needed improvements to the STN. The commenter suggests that the project's fair share, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.*

This comment is noted. A mitigation monitoring and reporting program (MMRP) will be adopted by the City of Morgan Hill at the time of the certification of the SEIR. Information included in the MMRP shall include, but is not limited to, the implementation responsibilities of the lead agency and scheduling details. No revisions to the Draft SEIR are required in response to this comment.

#### **Response 1.5**

*The commenter notes that if any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. The commenter notes that bicycle and pedestrian access should be maintained during construction.*

The City would ensure that the applicant would comply with ADA Standards as part of the project permitting process. Work that would occur within the public ROW would be subject to the provisions of Chapter 12.08 of the Morgan Hill Municipal Code. No revisions to the Draft SEIR are required in response to this comment.

#### **Response 1.6**

*The commenter advises that permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. The commenter describes the permit application process and required documentation.*

While encroachment into Caltrans ROW is not anticipated, the applicant would be required to coordinate and obtain permits with Caltrans should construction result in encroachment within a Caltrans' ROW. Necessary documentation would be prepared and submitted to Caltrans prior to project construction. No revisions to the Draft SEIR are required in response to this comment.



File: 33033  
Cochrane Channel

July 21, 2022

## Letter 2

Ms. Jennifer Carman  
Development Services Director  
City of Morgan Hill Development Services  
17575 Peak Avenue  
Morgan Hill, CA 95037  
[Jennifer.Carman@morganhill.ca.gov](mailto:Jennifer.Carman@morganhill.ca.gov)

**Subject: Draft Subsequent Environmental Impact Report (SEIR) – Phase II Cochrane Commons**

Dear Ms. Carman:

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Subsequent Environmental Impact Report (SEIR) for the construction of Phase II of the Cochrane Commons development and have the following comments:

**Hydrology**

1. The SEIR states that the drainage from the site will be directed to the detention basins which will be sized to discharge at rates at or below pre-development rates. Furthermore, SEIR Appendix A states that there are no impacts to hydrology due to the drainage patterns generally remaining the same as studied in the 2005 EIR. These statements do not adequately demonstrate that there will be no new impacts to Cochrane Channel from development of the site. The detention basins are already sized based on the 2005 EIR development, and Valley Water has already approved the allowable pumping discharge rate from the detention basin into Cochrane Channel so as not to increase flooding downstream in Coyote Creek. If changes to the detention basin are required, the study needs to demonstrate there is sufficient space to increase their size. It may not be feasible to deepen them depending on allowable side slopes and normal wet season groundwater levels, which may decrease available capacity.

2.1

The SEIR should compare the new Phase II project with the original project that was considered in the 2005 EIR and determine if there are any changes in impervious areas, parameters which may change the peak runoff (volume and rate), and to the required detention basin size based on the existing pump discharge rate, as determined in Schaaf and Wheeler's Hydrology Report (Appendix H, 2005 EIR). Schaaf and Wheeler's study should be re-evaluated to ensure that the proposed mitigation measures from the 2005 EIR are still applicable to the new Phase II project and definitively determine whether the existing detention basins and existing pump



Page 2

July 21, 2022

Draft Supplemental EIR for Phase II Cochrane Commons Project

discharge rates are sufficient to accommodate the currently proposed Phase II project, or whether modifications to the system are required.

2.1  
Cont.

### **Groundwater/Water Supply**

2. Due to the long agricultural history of the Santa Clara and Llagas subbasins and subsequent land development, there are likely many abandoned wells in the subbasins. While some of these abandoned wells may have been sealed prior to well permitting requirements, many have open casings and may be discovered during construction of the Phase II project. If abandoned wells are encountered during construction, they must be properly destroyed with related work permitted by Valley Water.
3. Buildout of the project will increase water use an estimated 223 acre-feet per year. Although the Water Supply Assessment concludes that the project can be accommodated by existing and planned water sources, given regional and state-wide challenges with water supply, water use should still be reduced to the greatest extent possible. Additionally, the WSA notes the importance of water conservation efforts, however the EIR does not call out any specific actions to reduce water use. Potential opportunities to minimize water and associated energy use include requiring water conservation measures from the Model Water Efficient New Development Ordinance, which include:
  - Hot water recirculation systems
  - Graywater dual distribution plumbing
  - Encourage non-potable reuse of water like recycled water, graywater and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses
  - Require dedicated landscape meters where applicable
  - Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use
  - Weather- or soil-based irrigation controllers.

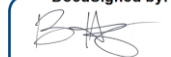
2.2

2.3

If you have any further questions regarding Valley Water's comments, please feel free to email me at [bhwang@valleywater.org](mailto:bhwang@valleywater.org) or call me at (408) 510-0768 and reference file number 33033.

Thank you,

DocuSigned by:


**BENJAMIN HWANG, P.E.**

ASSISTANT ENGINEER II - CIVIL

Community Projects Review Unit

Watersheds Design and Construction Division

[bhwang@valleywater.org](mailto:bhwang@valleywater.org)

Tel. (408) 630-3066 Cell. (408) 510-0768

Cc: Y. Arroyo, B. Hwang, M. Richert, M. Martin, S. Greene, V. De La Piedra, G. Cook, J. Gurdak, File 1-9

## Letter 2

**COMMENTER:** Benjamin Hwang, P.E., Assistant Engineer II – Civil, Valley Water

**DATE:** July 21, 2022

### Response 2.1

*The commenter suggests that the SEIR should compare the new Phase II project with the original project that was considered in the 2005 EIR and determined if there are any changes in impervious areas which may change the peak runoff, and to the required detention basin size based on the existing pump discharge rate, as determined in Appendix WSA of the Initial Study (Appendix A).*

As discussed in Section 10, *Hydrology and Water Quality*, of the Initial Study, the proposed project would create additional impervious surfaces beyond those analyzed in the 2005 EIR. Therefore, the project must treat runoff with an approved and appropriately sized LID treatment system prior to off-site discharge in compliance with the Central Coast Regional Water Quality Control Board's Post-Construction Requirements and must control post-project peak flows to not exceed pre-project peak flows for the 2-year through 10-year storm events. In addition, a Stormwater Management Plan would be required to be submitted to the City that describes how runoff and associated water quality impacts from the project would be controlled by the project's post-construction requirements. The project would be required to comply with the National Pollutant Discharge Elimination System Construction General Permit, regulations enforced by the Regional Water Quality Control Board, and adopted City regulations, which would address impacts to water quality and ensure impacts would be less than significant. As such, no revisions to the Draft SEIR are required in response to this comment.

### Response 2.2

*The commenter notes that due to the long agricultural history of the Santa Clara and Llagas subbasins, there may be abandoned wells which may have been sealed or have open casings. The commenter notes that if abandoned wells are discovered on the project site during construction, the well must be properly destroyed with related work permitted by Valley Water.*

Should abandoned well(s) be encountered during project construction, the project applicant would properly destroy the wells and obtain appropriate permits from Valley Water, as abandoned wells encountered during project construction must be destroyed in accordance with the California Well Standards as established by the California Department of Water Resources. No revisions to the Draft SEIR are required in response to this comment.

### Response 2.3

*The commenter suggests that the proposed project's water use should be reduced to the greatest extent possible. The commenter notes that while it was stated in the Water Supply Assessment (WSA) that conservation measures are important, the Draft SEIR does not specifically call out water conservation actions. The commenter suggests several water conservation measures from the Model Water Efficient New Development Ordinance.*

As discussed in Section 6, *Energy*, of Appendix A, the proposed project would be required to comply with current CalGreen standards and, as such, would be required to comply with the Model Water Efficient Landscape Ordinance and additional water conservation measures as directed by CalGreen,

and the project would not require additional mitigation for water conservation. Additionally, as stated in Section 19, *Utilities and Service Systems*, there is adequate water supply available to serve the project. No revisions to the Draft SEIR are required in response to this comment. However, this comment will be forwarded to the project applicant and decisionmakers for their consideration.

**From:** Richard <rimartinez1@gmail.com>  
**Sent:** Sunday, June 12, 2022 6:22 PM  
**To:** Jennifer Carman <Jennifer.Carman@morganhill.ca.gov>  
**Subject:** [EXTERNAL] Draft SEIR Comment

## Letter 3

Development Services Team,

I'd like to express my concern with the negative impact to the surrounding community should you move forward with Phase II of the Cochrane Commons development as is currently planned. While I want to be supportive of responsible growth for our city and helping to bring new means of economic vitality - I urge you to please not just follow the standard template that many other cities have undertaken and think first about your existing community / residents. We need to break the mold that developers have set for cities wherein new development is packed so densely, parking is crowded with very narrow spaces, ingress/egress is frustrating for shoppers meanwhile local residents (like ourselves) are now subject to this frustrating level of traffic effectively at all times. We are in a highly desirable community with lots of commercial promise and we should not sell the allure of our town short. Developers and corporate interests need to exhibit a long term commitment to our community and not just expect that we will allow our easy going way of life to yield to their desire for a prompt return on investment.

3.1

To be more specific, the concern for my family is predicated on the fact that even today (or pre-pandemic for that matter), traffic on Cochrane was already a reality for us. I am asking that you please show us that you have truly thought about us residents that have to live next door to this project by not just speaking to information based on the Impact Report findings (which itself states that traffic will be above the recommended levels). But that's just a starting point for us, I want to know that our city leaders truly understand the impact for those of us residents that will be most directly impacted, those of us living in the neighborhood today. This means that you actually spend time seeing for yourself, and experiencing the traffic that we experience during commute times, or on the weekends when families typically run their errands. I believe anything short of expanding all the roadways around Cochrane will be leading us down the same path of congestion and frustrated shoppers that creates more work for public services, and takes away from our sense of community.

3.2

Additionally, I would like to ask that you help us bridge the communication with other agencies beyond our city. For example, I've tried to no avail to address the confusion / issue with the NB101 onramp from Cochrane (Westbound entrance). Keep in mind, the traffic for this onramp is only going to get worse with this proposed project. Yet, anytime I've asked our city for help having the onramp signage / signal cycles, or any other concern, i've been placated by being told to contact state agencies because it doesn't fall under our city's purview. As you can imagine, such a response is quite insufficient as I see these boundaries as being a handshake between agencies with which our city should (if they don't already have) close working relationships because it directly impacts your residents.

3.3

I sincerely appreciate your time in considering my family's perspective and I welcome you to reach out if I can help provide any further clarity or comment.

Thank you.

Sincerely,  
Martinez Family  
310-343-8445  
18510 Serra Avenida

## Letter 3

**COMMENTER:** Richard Martinez

**DATE:** June 12, 2022

### Response 3.1

*The commenter opines that current development plans involve densely planned development that may increase parking demand and traffic. The commenter states that the needs of existing residents should be prioritized.*

The commenter expresses concerns related to traffic congestion, which is typically quantified with the metric of level of service (LOS). However, pursuant to California Public Resources Code section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the transportation analysis uses the metric of VMT to analyze transportation-related impacts consistent with Senate Bill 743 and the *CEQA Guidelines*.

Transportation impacts related to the project are analyzed in Section 4.2, *Transportation*. Because the City has updated its CEQA thresholds in accordance with these state regulations, the transportation analysis does not make significance conclusions with respect to changes to LOS, a term used to describe the operating conditions of a roadway by reviewing speed, travel time, congestion, delays, and safety on the road. Pursuant to recent CEQA court decisions, parking is also not considered an environmental impact and is not required to be analyzed under CEQA (*Save Our Access – San Gabriel Mountains v. Watershed Conservation Authority* [2021 Cal. App. 5th]). Although the commenter’s concerns in this regard are noted, traffic level of service is not a CEQA topic and therefore not pertinent to the Draft SEIR. No revisions to the Draft SEIR are required in response to this comment.

### Response 3.2

*The commenter notes that preexisting traffic levels present issues to existing residents. The commenter suggests that anything except expanding roadways will increase congestion, create additional work for public services, and damage the area’s sense of community.*

As stated in Response 3.1, the transportation analysis does not make impact significance conclusions with respect to changes to LOS, and congestion is no longer allowable as a basis for finding a significant environmental impact. Additionally, the Initial Study prepared for the project, included as Appendix A to the SEIR, determined in Section 15, *Public Services*, that impacts related to public services would be less than significant. While sense of community is not an environmental issue area analyzed under CEQA, this comment will be passed onto decisionmakers for their consideration. No revisions to the Draft SEIR are required in response to this comment.

### Response 3.3

*The commenter suggests that there be increased interagency communication in order to address community concerns. The commenter notes that there is insufficient signage located at an onramp for the US 101 northbound from Cochrane Road, and that the commenter had been told by the City that addressing the issue is outside of the City’s jurisdiction. The commenter suggests that building interagency communication may help to address such issues.*

This comment is noted and will be passed on to decision-makers for their consideration; however, it is addressing an existing condition and not an environmental impact of the proposed project. No revisions to the Draft SEIR are required in response to this comment.



**From:** Tony Burquez <tonyburquez@hotmail.com>  
**Sent:** Wednesday, June 15, 2022 10:20 PM  
**To:** Jennifer Carman <Jennifer.Carman@morganhill.ca.gov>  
**Subject:** [EXTERNAL] Cochrane Commons: Draft SEIR Comment

## Letter 4

Hello Morgan Hill Team,

>

> First off, thank you for all of your effort and hard work managing the city and all of its parts.

>

> I wanted to share my thoughts about the recent Cochrane Commons plan shared in the letter I received this week. I'm one of families directly impacted by this development because I live next door to the empty lot in the proposed plan.

>

> I'm excited for the development but have grave concerns about the tall buildings proposed by the developer. It is my belief that any housing developed in this land should not exceed two-stories to fit in with the existing neighborhood and feel / be a natural fit to the rural area surrounding it. When I see in the plan proposed building between 68-75 feet is wildly out of place in our city since these are effectively 6-7 story buildings which would be monstrosities in this setting not to mention giving people in these building unobstructed views inside our homes and backyards.

4.1

>

> My secondary concern with this housing explosion is the direct impact to traffic and parking in my neighborhood which would become overflow for the housing development. It's well known, drive around any of the townhomes in the area, that there is no free parking in these developments and this mean people would clog our quiet streets with cars and traffic.

4.2

>

> I also am very perplexed at the housing expansion adding more strain on resources such as water shortages and schools at max capacity. Is this the best time to put more pressure on our infrastructure, fire departments, and city? I look forward to your thoughts.

4.3

>

> Best Regards,

> Tony Burquez

> 18741 Rising Sun Drive

> Morgan Hill, CA 95037

> (408) 373-8427

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## Letter 4

**COMMENTER:** Tony Burquez

**DATE:** June 15, 2022

### Response 4.1

*The commenter expresses concern about the height of the proposed buildings, stating that they believe housing should not exceed two stories in order to match the existing neighborhood and to protect the privacy of other residences near to the project site.*

As stated in Appendix A, Initial Study, to the Draft SEIR, the project site is located in a Planned Unit Development (PUD) Legacy Zone, which is a zoning district applied to the property prior to July 7, 2018, which remains the zoning in effect for the property. As such, the proposed height of the project would be consistent with the current zoning designation of the site. Additionally, as discussed in the Initial Study, the residences and structures would have similar height, scale, and setback characteristics to the buildings considered in the 2005 EIR. The proposed project would continue development patterns in the area, would be subject to design review, and would be designed to meet City design standards and, as such, would not result in a substantial degradation of the visual quality of the site or surroundings. Furthermore, the proposed project would be consistent with existing development completed as part of Phase I of the Cochrane Commons project. No revisions to the Draft SEIR are required in response to this comment.

### Response 4.2

*The commenter states that additional traffic will be induced that will have negative impacts on the existing community. The commenter expresses concern that residents of the proposed project may utilize the surrounding neighborhood for parking which may decrease the availability of parking for existing residents.*

Please refer to Response 3.1 regarding traffic and parking impacts. No revisions to the Draft SEIR are required in response to this comment.

### Response 4.3

*The commenter expresses concern stating that expansion of housing may create strain on resources such as water, school capacity, and other public services such as emergency response.*

The commenter does not provide specific facts or analysis to challenge the analysis and conclusions of the Draft SEIR. Please refer to the Initial Study for the proposed project, included as Appendix A to the EIR. As discussed in Section 16, *Public Services*, and Section 19, *Utilities and Service Systems*, impacts related to water supply, school capacity, and public services within the surrounding area of the proposed project were determined to be less than significant. No revisions to the Draft SEIR are required in response to this comment.

**From:** Natalie Sparrer <natalie119311@yahoo.com>  
**Sent:** Friday, June 24, 2022 7:50 PM  
**To:** Jennifer Carman <Jennifer.Carman@morganhill.ca.gov>  
**Subject:** Re: [EXTERNAL] Cochrane Commons Phase II

## Letter 5

I will be out of the country on July 13 when the community open house virtual meeting will be held so I would like to voice my one concern about the project, not sure if it's part of the draft SEIR but it is still a concern for me and for the other residents of my community which has been discussed at our open Board meetings (I am a Board member). There is no proposed children's park with swings and a play structure for the children of the 498 residential units being built. In our complex there is a children's park with swings and a play structure with an open entrance directly across Mission View Drive. Part of our HOA dues is for upkeep of the children's park and is only for use of our residents. Without a children's park at Cochrane Commons Phase II, it is our concern that the parents and children from Cochrane Commons phase II will start using our park. We would like for the builder to include a children's park on his property.

5.1

Natalie Sparrer  
18612 Turtle Dove Drive  
Morgan Hill CA 95037

On Tuesday, June 21, 2022 at 12:41:05 PM PDT, Jennifer Carman  
<[jennifer.carman@morganhill.ca.gov](mailto:jennifer.carman@morganhill.ca.gov)> wrote:

Hi Natalie:

If the owner decided to put a hotel in (should the Planned Development be approved), they would need to do a minor Master Plan amendment and Design Review. There would be a public notice that will go out to the neighborhood when/if there is a future application. During the Design Review process, all sides of the building are concerned.

Jennifer

**From:** Natalie Sparrer <[natalie119311@yahoo.com](mailto:natalie119311@yahoo.com)>  
**Sent:** Monday, June 20, 2022 2:08 PM  
**To:** Jennifer Carman <[Jennifer.Carman@morganhill.ca.gov](mailto:Jennifer.Carman@morganhill.ca.gov)>  
**Subject:** Re: [EXTERNAL] Cochrane Commons Phase II

Should the owner decide to put in a hotel, can they choose to put it anywhere on their property or would they have to show a drawing where it will be and then have to get approval for that location? My concern is if the hotel front or back could face our community.

5.2

Natalie

On Monday, June 20, 2022, 12:07:09 PM PDT, Jennifer Carman <[jennifer.carman@morganhill.ca.gov](mailto:jennifer.carman@morganhill.ca.gov)> wrote:

Hi Natalie:

The proposed area for housing is directly next to Target and moves south to about 2/3 of the overall Phase 2 area. Below is a link to the pdf available on the project page. The hotel isn't shown on the proposed master plan at this time. As part of the proposed amendments to the zoning overlay, the applicant wants the ability to build one should there be an opportunity.

Site Plan: <https://www.morgan-hill.ca.gov/DocumentCenter/View/41416/Cochrane-Commons-Updated-Site-Plan->

Project Page: <https://www.morgan-hill.ca.gov/2069/Cochrane-Commons>

Please let me know if you have any additional questions.

Thank you,

Jennifer

**From:** Natalie Sparrer <[natalie119311@yahoo.com](mailto:natalie119311@yahoo.com)>  
**Sent:** Saturday, June 18, 2022 8:08 PM  
**To:** Jennifer Carman <[Jennifer.Carman@morganhill.ca.gov](mailto:Jennifer.Carman@morganhill.ca.gov)>  
**Subject:** [EXTERNAL] Cochrane Commons Phase II

Jennifer,

I live in the housing development (formerly Lantana/Wisteria) that is on the same side of Cochrane and directly across Mission View from the empty lot of Cochrane Commons.

I have tried to find a layout drawing showing the proposed development for Phase II, specifically showing where all the 498 residential units will be built as well as where the hotel and 135,000 retail space will be. The only one I found is shown so small that it is hard to tell what the areas are. Can you send me a link so I can visually see (without straining my eyes) the layout for the proposed phase II.

5.3

Thanks,

Natalie Sparrer

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## Letter 5

**COMMENTER:** Natalie Sparrer

**DATE:** June 24, 2022

### Response 5.1

*The commentor expresses a concern that no children's park is proposed, and that without one, residents of the proposed project may visit park space funded by homeowners associations outside of the project site.*

The commenter does not provide specific facts or analysis to challenge the analysis and conclusions of the Draft SEIR. As discussed in Section 16, *Recreation*, of the Initial Study for the proposed project, included as Appendix A to the Draft SEIR, the proposed project would result in an increase in demand for recreational facilities. The project's residential and commercial development would impact the parkland ratio in the city. The project would also include a courtyard with outdoor open space near the proposed apartment units, a clubhouse, recreation hall, and swimming pool for the use of new residents. These amenities would reduce the demand for off-site recreational facilities generated by new residents. Additionally, the project applicant would be required to pay park impact fees for the development of additional offsite park facilities. While the project would result in an increase in the population of Morgan Hill and the population that parks and recreational facilities serve, impacts to parks and recreational facilities would be less than significant and would not be greater than those analyzed previously in the 2005 EIR. No revisions to the Draft SEIR are required in response to this comment.

### Response 5.2

*The commenter expresses concern that the hotel component of the proposed project may face their community.*

This comment is on the project itself and not on the Draft SEIR. The commenter does not reference the analysis or conclusions of the Draft SEIR. As such, no revisions to the Draft SEIR are required in response to this comment.

### Response 5.3

*The commenter requests a copy of the site plans and any other visual aid that demonstrates the layout of the proposed project be provided, stating that the current version is not clear.*

This comment is on the project itself and not on the Draft SEIR. This comment was addressed by City staff, who responded to the commenter with resources. The proposed conceptual site plan is included as Figure 2-3 in Section 2, *Project Description*. Section 2 provides information on the proposed uses and site plan, which is sufficient to base analysis within the SEIR on. As such, no revisions to the Draft SEIR are required in response to this comment.

June 27, 2022

Jennifer Carman  
Morgan Hill Development Services  
17575 Peak Avenue  
Morgan Hill, CA 95037

JUN 29 2022  
CITY OF MORGAN HILL

## Letter 6

**Subject: Cochrane Commons Phase II Proposal**

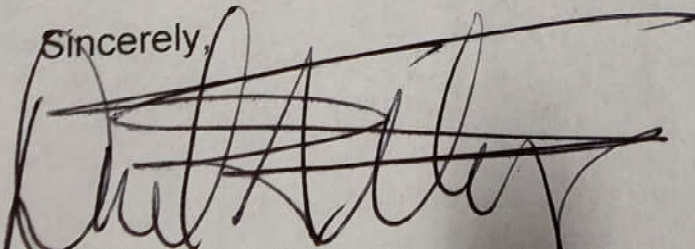
Dear Morgan Hill Development Services,

I am writing to express my concerns and opposition to the inclusion of a hotel in the Cochrane Commons Phase II development proposal. A hotel right up against residential areas makes no sense from a planning perspective and will only lead to problems. Hotels are 24/7 operations with all the noise, traffic, light pollution, rowdiness, etc. associated with people coming and going at all hours of the night and wee hours of the morning. At least with retail, most if not all businesses are closed by 10 PM and do not open until 8 AM or later. Hotels are always open and never close.

Including a hotel in this project is not in the best interests of Morgan Hill residents. It appears to me to be simply developer greed and is inconsistent with the close proximity to personal residences. There are many locations in Morgan Hill near existing hotels that would be far better suited for a new hotel.

It also appears to me to be another example of the Morgan Hill Development Department supporting any and all development in Morgan Hill regardless of the impact on Morgan Hill residents (think Trammel Crow among many). Please, for once, do the right thing and remove the hotel from the proposed Cochrane Commons Phase II development.

Sincerely,





## Letter 6

**COMMENTER:** David F. Flynn

**DATE:** June 27, 2022

### Response 6.1

*The commenter expresses opposition to the proposed project. The commenter states that the proposed project is located adjacent to a residential area, and suggests that the project would cause a disturbance to residents through an increase in noise, traffic, and light pollution.*

Impacts related to new sources of light and glare are addressed in the Initial Study for the proposed project, included as Appendix A to the Draft SEIR, in Section 1, *Aesthetics*. Impacts related to new sources of light and noise were determined to be less than significant, similar to impacts found in the 2005 EIR. Impacts related to noise are addressed in Section 13, *Noise*, in Appendix A to the Draft SEIR. Impacts related to construction and operational noise were determined to be less than significant. Impacts related to transportation are addressed in Section 4.2, *Transportation*; however, traffic delay (LOS) is not analyzed pursuant to Senate Bill 743 and the *CEQA Guidelines*. As determined in Section 4.2, *Transportation*, the project would result in significant and unavoidable impacts related to VMT. The commenter does not provide specific facts or analysis to challenge the analysis and conclusions of the Draft SEIR or initial study related to these topics; nevertheless, these comments will be considered by the City's decision makers in their review of the project.

No revisions to the Draft SEIR are required in response to this comment.

### Response 6.2

*The commenter states an opinion that the hotel component of the project seems inconsistent with typical zoning, as the project is located near a residential area rather than near other hotels. The commenter requests that the hotel portion of the proposed project be removed.*

As stated in Section 2, *Project Description*, of the SEIR, the project site is zoned as Highway Commercial (CH), which seeks to provide areas adjacent to the freeway that can accommodate highway and tourist-oriented uses, and allows for business services, restaurants and cafes, hotels, offices, retail services, and other related facilities. The project site also has a Planned Unit Development (PUD) Legacy Zone. As such, the hotel development is consistent with current zoning of the proposed project. However, this comment is noted and will be passed on to decisionmakers for their consideration. No revisions to the Draft SEIR are required in response to this comment.

**From:** D. Muirhead <[doug.muirhead@stanfordalumni.org](mailto:doug.muirhead@stanfordalumni.org)>  
**Sent:** Monday, July 25, 2022 7:55 AM  
**To:** Jennifer Carman <[Jennifer.Carman@morganhill.ca.gov](mailto:Jennifer.Carman@morganhill.ca.gov)>  
**Subject:** [EXTERNAL] Draft SEIR Comment Cochrane Commons Phase II Project

## Letter 7

Hello Director Carman,  
A comment and a curiosity question on Cochrane Commons Phase II Project.  
The comment period for the SEIR closes July 25.  
Thank you, Doug Muirhead, Morgan Hill

-----

### Comment #1

The VTA #87 bus is a weekday-only school start-end service and the SEIR implies a level-of-service greater than what is actually provided.

VTA #87 bus operates 3 morning trips between 7AM-9AM  
and 4 afternoon trips between 2PM-6PM.

The Project Impacts and Mitigation Measures / Transit Facilities (pg 4.2-12) says  
"The existing public transit and school bus routes are adequate to accommodate the additional demand generated by the project..."

The 2017 Scoping Plan (pg 4.1-10) says  
"Future residents, employees, and customers could travel to the project site via [this] bus route."

The Transportation / Transit Facilities / VTA Bus Service (pg 4.2-2) says  
"Local Bus Route 87 runs along Burnett Avenue to the Civic Center in Morgan Hill. Route 87 operates between 7:00 a.m. and 6:00 p.m. with approximately 60-minute headways in the a.m. and p.m. commute periods."

-----

### Comment #2

The 2017 Scoping Plan (pg 4.1-10) and Consistency with Morgan Hill 2035 General Plan (pg 4.1-13) indicate that the project buildings would be 100 percent electric and would be served by Silicon Valley Clean Energy (SVCE).

Are the electric transmission facilities and meters installed and serviced by PGE?

-----

7.1

7.2

## Letter 7

**COMMENTER:** Doug Muirhead

**DATE:** July 25, 2022

### Response 7.1

*The commenter states an opinion that the Level of Service described for VTA bus route #87 in the Draft SEIR is greater than the actual level of service provided by that bus route.*

The following revision has been made to Section 4.2, *Transportation*, on Page 4.2-2 of the Draft SEIR:

The two bus routes that are in proximity to the project site are Local Bus Route 87 and Rapid Route 568. Local Bus Route 87 runs along Burnett Avenue to the Civic Center in Morgan Hill. Route 87 operates weekdays between 7:00 a.m. and 6:00 p.m. with approximately 60-minute headways in the a.m. and p.m. commute periods.

However, the conclusion that the existing public transit and school bus routes are adequate to accommodate the demand generated by the project remains accurate, and no changes to the conclusions of the SEIR are warranted.

### Response 7.2

*The commenter states that the 2017 Scoping Plan and consistency with the Morgan Hill 2035 General Plan as described in the Draft SEIR indicate that the proposed project would be 100 percent electric and would be served by Silicon Valley Clean Energy (SVCE). The commenter asks if electric transmission facilities and meters would be installed and serviced by Pacific Gas & Electric (PG&E).*

As discussed in Section 6, *Energy*, of the Initial Study prepared for the project, included as Appendix A to the Draft SEIR, “electricity service would be provided to the project by Silicon Valley Clean Energy (SVCE), which sources electricity from Pacific Gas and Electric (PG&E) and uses PG&E’s infrastructure to deliver it to customers. Pursuant to the City of Morgan Hill Municipal Code Chapter 15.63, natural gas infrastructure is prohibited in newly constructed buildings effective March 1, 2020.” Regarding the commenter’s question about electric transmission facilities and meters, the Section 6, *Energy*, of the Initial Study (Appendix A of the Draft SEIR) states that the infrastructure used to deliver SVCE energy is PG&E infrastructure. No revisions to the Draft SEIR are required in response to this comment.

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## 2 Revisions to the Draft Supplemental EIR

The following pages provide a summary record of proposed changes to the text of the Draft Supplemental EIR. Most changes are the result of comments received during the public review period, and directly respond to those comments, or correct typographical errors within the Draft Supplemental EIR. These amendments serve as clarifications and amplifications on the content of the Draft Supplemental EIR. None of the changes would warrant recirculation of the SEIR pursuant to CEQA Guidelines Section 15088.5. The amendments serve to clarify and strengthen the content of the SEIR, but do not introduce significant new information.

Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments.

### 2.1 Initial Study

#### Air Quality

Page 21:

	Where was Impact Analyzed in the EIR?	Does the Proposed Project Require Major Revisions to the EIR?	Do New Circumstances Require Major Revisions to the EIR?	Any New Information Resulting in New or Substantially More Severe Significant Impacts?	Do EIR Mitigation Measures Address and/or Resolve Impacts?
Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	N/A	<u>No</u> <del>Yes</del>	<u>No</u> <del>Yes</del>	<u>No</u> <del>Yes</del>	N/A
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	EIR Pages 3.3-14 to 3.3-19	<u>No</u> <del>Yes</del>	<u>No</u> <del>Yes</del>	<u>No</u> <del>Yes</del>	No

	Where was Impact Analyzed in the EIR?	Does the Proposed Project Require Major Revisions to the EIR?	Do New Circumstances Require Major Revisions to the EIR?	Any New Information Resulting in New or Substantially More Severe Significant Impacts?	Do EIR Mitigation Measures Address and/or Resolve Impacts?
c. Expose sensitive receptors to substantial pollutant concentrations?	EIR Pages 3.3-14 to 3.3-21	<u>No</u> Yes	<u>No</u> Yes	<u>No</u> Yes	Yes
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	N/A	<u>No</u> Yes	<u>No</u> Yes	<u>No</u> Yes	N/A

## Tribal Cultural Resources

Page 117:

~~... As the Notice of Preparation for the EIR for this project was published before July 1, 2015, AB 52 consultation is not required, and changes under this addendum do not result in a need for AB 52 consultation.~~ No cultural resources of Native American origin were identified onsite, and Section 5, *Cultural Resources*, of the 2005 EIR analyzed...

## 2.2 Draft Supplemental EIR

### Executive Summary

Page ES-6:

#### TRA-1 VMT Reductions

The applicant shall develop and implement a Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below:

- School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT

- ~~Transit Service Expansion. The project shall subsidize transit service through fees and contributions to the transit provider, thereby improving transit service to the project, resulting in increased use of transit and reduced VMT~~
- Voluntary Travel Behavior Change Programs. Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT

## Section 2, Project Description

Page 2-5:

**Table 2-1 Project Summary**

Project Component	Size or Unit Amount
<b>Residential</b>	
Townhomes/Apartments	498
<b>Commercial</b>	
Hotel	140 rooms
Retail	135,000 square feet
<b>Mixed Use Flex Zoning Information</b>	
Maximum Floor Area Ratio	0.5
Maximum Height	35 feet
Residential Densities	7 to 24 units per acre
Maximum Building Coverage	50%
<b><u>Planned Development Overlay Zoning Information</u></b>	
<u>Maximum Height</u>	<u>68 feet</u>

## Section 4.1, Greenhouse Gas Emissions

Page 4.1-1:

This section analyzes impacts to greenhouse gas (GHG) emissions, including the potential for the project to generate GHG emissions in excess of standards or to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. This resource area was not analyzed in the 2005 EIR; therefore, project-specific modeling was conducted for the purposes of this analysis.

The issue of climate change was widely known prior to the certification of the 2005 EIR. The United Nations Framework Convention on Climate Change was established in 1992. Also, in 1992, the United Nations Conference on Environment and Development -- better known as the Earth Summit -- was held in Rio de Janeiro and was attended by 172 countries. The regulation of GHG emissions to reduce climate change was debated and analyzed throughout the 1990s. For example, the Intergovernmental Panel on Climate Change (IPCC), a body established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO), has been publishing reports on the current state of climate change and its potential environmental and socio-economic consequences since the 1990s. These studies, along with others, resulted in the adoption

of the Kyoto Protocol in 1997. The IPCC's Third Assessment Report, released in 2001, presented the consensus view of hundreds of scientists on key issues relating to climate change. See also Center for Biological Diversity v. National Highway Traffic Safety Admin. (9th Cir. 2009) 538 F.3d 1172, 1190 (National Environmental Policy Act case citing the IPCC 2001 Third Assessment Report); Kostka and Zischke, Practice Under the California Quality Act, Second Edition, Volume 2, §19.21 (stating that "a lead agency evaluating new information claims under [Guidelines] § 15162 could support a factual finding that climate change is not significant new information by reference to documents such as the 2001 Third Assessment Report of the Intergovernmental Panel on Climate Change"). Therefore, even though the CEQA Guidelines did not require analysis of GHG emissions before certification of the 2005 EIR, the impacts of GHG emissions were known at the time.

## Section 4.2, Transportation

Page 4.2-2:

... The two bus routes that are in proximity to the project site are Local Bus Route 87 and Rapid Route 568. Local Bus Route 87 runs along Burnett Avenue to the Civic Center in Morgan Hill. Route 87 operates weekdays between 7:00 a.m. and 6:00 p.m. with approximately 60-minute headways in the a.m. and p.m. commute periods ...

Page 4.2-9:

... Therefore, issues related to traffic congestion are currently outside the scope of the CEQA analysis but will be considered as conditions of approval as appropriate for consistency with the General Plan. This list also excludes mitigation measures relevant to cumulative development, because the 2005 EIR's cumulative setting consists of recently approved projects when the project was originally proposed. This historic cumulative setting does not apply to the proposed project. It should be noted that the following mitigation measures were either completed since the certification of the 2005 EIR or are no longer necessary ...

Page 4.2-13:

**Table 2.2-2 Retail VMT Analysis**

VMT Analysis for TAZ's with Shifted Jobs	No Project	Project	Project – No Project
Home-Based Work VMT	161,830	160,599	-1,231
Home-Based <del>Work</del> <u>Shop</u> VMT	140,496	137,373	-3,123
Total VMT	302,326	297,972	-4,354

Source: Hexagon Transportation Consultants, Inc., Transportation Analysis, Appendix D

### TRA-1 VMT Reductions

The applicant shall develop and implement a Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below:



- **School Pool Programs:** Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT
- ~~Transit Service Expansion. The project shall subsidize transit service through fees and contributions to the transit provider, thereby improving transit service to the project, resulting in increased use of transit and reduced VMT~~
- **Voluntary Travel Behavior Change Programs.** Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT

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## 3 Executive Summary

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This document is an Environmental Impact Report (EIR) that has been prepared as a Subsequent EIR (SEIR) to the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). The proposed Cochrane Commons Phase II Project is hereafter referred to as the “proposed project” or “project.”<sup>1</sup> The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The Phase II project would consist of 498 residential units, consisting of a mix of townhomes and apartments, 135,000 square feet of retail space, a 140-room hotel. The General Plan land use designation would be amended from Commercial to Mixed Use Flex and the zoning from Highway Commercial/Planned Unit Development to Mixed Use Flex/Planned Development for the Phase II development area.

This section summarizes the characteristics of the proposed project, alternatives to the proposed project, and the environmental impacts and mitigation measures associated with the proposed project.

### Project Synopsis

#### Project Applicant

Browman Development  
1556 Parkside Drive  
Walnut Creek, California 94596

#### Lead Agency Contact Person

Jennifer Carman, Development Services Director  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, California 95037  
(408) 776-6480

#### Project Description

The following is a summary of the full project description, which can be found in Section 2, *Project Description*.

The project site is located at the southwest corner of Mission View Drive and Cochrane Road in the City of Morgan Hill. The site is approximately 33.5 acres and is located just north of Phase I of the Cochrane Commons Shopping Center (Shopping Center). It is bounded by De Paul Drive to the south, Cochrane Road to the east, Mission View Drive to the north, and adjacent agriculture, single-family residential, and industrial development to the west. The site is located on the northern edge of the City of Morgan Hill and is approximately 800 feet north of U.S. Highway 101 (U.S. 101).

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<sup>1</sup> In the Initial Study prepared for the project (Appendix A), the Cochrane Commons Phase II Project is also referred to as the “modified project.”

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The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The project would consist of 498 residential units, consisting of a mix of homes, townhomes, condos, and apartments; 135,000 square feet of retail space; a 140-room hotel; and amending the zoning and General Plan designation to MUF for the Phase II development area. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also provide various on-site amenities for residents. A courtyard with outdoor open space would be provided near the proposed apartment units. A clubhouse, recreation hall, swimming pool would also be provided for on-site residents. Table ES-3 details the breakdown of proposed uses and square footage.

**Table ES-3 Project Characteristics**

Project Component	Size or Unit Amount
Residential	
Townhomes/Apartments	498
Commercial	
Hotel	140 rooms
Retail	135,000 square feet
Mixed Use Flex Zoning Information	
Maximum Floor Area Ratio (FAR)	0.5
Maximum Height	35 feet
Residential Densities	7-24 units per acre
Maximum Building Coverage	50%

### *Project Characteristics*

#### **SITE ACCESS, CIRCULATION, AND PARKING**

Vehicles would access the project site primarily from De Paul Drive, which bisects the site horizontally from Cochrane Road, which would have two driveways leading to two central roadways which would connect to two driveways off Mission View Drive. An additional driveway would be located off Cochrane Road which would allow right-in and right-out vehicle movements. There would be a total of 1,367 parking spaces. Parking would be constructed in phases. During Phase I, the project would include 276 parking stalls. During Phase 2, 658 stalls would be added and during Phase 3, 433 stalls would be added.

#### **GRADING AND DRAINAGE**

The project area has been previously graded and would further be modified by additional grading, which would be balanced on site. Stormwater drainage would be directed to catch basins located throughout the project site and then conveyed via underground storm drainpipes to a stormwater detention pond along the northern project boundary. The storm drain system design would incorporate City standards for pipe sizes, maximum slopes, minimum flow velocities, and pipe material. The detention basin would be sized in accordance with the City's detention design criteria. Stormwater would be temporarily stored in the planned detention pond and pumped to the adjacent Cochrane Channel at discharge rates at or below pre-development levels, as required by the Santa Clara Valley Water District.

### **Landscaping and Trees**

The project would involve new landscaping elements, including trees and vegetation along Mission View Drive and Cochrane Road, shrubs along the building perimeters and trees within parking areas. Additional trees and landscaping would be located within building courtyards. The landscaping plan would be subject to review and approval by the City's Architectural Review Board.

### **OFF-SITE IMPROVEMENTS**

The project includes sidewalk and pavement improvements along road frontages that border the project site.

### **CONSTRUCTION**

Construction would occur over three phases. Construction Phase 1 would consist of 104 units (175,000 square feet) of for-sale townhomes. Construction Phase 2 would consist of 394 units (410,000 square feet) of rental apartments. Construction Phase 3 would consist of the retail space and hotel. Construction would occur from May 2023 to December 2025 between the hours of 7 a.m. and 5 p.m. from Monday to Saturday. Construction would include 37,510 cubic yards of excavation, with balanced cut and fill anticipated.

## **Project Objectives**

The applicant's objectives for the project are to:

- Increase the viability of the existing Cochrane Commons anchors and tenants
- Create a vibrant and exciting place for the residents of Morgan Hill to live, work, and shop all in one place
- Assist in protecting the tax revenue generated by the current and future tenants and the long-term viability of the City of Morgan Hill's retailers
- Provide much needed variety to the City's housing stock in the form of market rate and below market rate affordable housing
- Encourage the development of the remainder of the shopping center

## **Alternatives**

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed project. Studied alternatives include the following three alternatives. Based on the alternatives analysis, the proposed project was determined to be the environmentally superior alternative.

- Alternative 1: No Project, No Build
- Alternative 2: No Project – Allowable Buildout Under Existing General Plan Designation
- Alternative 3: Mixed Use Flex Designation on North Half of the Site

Refer to Section 5, *Alternatives*, for the complete alternatives analysis.

## Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy for the proposed project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are summarized in Section 1, *Introduction*.

## Issues to be Resolved

The proposed project would require an amendment to the City's zoning map and General Plan land use map to convert the Phase II development area to Mixed Use Flex. The project would also require a revised Planned Development Combining District and associated Master Plan to allow the proposed commercial and residential uses, and issuance of Design Permits consistent with the Master Plan.

## Issues Not Studied in Detail in the EIR

As indicated in the Initial Study (Appendix A), there is no substantial evidence that significant and unmitigable impacts would occur to the following issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Impacts to Greenhouse Gas Emissions and Transportation were found to be potentially significant and are addressed in this EIR.

## Summary of Impacts and Mitigation Measures

Table ES-4 summarizes the environmental impacts of the proposed project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required) identified in the SEIR. Table ES-5 summarizes mitigation measures included in the 2005 EIR that would continue to be implemented under the proposed project. Because some mitigation measures have been previously complied with during development of Phase I, the already developed area adjacent to the project site, not every mitigation measure from the 2005 EIR would be included in the proposed project. Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact:** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

**Table ES-4 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts of the SEIR**

Impact	Mitigation Measure(s)	Residual Impact
<b>Greenhouse Gas Emissions</b>		
<b>Impact GHG-1.</b> The project would generate temporary and long-term increases in GHG emissions, but such emissions would remain below the adjusted efficiency threshold intended to demonstrate consistency with the 2030 statewide GHG reduction target. Impacts would be less than significant.	None required.	Less than Significant
<b>Impact GHG-2.</b> The project would be consistent with the 2017 Scoping Plan and Plan Bay Area 2050. This Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. No impact would occur.	None required.	No Impact
<b>Transportation</b>		
<b>Impact TRA-1.</b> The project would not conflict with applicable policies addressing transit, bicycle, and pedestrian facilities. Impacts related to transit, bicycle and pedestrian facilities would be less than significant.	None required.	Less than Significant
<b>Impact TRA-2.</b> The project would exceed the applicable significance threshold for VMT. Even with Mitigation Measure TRA-1, the project would not fall below the applicable residential VMT per capita threshold. Impacts would be significant and unavoidable.	<p><b>TRA-1</b> VMT Reductions</p> <p>The applicant shall develop and implement a Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below:</p> <ul style="list-style-type: none"> <li>▪ <b>School Pool Programs:</b> Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT</li> </ul>	Significant and Unavoidable

Impact	Mitigation Measure(s)	Residual Impact
	<ul style="list-style-type: none"> <li>Voluntary Travel Behavior Change Programs. Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT</li> </ul>	
<b>Impact TRA-3.</b> The project would not introduce design features or incompatible uses that could increase traffic hazards. This impact would be less than significant.	None required.	Less than Significant
<b>Impact TRA-4.</b> The project could result in inadequate emergency access to the project site. This impact would be less than significant with adherence to Mitigation Measure TRA-2.	<b>TRA-2</b> Emergency Vehicle Site Access The project site shall be designed following City of Morgan Hill design standards and provide adequate width and turn-radii at and along all drive/parking aisles to allow for two-way circulation and adequate circulation of larger vehicles (such as emergency trucks, garbage trucks, and delivery trucks) throughout the project site. The project applicant shall provide detailed site development plans to the City of Morgan Hill Planning Division that demonstrate compliance with the City design standards prior to issuance of a building permit.	Less than Significant
<b>Tribal Cultural Resources<sup>1</sup></b>		
<b>Impact TCR.</b> There is always potential to uncover buried tribal cultural resources during ground disturbing activities. Should project construction activities encounter and damage or destroy a tribal cultural resource or resource, Mitigation measure CR-1 would ensure that potential impacts to tribal cultural resources would be less than significant.	<b>TCR-1</b> Significant historic or archaeological materials: A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply: <ul style="list-style-type: none"> <li>Prior to start of grading or earthmoving activity on the “first day of construction”, the archeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor and subcontractors.</li> <li>A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:               <ul style="list-style-type: none"> <li>Work at the location of the find shall halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;</li> <li>If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist shall prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the</li> </ul> </li> </ul>	Less than Significant with Mitigation



Impact	Mitigation Measure(s)	Residual Impact
	<p>significance of the resource, including a discussion of the methods used to determine significance for the find;</p> <ul style="list-style-type: none"> <li>▫ If the find appears significant and to qualify as a unique archaeological resource, the archaeologist shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter; and</li> <li>▫ If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2. An archaeologist shall be on-call during ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:</li> </ul> <ul style="list-style-type: none"> <li>▪ The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans. <ul style="list-style-type: none"> <li>▫ If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.</li> <li>▫ Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.</li> <li>▫ Surgical masks should also be worn to prevent exposure to pathogens that may be associated with the remains.</li> </ul> </li> <li>▪ In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.</li> <li>▪ An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).</li> </ul>	

Impact	Mitigation Measure(s)	Residual Impact
	<ul style="list-style-type: none"> <li>▪ The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.</li> <li>▪ The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition: <ul style="list-style-type: none"> <li>▫ The City of Morgan Hill Development Services Director (408) 779-7247</li> <li>▫ The Contractor's Point(s) of Contact</li> <li>▫ The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900</li> <li>▫ The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082</li> <li>▫ The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)</li> <li>▫ The Tamien Nation (707)295-4011 (office) and (925) 336-5359 (THPO)</li> </ul> </li> <li>▪ The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.</li> <li>▪ The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)</li> <li>▪ Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.</li> <li>▪ Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.</li> <li>▪ If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.</li> </ul>	
<p><sup>1</sup> The analysis for Tribal Cultural Resources and this mitigation measure are included in the Initial Study prepared for this project (Appendix A).</p>		

**Table ES-5 Summary of Mitigation Measures Included from the 2005 EIR**

Topic	Mitigation Measure(s)
Aesthetics	<p><b>Mitigation 3.1-1.</b> The project applicant shall prepare and submit a detailed exterior lighting plan that indicates the location and type of lighting that will be used at the project site. The lighting plan shall be consistent with Section 18.74.370 of the [2005] City of Morgan Hill Municipal Code. All external lighting shall be indicated on project improvement plans, subject to review and approval by the City of Morgan Hill.</p>
Biological Resources	<p><b>Mitigation 3.4-1a.</b> The project applicant shall retain a qualified biologist approved by the City of Morgan Hill to conduct a preconstruction survey for nesting burrowing owls at the project site no more than 30 days prior to ground disturbance. Depending on whether construction will begin during the nesting season (typically February 1st through August 30th), any owls inhabiting the site shall either: (a) during the nesting season be protected from disturbance through establishment of avoidance areas where no personnel or equipment are allowed to enter within a certain distance of the occupied burrow (distance determined by the biologist onsite following Burrowing Owl Consortium recommendations) or (b) outside of the nesting season be excluded and/or passively relocated by the biologist. Also, the qualified biologist shall be present during all phases of initial ground clearing to monitor for the presence of burrowing owl. Should a previously undetected owl emerge during clearing, all activity in the vicinity of the burrow (distance to be determined by the biologist) shall cease until the proper avoidance/exclusion measures are implemented, and the biologist deems disturbance potential to be minimal.</p> <p><b>Mitigation 3.4-1b.</b> The project applicant shall compensate for loss of burrowing owl habitat located at the site by complying with the Citywide Burrowing Owl Habitat Mitigation Plan and fee program (Morgan Hill 2003).</p> <p><b>Mitigation 3.4-2.</b> If proposed construction activities are planned to occur during the nesting seasons for local avian species (typically February 1st through August 31st), the project applicant shall retain a qualified biologist approved by the City to conduct a focused survey for active nests of raptors and migratory birds in the vicinity (i.e., any suitable breeding habitat in accessible parcels adjacent to the project area that the biologist deems could be disturbed by construction activities) of the construction area no more than 30 days prior to ground disturbance. If active nests are located during preconstruction surveys, construction activities shall be restricted as deemed necessary by the qualified biologist to avoid disturbance of the nest until it is abandoned, or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 250 feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the nonbreeding season (generally September 1st through January 31st)</p> <p><b>Mitigation 3.4-3.</b> The project applicant shall retain a qualified biologist approved by the City of Morgan Hill to conduct a focused preconstruction survey for possible roost sites of special-status bat species in the project area. The survey shall be conducted no more than 45 days prior to the onset of ground disturbance or major construction activities. If bat species or roosts are identified in the project area during preconstruction surveys, the biologist in coordination with the applicant shall (at a minimum):</p> <ol style="list-style-type: none"> <li>Identify species present in the roost (this may require the assistance of a biologist who specializes in bat ecology)</li> <li>Install bat boxes at a location determined through obtaining technical guidance from the USFWS and/or DFG (box specifications and number to be determined based on the size of the roost and type of species present)</li> <li>Install one-way bat doors at the roost to prohibit bat re-entry once the bat boxes are available.</li> </ol> <p>Additionally, the applicant shall postpone any project-related activity that would damage or disturb the roost site until the biologist deems no bat species to be in jeopardy. The project applicant, to the extent possible, shall also implement USFWS and/or DFG recommendations (obtained through technical guidance) for minimizing the potential to take bat species during construction. If bat species are not identified onsite during the preconstruction survey, no further action is necessary.</p>

Topic	Mitigation Measure(s)
Cultural Resources	<p><b>Mitigation 3.5-1a.</b> Should any previously undisturbed cultural, historic, or archaeological resources be uncovered in the course of site preparation, clearing or grading activities, all operations within 150 feet of the discovery shall be halted until such time as a qualified professional archaeologist can be consulted to evaluate the find and recommend appropriate action. If the find is determined to be significant, appropriate mitigation measures shall be formulated by the City of Morgan Hill and implemented by the project applicant.</p> <p><b>Mitigation 3.5-1b.</b> In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of Santa Clara County has determined whether the remains are subject to the Coroner’s authority. This is in accordance with Section 7050.5 of the [2005] California Health and Safety Code. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the [2005] Public Resource Code, the Native American Heritage Commission will identify a “Native American Most Likely Descendent” to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.</p>
Geology and Soils	<p><b>Mitigation 3.6-1.</b> Structural damage to buildings resulting from ground shaking shall be minimized by following the requirements of the California Building Code and implementing the recommendations of the project geotechnical engineer. Structures at the site shall be designed and constructed to withstand anticipated earthquake loads. A structural engineer, experienced in the design and construction of commercial structures in areas of high seismicity, shall be retained by the project applicant to provide design and construction recommendations, as required by the City of Morgan Hill. Any such recommendations shall be made in conjunction with Final Map submittals.</p> <p><b>Mitigation 3.6-2.</b> All proposed structures at the project site shall be evaluated for liquefaction potential on a case-by-case basis as part of subsequent design-level geotechnical engineering investigations. If there is determined to be a potential for liquefaction, mitigation will be accomplished through compliance with the recommendations contained in the design-level geotechnical engineering reports with recommendations included as specifications in the construction contract documents.</p> <p><b>Mitigation 3.6-3.</b> Near-surface soils beneath buildings, exterior slabs, and pavements shall be over-excavated and recompacted, in accordance with the specifications to be recommended by the project geotechnical engineer. The depth of required over-excavation will vary depending on whether the improvements to be supported consist of building pads or foundations, exterior slabs on grade, or pavement areas.</p> <p><b>Mitigation 3.6-4.</b> The effects of soil compressibility and collapse potential shall be mitigated through over-excavation and compaction of soil beneath proposed structures, in accordance with the specifications to be recommended by the project geotechnical engineer. The depth of required over-excavation will vary depending on whether the improvements to be supported consist of building pads or foundations, exterior slabs on grade, or pavement areas.</p> <p><b>Mitigation 3.6-5.</b> All final design specifications to be recommended by the project geotechnical engineer shall be incorporated into the project design, including placement of non-expansive engineered fill below foundation slabs, and other measures to prevent saturation of soils beneath structures to be specified by the geotechnical report.</p> <p><b>Mitigation 3.6-6.</b> The proposed project shall utilize corrosion-resistant materials in construction. Buried metal objects would be protected by selecting materials resistant to mild corrosion per manufacturers’ specifications.</p> <p><b>Mitigation 3.6-7.</b> Design-level geotechnical studies shall investigate the potential of bank instability at the proposed stormwater detention basins and recommend appropriate setbacks, if warranted. Final design recommendations to be recommended by the project geotechnical engineer shall be included as specifications in the construction contract documents.</p>

Topic	Mitigation Measure(s)
Hydrology and Water Quality	<p><b>Mitigation 3.8-1.</b> Prior to occupancy of the structures, the project applicant shall prepare an emergency evacuation plan for the proposed project. The emergency evacuation plan procedures shall be developed jointly with the project owner, City public safety staff, and potential tenants/users to identify appropriate emergency procedures in order to ensure the efficient and safe evacuation of employees and customers.</p> <p><b>Mitigation 3.8-2.</b> The project applicant shall prepare a comprehensive erosion control and water pollution prevention program, subject to review and approval by the City of Morgan Hill Public Works Department. This erosion and water pollution prevention program shall be implemented during grading and construction activities at the project site.</p> <p><b>Mitigation 3.8-3.</b> The proposed project shall include structural and non-structural stormwater controls, in order to reduce non-point source pollutant loads. Specifically, the detention ponds planned at the northern end of the project site to temporarily store post-development runoff shall be designed to provide water quality treatment through settling of sediments prior to the discharge of the stormwater to Cochrane Channel. These dual-purpose ponds will provide both stormwater detention and water quality treatment, to a sufficient level to comply with the amended Provision C.3 of the SCVURPPP NPDES Phase 2 Permit requirements, if those requirements are deemed to be applicable to the proposed project (see Section 3.8.2 Regulatory Setting, above, for a full discussion). Additional post-construction BMPs to be implemented will include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Impervious surfaces such as roads, parking lots, and driveways shall be routinely cleaned during both the “wet” and “dry” seasons to limit the accumulation of “first flush” contaminants.</li> <li>▪ Features such as detention ponds shall be utilized to capture pollutants before the stormwater runoff enters the storm drainage system.</li> <li>▪ Engineered products, such as storm drain inlet filters, oil/water separators, etc., shall be utilized to capture pollutants before the stormwater runoff enters the storm drainage system.</li> <li>▪ The developer shall distribute educational materials to the first tenants of properties included in the project development. These materials shall address good housekeeping practices relating to stormwater quality, prohibited discharges, and proper disposal of hazardous materials.</li> <li>▪ Common landscaped areas shall be subject to a program of efficient irrigation and proper maintenance, including minimizing use of fertilizer, herbicides and pesticides.</li> <li>▪ The project tenants and users shall implement a trash management and litter control program to mitigate the impacts of gross pollutants on stormwater quality. This program shall include litter patrol, emptying trash receptacles in common areas, and reporting and investigating trash disposal violations.</li> <li>▪ Storm drain inlets shall be labeled with the phrase “No dumping – flows to Bay,” or a similar phrase to mitigate the impact of potential for discharges of pollutants to the storm drain system.</li> </ul> <p>Restaurants in the development shall be designed to include contained areas for cleaning mats, containers and sinks connected to the sanitary sewers. Grease shall be collected and stored in a contained area and shall be removed regularly by a disposal recycling service. To this end, sinks shall be equipped with grease traps to provide for its collection.</p>
Utilities and Service Systems	<p><b>Mitigation 3.13-1.</b> Subject to review and approval by the City of Morgan Hill, the project applicant shall locate and maintain recycling receptacles for corrugated cardboard, mixed paper, food and beverage containers, and landscaping waste. Such receptacles shall be located adjacent to the garbage dumpsters serving the businesses or maintenance personnel generating such waste. Contracts for the collection of these recyclables shall also be maintained as available.</p>