

# **APPENDIX A**

## ***Notice of Preparation and Comment Letters***



## **NOTICE OF PREPARATION and NOTICE OF PUBLIC SCOPING MEETING**

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**Date**                      **March 14, 2019**

**To:**                        Responsible Agencies, Trustee Agencies, and Other Interested Parties

**Subject:**                **Notice of Preparation and Scoping Meeting for a Draft Environmental Impact Report for the Proposed Morgan Hill Technology and Mixed-Use Residential Project EIR**

The City of Morgan Hill (City), acting as Lead Agency, will prepare a Draft Environmental Impact Report (DEIR) for the **Morgan Hill Technology and Mixed-Use Residential Project** (project) as identified above and described in the attached materials.

The City is interested in the views of your agency as to the appropriate scope and content of the Draft EIR, as well as any recommended mitigation measures related to responsible and trustee agencies' statutory responsibilities. Please note responsible and trustee agencies will need to use the EIR prepared by the City when considering permits or other approvals required for the project.


The City will consider all comments received in response to the Notice of Preparation (NOP) during the drafting of the EIR. The project location, summary description, a list of potential environmental effects, and the time and location of a public scoping meeting for the project are attached and may be viewed on-line at: <https://www.morgan-hill.ca.gov/1765/MH-Technology-EIR>

**Pursuant to the time limits mandated by State law, responses to this Notice of Preparation must be sent to the City at the earliest possible date, but not later than thirty (30) days after receipt of this notice. Please send written comments to the address below by April 20, 2019.**

Morgan Hill Development Services  
Attention: Jim Rowe, Project Manager  
17575 Peak Avenue, Morgan Hill, California 95037.

(408) 778-6480 | [Jim.Rowe@MorganHill.CA.gov](mailto:Jim.Rowe@MorganHill.CA.gov)

Pursuant to CEQA Guidelines section 15082(c), notice is hereby given that the City of Morgan Hill will conduct a public **Scoping Meeting** on **April 23, 2019 at 7:00 p.m.** at the City of Morgan Hill, Council Chambers, 17555 Peak Avenue, Morgan Hill, CA 95037.

  
\_\_\_\_\_  
John W. Baty, Principal Planner for  
Jim Rowe, Project Manager

\_\_\_\_\_  
3/20/2019  
Date

**Notice of Preparation for an Environmental Impact Report  
for the Proposed Morgan Hill Technology and Mixed-Use Residential Project**

**Date of Distribution: March 20, 2019**

**A. Introduction**

The purpose of an Environmental Impact Report is to inform decision-makers and the general public of the environmental impacts of a proposed project that an agency (in this case, the City of Morgan Hill) may implement or approve. The EIR process is intended to: (1) provide information sufficient to evaluate a project and its potential for significant impacts on the environment; (2) examine methods (e.g., project-specific mitigations, uniformly applied development regulations) for avoiding or reducing significant impacts; and (3) consider alternatives to the proposed project.

In accordance with CEQA, the Draft EIR will include the following:

- A summary of the project, its potential significant environmental impacts, and mitigations required to avoid or reduce those significant impacts;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigations for the project;
- Alternatives to the proposed project; and
- Other environmental consequences of the project, including
  - (1) growth-inducing effects
  - (2) significant unavoidable impacts
  - (3) irreversible environmental changes
  - (4) cumulative impacts, and
  - (5) effects found not to be significant.

**Project Location**

The approximately 89-acre site is located west of Mission View Road, south of Cochrane Road, east of US 101, and north of Half Road (APN: 728-30-001 through -004; 728-30-006, -008, -009; 728-31-014 through -016). See Figures 1, 2, and 3.

**Overview**

The Commercial and Industrial components of the project are currently configured in six parcels totaling approximately 61 acres, with Commercial and Commercial/Industrial General Plan designations, and located within three zoning districts: PUD Highway Commercial (CH), Administrative Office (CO), and PUD Light Industrial (IL). The applicant proposes to reconfigure the property into five legal lots (one commercial, three commercial/industrial parcels controlled by the applicant, and one existing commercial/industrial parcel not controlled by the applicant); reduce the Commercial General Plan designation area and increase the Commercial/Industrial General Plan designation area through a General Plan Amendment (File No. GPA2019-0002); and establish a Planned Development (PD) Combining District over the commercial and industrial project area through a Zoning Amendment (File No. ZA2019-0005).

The residential component of the project is approximately 28 acres with an existing General Plan designation of Residential Attached Low. No formal land use entitlement applications are currently on file, and this portion of the project is being evaluated at a programmatic level for a maximum of 300 units. While the City has received a preliminary site plan showing 247 units as part of the Residential

Development Control System (RDCS) application process, the RDCS process is a precursor to a formal land use entitlement application, and the number of units is expected to change as a result. See Figure 4.

## **B. Project Description**

### **Commercial**

The property fronting Cochrane Road will be reconfigured to one legal lot of approximately 2.92 acres. The proposed rezoning will reduce the existing Commercial zoned acreage from +/-30 acres to 2.92 acres for uses consistent with the traditional CH - Highway Commercial Zoning District, allowing a range of retail, administrative, professional services and functions supporting freeway access at major intersections. The maximum FAR is 0.6. The maximum square footage for the development of this property is approximately 75,000 square feet, which will be evaluated in the EIR. However, the anticipated likely development on the site, given parking, landscaping, and stormwater treatment requirements would be approximately 50,000 square feet.

### **Industrial**

This portion of the property will be reconfigured into four legal lots designated for flexible industrial and commercial uses, including advanced manufacturing, warehouse distribution, supporting office, and similar industrial and commercial uses totaling up to 1.06 million square feet on approximately 57 acres. The Industrial designation allows for a maximum FAR of 0.6. The current proposal shows a FAR below 0.45.

- Industrial Lot 1 will be +/- 10.42 acres with a maximum 195,000 sf concrete tilt-up building.
- Industrial Lot 2 will be +/- 14.64 acres with a maximum 325,000 sf concrete tilt-up building.
- Industrial Lot 3 will be +/- 29.66 acres with a maximum 540,000 sf concrete tilt-up building.

Industrial Building 1 is designed to be divisible into up to two tenant spaces – Industrial Buildings 2 and 3 are designed to be divisible into up to four tenant spaces, for 100 percent industrial use including manufacturing/assembly/distribution/fulfillment uses. The buildings will be designed with a maximum height of 55 feet over 95 percent of the lineal parapet area with the ability to increase the maximum height to 90 feet over less than 5 percent of the lineal parapet area to accommodate specialized industrial equipment applications and uses including mechanical equipment, and other potential specialized uses including future telecommunication uses. Features exceeding 55 feet in height will be allowed on the west side of the project.

The remainder of the project site will be parking and landscaping/stormwater treatment as common open space for the benefit of employees and visitors.

A 2.18-acre parcel that is depicted as 'Not a Part' on the Trammell Crow conceptual site plan would be evaluated for future industrial uses, although no specific development application is proposed at this time. The EIR will evaluate for potential future industrial/warehouse uses based on the proposed PD Combining District, assuming 45,000 square feet of industrial office. See Figure 5.

### **Residential Component East of DePaul Drive**

The EIR will evaluate a maximum residential scenario of up to 300 units between DePaul Drive and Mission View Drive, north of Half Road. No formal land use entitlement applications are currently on file, and this portion of the project is being evaluated at a programmatic level for a maximum of 300 units. While the City has received a preliminary site plan showing 247 units as part of the Residential Development Control System (RDCS) competition process, the RDCS process is a precursor to a formal land use entitlement application, and the number of units is expected to change as a result, although not to exceed 300. The



Residential Project's proposed site improvements would include visitor and on-street parking, small neighborhood park areas, sidewalks or pedestrian paths, landscape areas, drive aisles, screen walls, lighting, BBQ/picnic area, and recreation amenities in the common park areas. Total open space area is anticipated to be approximately 2.89 acres.

### **C. Potential Environmental Impacts of the Project**

The EIR will identify the significant environmental effects anticipated to result from development and operation of the project as proposed. The EIR will include the following specific environmental categories as related to the proposed project.

Agricultural Resources  
Air Quality  
Biological Resources  
Cultural Resources  
Energy  
Greenhouse Gas Emissions  
Hazards and Hazardous Materials  
Noise  
Traffic  
Utilities

The remaining environmental topics covered in the 2019 CEQA Appendix G Checklist will be analyzed in the Initial Study and included as an appendix.

#### **Agricultural Resources**

Portions of the project site have historically been used for agricultural purposes, including an orchard that is no longer actively cultivated. According to the Santa Clara County Important Farmland 2014 Map, the majority of the site is designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. In November 2014, the City adopted its Agricultural Lands Preservation Program (Preservation Program), which intends to preserve open space agricultural activity within the Morgan Hill Sphere of Influence. The EIR will discuss the project's compliance with the City's General Plan and the Preservation Program's mitigation measures as detailed in the Agricultural Mitigation Ordinance.

#### **Air Quality**

The project proposes up to 300 residential units, up to 74,000 square feet of commercial space, and approximately 1.105 million square feet of industrial uses, which in combination exceeds the Operational and Construction-Related BAAQMD Criteria Air Pollutant and Precursor Screening Level Sizes pursuant to the 2011 BAAQMD CEQA Guidelines. Project operations would generate an increase in air pollutant emissions, resulting in potential community risk impacts to existing nearby sensitive receptors as well as regional criteria pollutants during construction and operations.

The project site is proximate to existing housing located to the east across Mission View Drive and to the south across Half Road and adjacent to the DePaul medical center site to the east across DePaul Drive, which could expose residents and medical center patients and staff, to toxic air contaminants (TACs) during project construction. The EIR will provide an analysis of impacts resulting from Construction TAC emissions upon nearby sensitive receptors based on an air quality assessment to be prepared in accordance with the Bay Area Air Quality Management District's CEQA Guidelines. The air quality assessment will also evaluate potential toxic air contaminant and criteria pollutant health impacts to nearby sensitive receptors during project operations, e.g., trucking activity associated with the three industrial/warehouse buildings, which

are shown with approximately 200 loading docks in combination. The EIR will also account for changes in roadway volumes on existing and proposed roadways and the potential for increased traffic to lead to localized air quality impacts.

While CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents, the City has General Plan policies and regulations that address existing conditions affecting a proposed project, and therefore, the EIR will evaluate the potential exposure of future project residents to TACs sources in the vicinity by examining stationary and mobile TAC sources that may adversely impact residences.

For those portions of the project currently without sufficient detail to allow for detailed modeling of construction activity in the EIR (i.e., the 2.92 acre commercial site, the 2.18 acre Not a Part industrial parcel, and the 28 acre residential site), the EIR will identify future mitigation measures in the form of performance standards that must be met prior to issuance of grading permits for future phases of development, in accordance with BAAQMD health standards and CEQA Guidelines provisions regarding impermissibly deferred mitigation.

### **Biological Resources**

Portions of the project site have historically been used for agricultural purposes, including an orchard that is no longer actively cultivated, but otherwise contain few trees, other than boxed trees for sale, which are not biological resources. The EIR's discussion of tree removal will be based on an arborist report meeting the City's standards. The project site is designated Orchard and Grain, Row-crop, Hay and Pasture, Disked/ Short-term Fallowed in the Santa Clara Valley Habitat Conservation Plan, designations for which no survey requirements apply at the environmental review stage to establish baseline conditions.

### **Cultural Resources**

There is an approximately 1,740sf house on 728-30-004 (part of the residential site) that was built in 1957. Which is therefore required to be analyzed for historic significance under CEQA and the City's Historic Resources Ordinance. There is another house located on 728-31-014 that does not show-up on the Assessor's records. The EIR will be based in part on a Historic Resource Evaluation Report for the project site to identify the historic significance or lack of significance for buildings and site improvements identified to be at least 45 years old. The report will also identify whether any documented historic resources are present in the vicinity and have the potential to be impacted, whether directly or indirectly, by the proposed new structures. Mitigation measures for significant historic resources will be identified, if necessary.

According to the City's archaeological sensitivity map (2000), the project is in an area of archaeological sensitivity due to the past presence of three historic ranch locations in the vicinity. Therefore, an archaeological literature search and field review will be conducted. The City will also consult with any Native American tribes culturally affiliated with the area, if requested to do so, per AB52 requirements. Impacts to significant cultural resources, if any, will be evaluated in the Focused EIR, and appropriate mitigation will be identified.

### **Energy**

The EIR will discuss the amount of energy (i.e., electricity, natural gas, and gasoline use) the project would consume, based on the air quality and greenhouse gas emissions studies to be completed, and information concerning project construction and operations, and identify whether the project's consumption of energy would be wasteful, inefficient, or unnecessary in accordance with Appendix F of the CEQA Guidelines. Mitigation measures will be identified to reduce impacts, as appropriate.

### **Greenhouse Gas (GHG) Emissions**

The proposed project is expected to be operational after 2020, and therefore it is subject to the statewide 2030 GHG targets set by SB 32. GHG emissions resulting from the proposed project will be assessed based on a GHG analysis to be prepared. The GHG analysis would utilize the California Emission Estimator Model Version 2016.3.2 (CalEEMod) to model GHG emissions, and impact conclusions would be based on BAQQMD recommended thresholds. In the event the emissions exceed the 2030 targets, mitigation measures would be identified to attempt to reduce the project's GHG emissions to less than significant levels. The discussion of GHG emissions would be based to the extent possible on the City's General Plan EIR and Greenhouse Gas Reduction Strategy, as well as Plan Bay Area and the statewide Scoping Plan implementing SB32.

### **Hazards and Hazardous Materials**

Phase I/II reports have been prepared for the Industrial portion of the property (approximately 57 acres) and the (2.92 acres) of commercial. The reports indicated that there are no recognized environmental conditions on the site. The remainder of the property that is planned to be residential (28 acres), and the area designated as "Not A Part" (2.18 acres) would be analyzed in the EIR at a program-level and future developments on those sites would need to prepare Phase I/II. In addition, the future extension of Avenida de las Padres would also require Phase I/II be completed at the time of a project-level review.

### **Noise**

The proposed project site is located east of Highway 101 and south of Cochrane Road and is nearby a medical/health center and residential neighborhood to the east (across Mission View Drive). Noise would be generated during the construction of the project, as a result of increased vehicle traffic along area roadways, and as a result of the operations of proposed land uses within the project area, in particular truck loading and other activity associated with the proposed industrial buildings. A noise and vibration assessment will be prepared to calculate future noise and vibration levels as a result of construction and operation of the project. The noise and land use compatibility of sensitive uses proposed as part the Project will be assessed by adjusting existing noise data based on future traffic noise level projections. Noise impacts resulting from cumulative development of the Project area will also be evaluated. Mitigation measures would be identified for any significant impacts, as needed.

For those portions of the project currently without sufficient detail to allow for detailed modeling of construction activity and operational noise in the EIR (i.e., the 2.92 acre commercial site, the 2.18 acre Not a Part industrial parcel, and the 28 acre residential site), the EIR will identify future mitigation measures in the form of performance standards that must be met prior to issuance of grading permits for future phases of development, in accordance with City noise policies and CEQA Guidelines provisions regarding impermissibly deferred mitigation.

### **Traffic**

A traffic analysis will be prepared for the project. The purpose of the traffic analysis is to satisfy the requirements of the City of Morgan Hill and the Congestion Management Program (CMP) of the Santa Clara Valley Transportation Authority (VTA). The study will be based on the City's current policy to evaluate new development according to level of service (LOS) to determine the traffic impacts of the proposed development on the key intersections and freeway segments in the vicinity of the site during the weekday AM and PM peak hours. At a minimum, the traffic analysis would study 50 intersections and eight freeway segments listed below:

Monterey Road and Burnett Avenue  
Monterey Road and Madrone Parkway  
Monterey Road and Cochrane Road  
Monterey Road and Old Monterey Road

Monterey Road and Wright Avenue  
Monterey Road and Central Avenue  
Monterey Road and Main Avenue  
Monterey Road and Second Street  
Monterey Road and Dunne Avenue  
Church Street and Dunne Avenue  
Butterfield Boulevard and Dunne Avenue  
Walnut Grove Drive and Dunne Avenue  
US 101 SB Ramps and Dunne Avenue  
101 NB Ramps and Dunne Avenue  
Condit Road and Dunne Avenue  
Murphy Avenue and Dunne Avenue  
Butterfield Boulevard and Diana Ave  
Butterfield Boulevard and Main Avenue  
Butterfield Boulevard and Central Ave  
Butterfield Boulevard and Jarvis Drive (South)  
Butterfield Boulevard and Sutter Boulevard  
Butterfield Boulevard and Cochrane Road  
Cochrane Circle and Cochrane Road  
Sutter Boulevard and Cochrane Road  
Madrone Parkway/Cochrane Plaza and Cochrane Road  
US 101 SB Ramps and Cochrane Road  
US 101 NB Ramps and Cochrane Road  
De Paul Drive and Cochrane Road  
Mission View Drive and Cochrane Road  
Mission View Drive and Avenida De Los Padres  
Mission View Drive and Half Road  
De Paul Drive Extension and Half Road (Future)  
Condit Road and Main Avenue  
Murphy Avenue and Main Avenue (Future)  
Vista De Lomas and Burnett Avenue  
Butterfield Boulevard and San Pedro Avenue  
Monterey Road and Tennant Avenue  
Church Street and Tennant Avenue  
Vineyard Boulevard and Tennant Avenue  
Butterfield Boulevard and Tennant Avenue  
US 101 SB Ramps and Tennant Avenue  
US 101 NB Ramps and Tennant Avenue  
Condit Road and Tennant Avenue  
Murphy Avenue and Tennant Avenue  
Monterey Road and Vineyard Boulevard  
Monterey Road and Watsonville Road  
Monterey Road and Spring Avenue  
Juan Hernandez Drive and Tennant Avenue  
Butterfield Boulevard and Barrett Avenue  
Monterey Road and Cosmo Avenue

Study Freeway Segments:

US 101 between SR-85 and Bailey Avenue  
US 101 between Bailey Avenue and Coyote Creek Golf Drive

US 101 between Coyote Creek Golf Drive and Burnett Avenue  
US 101 between Burnett Avenue and Cochrane Road  
US 101 between Cochrane Road and Dunne Avenue  
US 101 between Dunne Avenue and Tennant Avenue  
US 101 between Tennant Avenue and San Martin Avenue  
US 101 between San Martin Avenue and Masten Avenue

The level of service analysis will identify the current operating conditions of the intersections and will evaluate whether the project may have an adverse impact on intersection operations during existing plus project and background plus project conditions. Existing weekday AM and PM peak-hour traffic volumes at the study intersections will be obtained, where available, from recent traffic studies conducted in the area. New manual peak-hour turning movement counts will be conducted at intersections where current counts are either outdated or not available.

A qualitative analysis of the project's effect on transit service in the area and on bicycle and pedestrian circulation in the study area will be included in the traffic report. Proposed bicycle and pedestrian facilities will be evaluated for consistency with VTA's Livable Community design guidelines.

The VMT under each of the future condition scenarios will be calculated for internal and external trips and will be specified in absolute terms (by households and jobs) and per capita.

Portions of the proposed residential units and industrial space will require a General Plan Amendment analysis (GPA). The purpose of the GPA traffic analysis is to estimate the impacts of the proposed land use amendment on key intersections and freeway segments in the vicinity of the project area. The analysis will consist of a long-term evaluation of identified potential development levels on the project site due to the proposed land use amendment. The City of Morgan Hill travel demand model will be used to evaluate long-term effects on the transportation system of the identified development level of the project site.

The traffic report will be incorporated into the EIR to identify potential significant impacts and mitigation measures, if any significant impacts are identified.

### **Utilities**

The EIR will discuss the project's potential to impact utilities and assess water and wastewater demand and supply based upon a Water Supply Assessment (WSA) prepared pursuant to SB610. The WSA, which is required due to the General Plan Amendment and the projected water demand will evaluate water supply and demand for the project during normal and drought conditions with five-year incremental projections to the year 2040. Water supply and demand will be compared to assess the sufficiency of water supply for the project.

The project site was previously used for agricultural uses, served by an existing on-site agricultural well, and therefore the WSA includes evaluation of recent historical water demand to define the net change in water demand by the project. Existing water demand would be calculated for the site using data from the City (as available) and/or applying water demand factors, including estimates of agricultural water use, if needed. Any significant impacts will be identified, as necessary.

### **Cumulative Impacts**

In conformance with CEQA Guidelines Section 15130, the EIR will include a discussion of cumulative impacts from the project in combination with other past, pending and reasonably probable future development in the area, based on projections for development according to General Plan buildout. The EIR will analyze and describe any significant cumulative impacts to which the project may contribute.

**Alternatives**

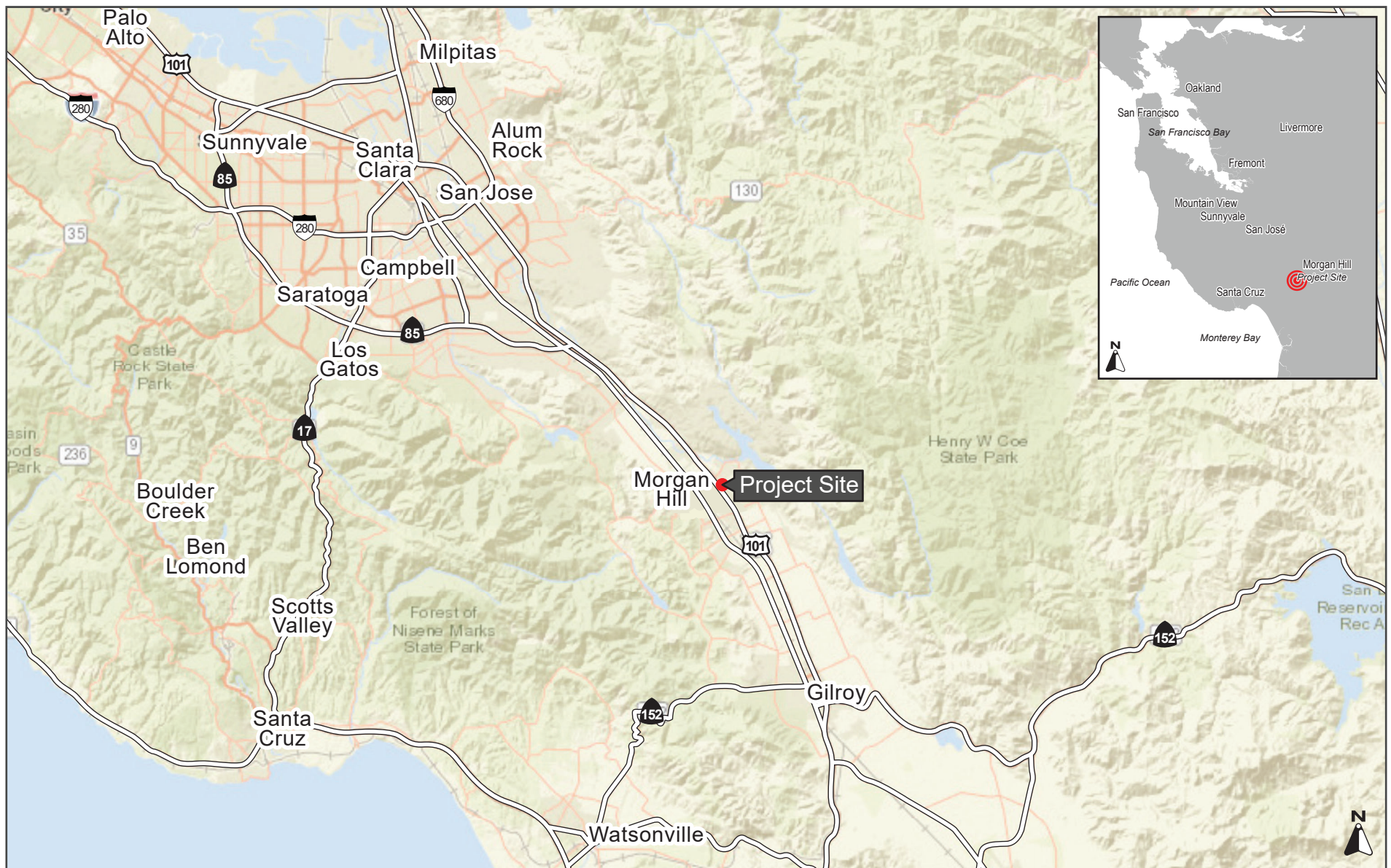
The EIR will evaluate possible alternatives to the proposed project based on the results of the environmental analysis. The alternatives discussion will focus on those alternatives that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant environment effects (CEQA Guidelines Section 15126.6). The results of the technical analysis noted above will be used to develop a reasonable range of alternatives to be analyzed in the EIR that avoid or lessen project impacts while achieving most project objectives; however, it is currently anticipated that the alternatives to be evaluated in the EIR could include the following:

No Project Alternative;  
Reduced Scale Alternative;  
Location Alternative(s);  
Design Alternative;  
Environmentally superior alternative (to be chosen from one of the above).

This section will evaluate the impacts of each alternative as required by CEQA (Guidelines Section 15126.6) and based on the “rule of reason.” The alternatives discussion will describe the environmental impacts and benefits of the alternatives and compare them with the proposed project’s impacts and their ability to achieve project objectives. In accordance with CEQA, the EIR will identify an environmentally superior alternative from the alternatives described, based on the number and degree of associated environmental impacts.

**Other Required Sections**

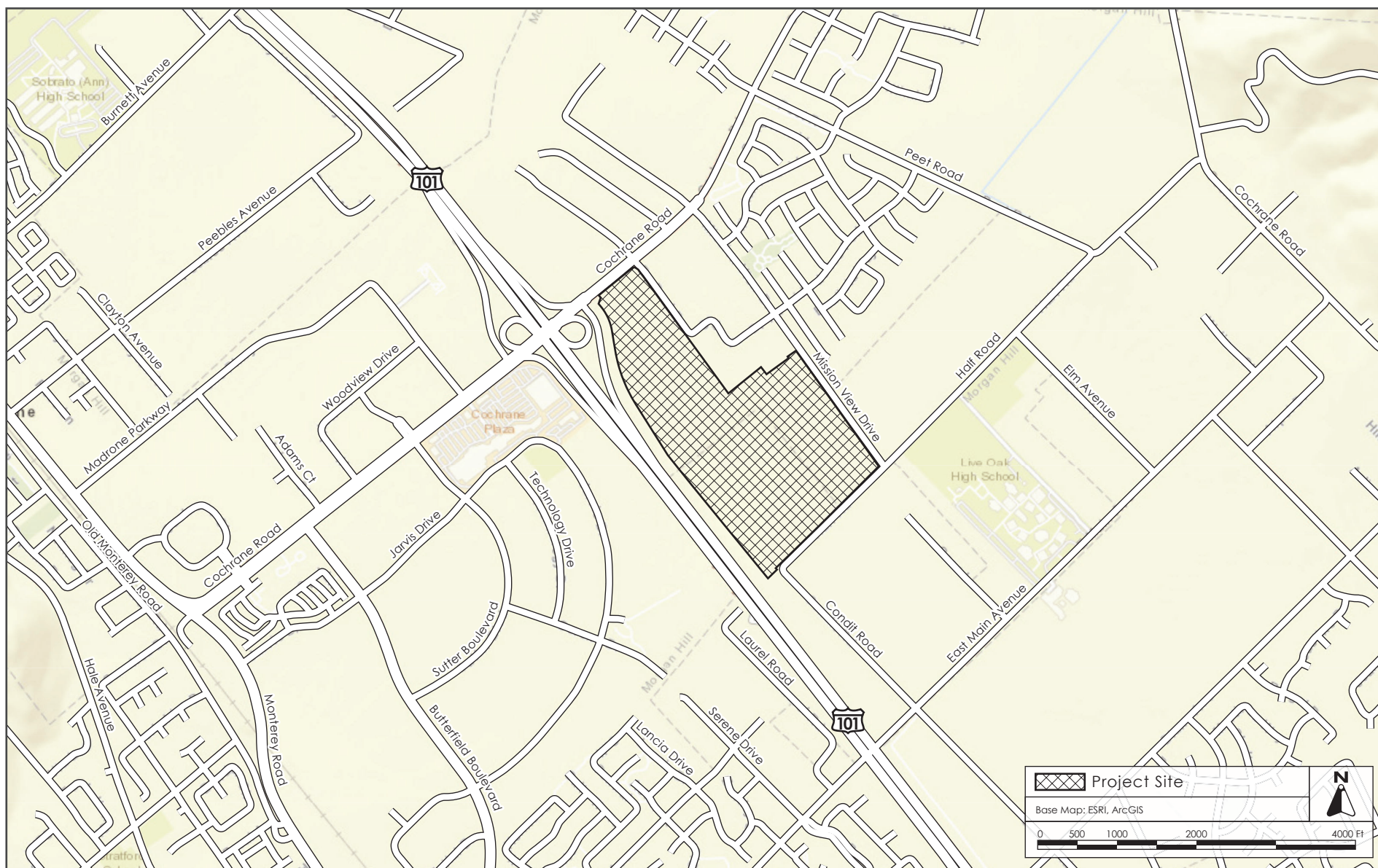
The above discussions identify and highlight the major issues to be addressed in the proposed EIR. In conformance with the CEQA Guidelines, the EIR will also contain other sections, including: 1) Significant Unavoidable Impacts; 2) Growth Inducing Impacts; 3) Significant Irreversible Environmental Changes; 4) EIR References and Organizations & Persons Consulted; and 5) EIR Authors.



REGIONAL MAP

FIGURE 1





VICINITY MAP

FIGURE 2



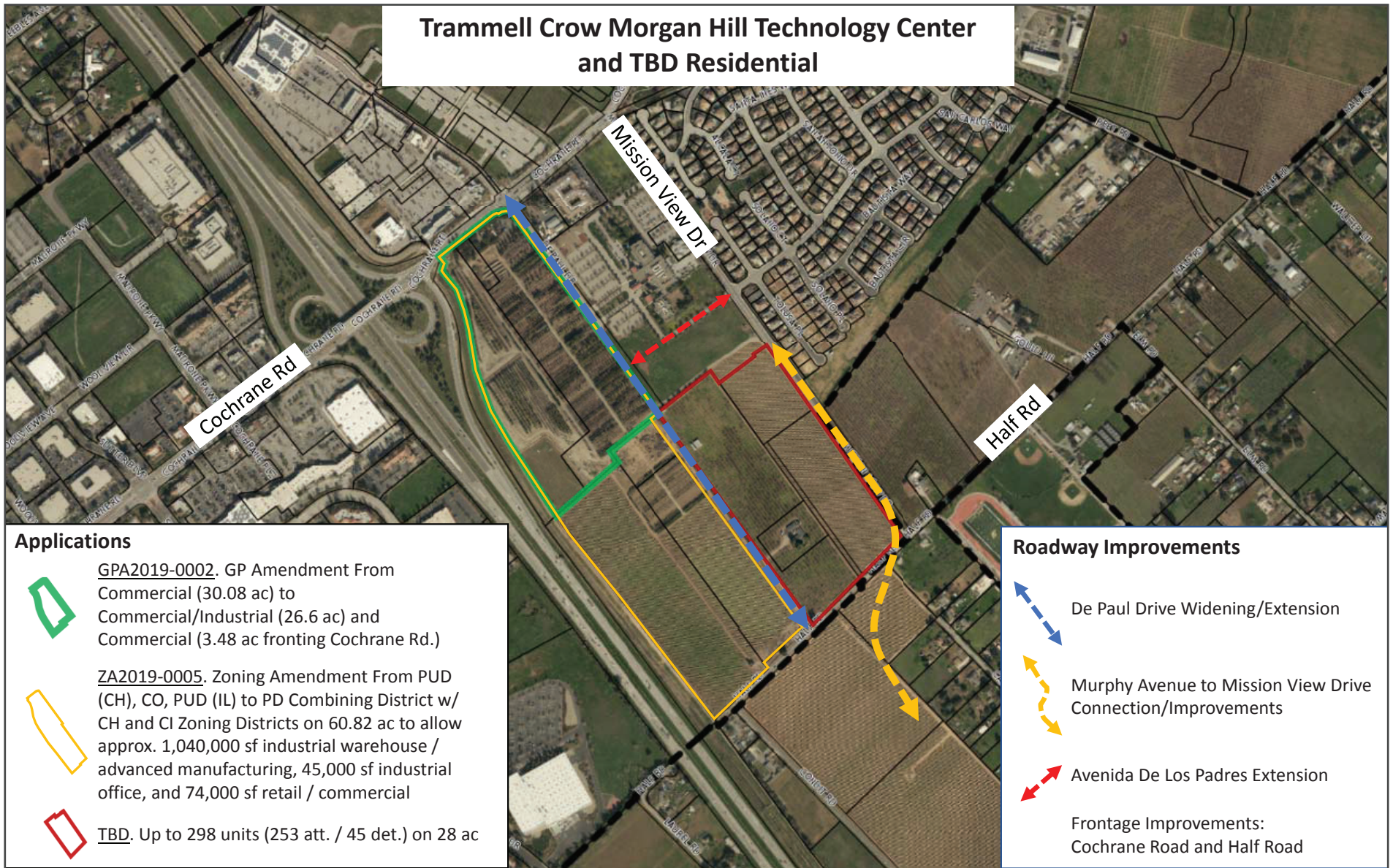


AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

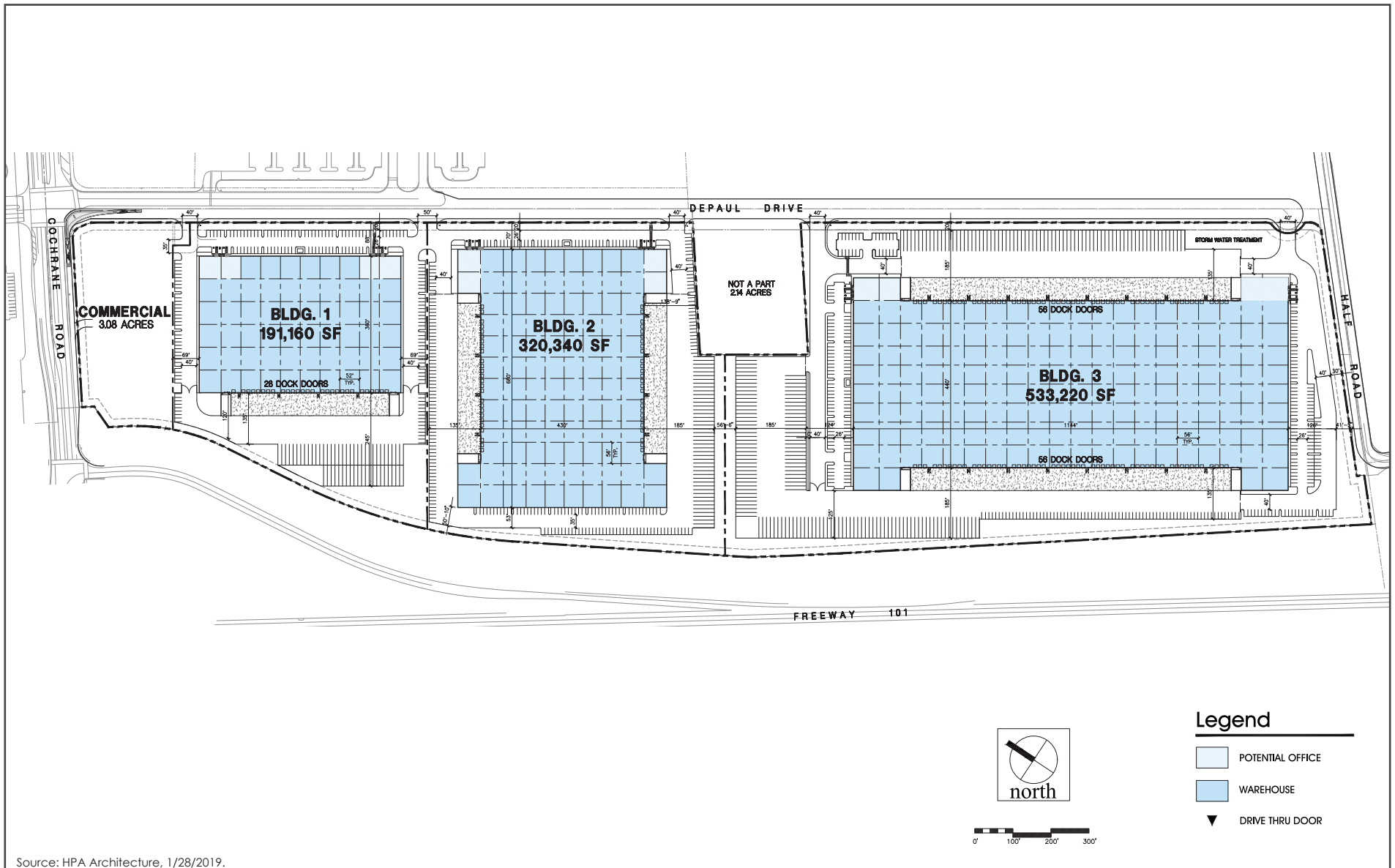


## Trammell Crow Morgan Hill Technology Center and TBD Residential



89 ACRE SITE

FIGURE 4



SITE PLAN

FIGURE 5

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX (408) 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



April 22, 2019

Jim Rowe, Project Manager  
City of Morgan Hill  
Morgan Hill Development Services  
17575 Peak Avenue  
Morgan Hill, CA 95037

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the proposed Morgan Hill Technology and Mixed-Use Residential Project

Dear Mr. Rowe:

The County of Santa Clara Parks and Recreation Department (County Parks Department) has received the Notice of Preparation of the Draft Environmental Impact Report for the proposed Morgan Hill Technology and Mixed-Use Residential Project. The project proposes one 2.92-acre commercial parcel, four commercial/industrial parcels totaling 57 acres, and a maximum of 300 residential units. The maximum square footage of the commercial parcel is approximately 75,000 square feet, while the maximum square footage of the commercial/industrial parcels is approximately 1.06 million square feet.

The County Parks Department is charged with the planning and implementation of *The Santa Clara County Countywide Trails Master Plan Update* (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995. Although responsibility for the actual construction and long-term management of each individual trail varies, the County Parks Department provides general oversight and protection of the overall trail system. The *Countywide Trails Plan* indicates a completed section of the Juan Bautista de Anza National Historic Trail (Anza Trail), labeled the Madrone Channel Trail operated by Valley Water, is adjacent to the project site. The County Parks Department respectfully recommends that the following items be addressed in the DEIR as they relate to the existing and proposed countywide trail routes in the vicinity of the project site.

### ***Aesthetics and Visual Resources***

Regarding the potential for visual and aesthetic impacts, the DEIR should evaluate any degradation of views in the area of the project site, including from the adjacent Anza Trail.

### ***Air Quality***

The potential negative impact on the local air quality, especially as it pertains to Anza Trail users,

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith





during construction should be analyzed. For instance, fugitive dust blowing across the Anza Trail will create hazardous health and safety conditions for trail users.

### ***Hydrology and Water Quality***

The DEIR should study potential stormwater runoff from the proposed project and ensure that excessive off-site flows are fully eliminated as stormwater crossing the trail may result in a dangerous (e.g., slippery) trail surface. The evaluation should also include impacts to water quality and the overall hydrology of the adjacent Madrone Channel.

### ***Transportation and Circulation***

The traffic study should analyze the impacts additional traffic the proposed project may generate, including how it might impact the Cochrane Road and East Main Avenue trail access points.

### ***Noise***

The DEIR should evaluate potential noise impacts both during and after construction is completed.

### ***Public Services***

The proposed project may potentially impact recreational facilities in the project vicinity, such as the Anza Trail. Project maps and the overall DEIR should:

- document this countywide trail route and acknowledge that the trail offers opportunities for non-motorized connections from the surrounding neighborhoods to the proposed project site;
- document the potential to complete a section of planned trail north of the proposed project site, from Cochrane Road to Burnett Avenue and the Coyote Creek Parkway
- address the proposed project's consistency with the Countywide Trails Plan as mentioned above.

### ***Safety***

Depending on the height of the buildings, which is not listed as part of the Notice of Preparation, significant shade could exist on portions of the Anza Trail. Shaded areas may become slippery, creating a hazardous trail surface, especially for cyclists. Please analyze the possibility for the buildings to shade the Anza Trail and the opportunity to protect trail users.

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the proposed Morgan Hill Technology and Mixed-Use Residential Project. The County Parks Department requests a copy of the Draft EIR once it is released for public review. If you have questions related to these comments, please call me at (408) 355-2362 or e-mail me at [Michael.Hettenhausen@prk.sccgov.org](mailto:Michael.Hettenhausen@prk.sccgov.org).

Sincerely,

***Michael Hettenhausen***

Michael Hettenhausen,  
Associate Planner

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



April 18, 2019

**Jim Rowe**

Project Manager  
17575 Peak Avenue,  
Morgan Hill, CA 95037

**SUBJECT:**

Dear Mr. Jim Rowe:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Draft Environmental Impact Report for the Proposed Morgan Hill Technology and Mixed-Use Project and is submitting the following comments:

- The EIR should include both LOS and VMT methodologies in the analysis.
- Please prepare a traffic impact analysis (TIA) using Santa Clara Valley Transportation Authority (VTA) latest TIA guidelines for County facilities; contact Santa Clara County Roads and Airports department for signal timing information if needed.
- The TIA should also include analysis of the additional intersections below:
  - Half Road and Elm Road
  - Main Ave and Elm Road
  - Diana Ave and Hill Road
  - Hale Ave and Tilton Ave
  - Monterey and Tilton
- The TIA should include Queuing Analysis for affected turn pockets.
- Please include a traffic divergence analysis for the proposed road connection/improvements.
- Please Provide a traffic control plan for County's review and approval for the use of County facilities during construction.
- Please refer to the South County Circulation Study as a mitigation guide for related roadway improvements of impacted County facilities.

Thank you for reaching out and considering these comments. If you have any questions or concerns about these comments, please contact me at 408-573-2462 or [ben.aghegnehu@rda.sccgov.org](mailto:ben.aghegnehu@rda.sccgov.org)

Thank you,

**Ben Aghegnehu**

Associate Transportation Planner  
County of Santa Clara | Roads & Airports  
101 Skyport Rd | San Jose, CA, 95110  
408-573-2462 (o)

DEVELOPMENT  
SERVICES

APR 26 2019

CITY OF MORGAN HILL

April 26, 2019

Dear Mr. Jim Rowe,

It has come to my attention from my neighbors, as well as from the Morgan Hill City website, that there is a possibility of an industrial distribution center going in at the old nursery on Cochrane Road. In addition, the area behind DePaul Health Center is also being zoned for residences. Please allow me to express my disdain and opposition towards this project going in.

As a resident of Mission Ranch, I deal with daily traffic on Mission View Drive, and have seen numerous accidents on this two-lane road because many people are using it as a bypass for other large streets like Butterfield and Monterey Highway. The roads in this area simply can't handle more traffic and people driving on it.

I have lived in Morgan Hill since December 2012. I understand that growth is imminent, especially as Silicon Valley swells with large corporations, but I must say I am saddened to see how quickly this town has been growing. I thought City Council members made a pledge to enact slow growth? Everywhere I look these days, new construction is going up, yet once again, the infrastructure is not prepared for all of these changes.

Morgan Hill is a charming, quiet, bedroom community of San Jose. With the growth that you are proposing as the project manager of this acquisition, our town is losing out on leaving open spaces just that- OPEN!

Please reconsider not developing the area on Cochrane as an industrial distribution center. Our town doesn't need it.

Thank you for your time,

Harjit Janda  
1570 Avenida De Los Padres  
Morgan Hill, CA 95037  
530-588-2589

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

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April 19, 2019

SCH # 2019039137

GTS # 04-SCL-2019-00559

Jim Rowe  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

**Morgan Hill Technology and Mixed Use Residential Project NOP**

Dear Mr. Rowe:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Morgan Hill Technology and Mixed Use Residential Project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the March 2019 Notice of Preparation of an EIR (NOP).

***Project Understanding***

The approximately 89-acre site is located west of Mission View Road, south of Cochrane Road, east of US 101, and north of Half Road (APN: 728-30-001 through -004; 728-30-006, -008, -009; 728-31-014 through -016).

This mixed use project is comprised of approximately 1.2 million square feet of commercial/industrial on approximately 57 acres, 75,000 square feet of highway commercial on approximately 2.92 acres, and up to 300 residential units on 28 acres.

The Commercial and Industrial components of the project are currently configured in six parcels totaling approximately 61 acres, with Commercial and Commercial/Industrial General Plan designations, and located within three zoning districts: PUD Highway Commercial (CH), Administrative Office (CO), and PUD Light Industrial (IL). The applicant proposes to reconfigure the property into five legal lots (one commercial, three commercial/industrial parcels controlled



by the applicant, and one existing commercial/industrial parcel not controlled by the applicant); reduce the Commercial General Plan designation area and increase the Commercial/Industrial General Plan designation area through a General Plan Amendment (File No. GPA2019-0002); and establish a Planned Development (PD) Combining District over the commercial and industrial project area through a Zoning Amendment (File No. ZA2019-0005).

The residential component of the project has an existing General Plan designation of Residential Attached Low. No formal land use entitlement applications are currently on file, and this portion of the project is being evaluated at a programmatic level for a maximum of 300 units.

### ***Hydraulics***

A section of floodplain and hydrology shall be included in the draft EIR. The discharge outlet from the project site, if any, including direct and indirect connections, to the Madrone Channel must be discussed and any impact to the channel must be evaluated. Any increased flow into the channel should be mitigated to the pre-project level.

### ***Vehicle Trip Reduction***

From Caltrans' *Smart Mobility: A Call to Action for the New Decade*, the project site is identified as being on the edge of **Place Type 5a: Rural Towns** where location efficiency factors, such as community design, are moderate to high and regional accessibility is low. The measures listed below will promote smart mobility and reduce regional VMT.

- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Project design to encourage walking, bicycling and convenient transit access;
- Preferential parking for carpools and vanpools;
- Telework/Flexible work schedule;
- Transit subsidies for residents and employees on an ongoing basis;
- Participation in the Guaranteed Ride Program;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program
- Designated bicycle parking
- Unbundled parking;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;

- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency Monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

### ***Active Transportation***

The Caltrans District 4 Bike Plan (Plan) for the San Francisco Bay Area was developed within the framework of *Toward an Active California*, the California State Bicycle and Pedestrian Plan. This framework includes an overall vision, goals, objectives, and strategies to improve bicycle safety and mobility throughout the State. The District 4 Bike Plan, the first of its kind in the State, evaluates bicycle needs on and across the Bay Area's State transportation network and identifies infrastructure improvements to enhance bicycle safety and mobility and remove some of the barriers to bicycling in the region. This Plan will guide District 4 and its partners to develop an integrated bicycle network for the Bay Area.

Many of the improvements identified in the Plan are conceptual and will require further study and coordination with local jurisdictions and stakeholders. The Plan will be updated regularly as future needs and opportunities are identified and evaluated. Fare share contributions need to be considered for the project listed below:

- Buffered bike lanes on Cochrane Rd and Malaguerra Ave from Monterey Rd to Coyote Creek Trailhead. (Project ID SC-101-X05)

### ***Transportation Management Plan***

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Transportation Management Plan (TMP) is required. Pedestrian and bicycle access through the construction zone must be maintained at all times and comply with the Americans with Disabilities Act (ADA) regulations. See Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at:

[http://www.dot.ca.gov/hq/construc/safety/Temporary\\_Pedestrian\\_Facilities\\_Handbook.pdf](http://www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf)

See also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: [www.dot.ca.gov/trafficops/policy/11-01.pdf](http://www.dot.ca.gov/trafficops/policy/11-01.pdf).

Any curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:

[www.dot.ca.gov/hq/traffops/trafmgmt/tmp\\_lcs/index.htm](http://www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm)

### ***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. This includes any required improvements to the STN or reductions in VMT. Any required improvements should be completed prior to issuance of the Building Permit. We strongly recommend the City of Morgan Hill pursue early coordination with Caltrans to address any potential issues relating to increased traffic flow on Caltrans facilities resulting from this project. Since this project meets the criteria to be deemed of statewide, regional, or areawide significance per CEQA Section 15206 the project's Draft Environmental Impact Report (DEIR) should be submitted to both Valley Transportation Authority (VTA) and MTC for review and comment.

### ***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the State ROW, including bike lanes and upgraded pedestrian facilities requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application,



Jim Rowe, City of Morgan Hill

April 19, 2019

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the adopted environmental document, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

David Salladay, District Office Chief  
Office of Permits, MS 5E  
California Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

See the following website for more information:

<http://www.dot.ca.gov/trafficops/ep/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Zachary Chop at 510-622-1643 or [zachary.chop@dot.ca.gov](mailto:zachary.chop@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION  
Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691 Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



April 2, 2019

Jim Rowe  
City of Morgan Hill  
17575 Peak Ave.  
Santa Clara, CA 95037

RE: SCH# 2019039137 Morgan Hill Technology & Mixed-Use Residential Project, Santa Clara County

Dear Mr. Rowe:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).



7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.



3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email  
address: Gayle.Totton@nahc.ca.gov.

Sincerely,



for  
Gayle Totton  
Associate Governmental Program Analyst

cc: State Clearinghouse



March 26, 2019

Jim Rowe  
City of Morgan Hill  
17575 Peak Ave  
Morgan Hill, CA 95037

Ref: Gas and Electric Transmission and Distribution

Dear Mr. Rowe,

Thank you for submitting ZA2019-005 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



## **Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)



Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



## **Attachment 2 – Electric Facilities**

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. **Streets and Roads:** Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for





proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

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## San Francisco Bay Regional Water Quality Control Board

April 22, 2019

*Sent via electronic mail: No hardcopy to follow*

City of Morgan Hill, Community Development Department  
ATTN: Jim Rowe, Project Manager (jim.rowe@morganhill.ca.gov)  
17575 Peak Avenue  
Morgan Hill, CA 95307

**Subject:** San Francisco Bay Regional Water Quality Control Board Comments on the Notice of Preparation for the Morgan Hill Technology & Mixed-Use Residential Project draft Environmental Impact Report, City of Morgan Hill, Santa Clara County, California  
**SCH No. 2019039132**

Dear Mr. Rowe:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Notice of Preparation for the Morgan Hill Technology & Mixed-Use Residential Project draft Environmental Impact Report, City of Morgan Hill, Santa Clara County, California* (NOP), which was received by the Water Board on March 26, 2019. The NOP presents the proposed scope of the draft Environmental Impact Report (draft EIR) for the Morgan Hill Technology & Mixed-Use Residential Project (Project). The Project includes the development of an 89-acre former orchard, west of Mission View Road and south of Cochrane Road in the City of Morgan Hill.

### Summary

The draft EIR should establish if the Project site is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board or the Central Coast Regional Water Quality Control Board. The draft EIR should also evaluate the Project's potential impacts to hydrology and water quality.



**Comment 1.**

**It is not clear if the Project site is in the San Francisco Bay Regional Water Quality Control Board or the Central Coast Regional Water Quality Control Board.**

The NOP identifies Coyote Creek as the nearest water body. However, the Project site is close to the divide between the Coyote Creek watershed and the Llagas Creek watershed. If the Project site drains to Coyote Creek, it is in the jurisdiction of the San Francisco Bay Regional Water Quality Control Board. If the Project site drains to the Llagas Creek watershed, it is in the jurisdiction of the Central Coast Regional Water Quality Control Board.

**Comment 2.**

**The draft EIR should include an assessment of Project impacts on water quality and hydrology.**

The list of categories in the NOP that are to be evaluated in the draft EIR does not include hydrology and water quality. Much of the site consists of a former orchard. Project implementation will significantly increase the amount of the Project site that will be covered with impervious surfaces. This increase in impervious surfaces is likely to increase the amount of pollutants carried in stormwater runoff from the Project site and to affect the hydrograph of runoff from the Project site. Therefore, the draft EIR should include an assessment of Project impacts associated with hydrology and water quality.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at [brian.wines@waterboards.ca.gov](mailto:brian.wines@waterboards.ca.gov).

Sincerely,

Brian Wines  
Water Resource Control Engineer  
South and East Bay Watershed Section

cc: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
Central Coast Regional Water Quality Control Board, Phillip Hammer  
([phillip.hammer@waterboards.ca.gov](mailto:phillip.hammer@waterboards.ca.gov))  
Central Coast Regional Water Quality Control Board, Mark Cassady  
([mark.cassady@waterboards.ca.gov](mailto:mark.cassady@waterboards.ca.gov))

File: 24430  
Madrone Channel

April 22, 2019

Jim Rowe  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

Subject: Notice of Preparation of an Environmental Impact Report for the Morgan Hill Technology and Mixed-Use Residential Project

Dear Mr. Jim Rowe:

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Morgan Hill Technology and Mixed-Use Residential Project, received by Valley Water on March 25<sup>th</sup>, 2019. Valley Water is a special district with jurisdiction throughout Santa Clara County. Valley Water acts as the County's groundwater management agency, wholesale water provider, principal water resources manager, flood protection agency, and the steward for its watersheds, creeks, and underground aquifers. Valley Water requests the following issues be addressed and discussed in the Draft EIR:

The proposed development site is adjacent to Valley Water's Cross Valley Pipeline, Coyote-Madrone Half Road Pipeline, and Madrone Channel. Cross Valley Pipeline exists within Valley Water's easement along Cochrane Road to the north of the development, and Coyote-Madrone Half Road Pipeline exists along Half Road to the south side of the development property. Madrone Channel within Valley Water fee title right of way is located west of the development along Highway 101. In accordance with Valley Water's Water Resource Protection Ordinance, any modifications to Valley Water right of way or facilities require an encroachment permit. The Draft EIR should discuss whether improvements for the project will require a Valley Water encroachment permit, and if so, identify Valley Water as a Responsible Agency.

The Biological Resource section should address compliance with or applicability to the Santa Clara Valley Habitat Plan with respect to the Category 2 stream setbacks from Madrone Channel.

The development of the 89-acre site will increase the amount of impervious area on the site, resulting in increased storm water runoff and potential water quality impacts. The Hydrology and Water Quality section should include a discussion of the impacts resulting from the increased storm water runoff from the development to Madrone Channel, which is a tributary to Llagas Creek and the Pajaro River. The hydrologic analysis should identify the existing and

proposed condition drainage patterns, rates of runoff, and volume of runoff for various events (i.e. 2-year, 10-year, 100-year, etc.) The analysis should demonstrate that increased runoff from the development will not induce, exacerbate, or increase the frequency of flooding in Madrone Channel, East Little Llagas Creek, Llagas Creek, or Pajaro River or provide appropriate mitigation measures to prevent any adverse impacts to downstream receiving waterbodies. The discussion on post-construction water quality should include Llagas Creek, its listing under Clean Water Act Section 3031(d), and mitigation measures to address adverse water quality impacts resulting from the development of the site.

Most open areas of Morgan Hill provide natural recharge to aquifers in the Llagas Subbasin, including the project site. Groundwater is the sole drinking water source of south county. The EIR will need to examine the reduction in natural groundwater recharge from development of the site and the increased risk to groundwater quality from contaminant releases associated with industrial (and other) land uses. Onsite storm water management will need to include sufficient treatment to ensure groundwater protection and to minimize the loss of groundwater recharge.

The site is adjacent to the Madrone Channel, which Valley Water utilizes for managed groundwater recharge, and eventually flows into Llagas Creek. Impacts to Madrone Channel will need to be considered, and Morgan Hill should require a sufficient buffer between proposed development and the channel to allow space for storm water filtration, maintenance of the channel, and recreational opportunities or enhancements to the City's adjacent trail.

Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. All wells on the property should be identified and abandoned or unused wells must be properly destroyed in accordance with Valley Water's well ordinance.

The NOP states that a Water Supply Assessment (WSA) will be prepared pursuant to SB610 to analyze the availability of water to serve the project in the future in both normal and drought conditions. Valley Water requests the opportunity to review the draft WSA prior to action by the City to comment on the consistency with countywide water supply planning efforts.

Future water demand of the project can be limited by incorporating on-site reuse for both storm and graywater and requiring water conservation measures above State standards (i.e., CALGreen). To reduce or avoid adverse impacts to water supply, the City and applicant should consider the following:

- Landscaping that meets or exceeds the requirements of the City's water efficient landscape regulations;
- Weather- or soil-based irrigation controllers;
- Dedicated landscape meters; and,
- Submeters for multi-family housing and individual spaces within commercial buildings;

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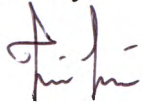
April 22, 2019

Jim Rowe

Notice of Preparation of an Environmental Impact Report for the Morgan Hill Technology and Mixed-Use Residential Project

If you have any questions, or need further information, you can reach me at (408) 630-3098, or e-mail at [tin@valleywater.org](mailto:tin@valleywater.org). Please reference Valley Water File No. 24430 on further correspondence regarding this project. Please forward a copy of the Draft EIR when available for public review.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tin Lin', with a stylized flourish at the end.

Tin Lin

Associate Engineer – Civil

Community Projects Review unit

Santa Clara Valley Water District

Cc: U. Chatwani, M. Martin, M. Richert, V. De La Piedra, Y. Arroyo, T. Lin, File