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Morgan Hill, November 23, 2010

City of Morgan Hill  
Planning Division/Development Services Center  
17575 Peak Avenue  
Morgan Hill, CA 95037-4128  
Attn: Rebecca Tolentino, Senior Planner

Re: Notice of Preparation of a Draft Environmental Impact Report for the City of Morgan Hill Southeast Quadrant General Plan Amendments and Agricultural Mitigation and Preservation Program

Dear Rebecca,

Thank you for the opportunity to comment on the scope and content of the Environmental Impact Report (EIR) to be prepared for the above-referenced project. As proposed, this project would annex 760 acres of the area known as the Southeast Quadrant (SEQ) within Morgan Hill's sphere of influence. The Project includes five individual private development proposals, one proposal for expansion of an existing City Sports Complex, and other as yet to be defined City-initiated projects. With the exception of the Catholic High School Projects, the EIR will analyze all individual proposals at the project level.

Currently, the majority of proposed projects in the Notice of Preparation (NOP) are vaguely defined. In addition, the Agricultural Mitigation and Preservation Program policies and land use designations that are an important component of this project are not yet available to agencies and stakeholders. Until clearly defined projects and the necessary policies and land use designations are available, we recommend that the City not begin preparation of a Draft Environmental Impact Report (DEIR).

In a letter sent to the Morgan Hill City Council in April 2010, Thrive! Morgan advocated for the Council to include the proposed SEQ Project in the upcoming review of the City's General Plan. The basis for our request is found in Action 3.6 of the Morgan Hill General Plan Community Development Element (p. 25). It states that the "[p]lanning of the Southeast Quadrant may occur as part of the next comprehensive General Plan Update." Given the lack of definitive individual proposals for the overwhelming majority of the projects, it is clear that this is not a timely project for the City to be undertaking. Instead, the City's vision for the annexation and development of Southeast Quadrant lands should be included in the community-wide input and visioning process of the upcoming General Plan review.

Nevertheless, on behalf of Thrive! Morgan Hill, I am submitting the following comments:

### **Project Description**

The Notice of Preparation provides inadequate descriptions of Projects 2 through 6 making further CEQA analysis necessary subsequent to this EIR once well-defined development proposals are later submitted. Given that the individual project proposals lack definitive descriptions, the EIR cannot adequately identify associated impacts.

For instance, Project 2: Craiker Sports Retail/Restaurant Uses does not provide height, design, or parking requirements are unknown. Therefore, stakeholders cannot determine what type of aesthetic, lighting, glare, traffic, air quality and greenhouse gas emissions, and water usage impacts the EIR should analyze.

For Project 3: Puliafico Sports-Recreation-Leisure Uses, the type and use of the outdoor sports fields is unknown so the EIR cannot adequately analyze aesthetic, lighting, glare, traffic, air quality and greenhouse gas emissions, and water usage impacts.

The phrases “commercial recreation retail” and “open fields for recreation” that describe the uses of Project 4 are ambiguous and require clear definitions in order for stakeholders to identify relevant impacts that the EIR needs to analyze.

Project 5: Chiala Planned Development identifies a number of possible uses such as professional-quality cricket grounds, an equestrian facility, a culinary center, and small-scale visitor accommodations. These uses have disparate environmental impacts and some or all may not be chosen for development making it extremely difficult for stakeholders to identify relevant impacts that the EIR needs to analyze.

Project 6: Outdoor Sports Center is an already existing public facility within the city’s Urban Service Area and Urban Growth Boundary. The EIR should indicate whether Project 6 has changed from its description in the original Outdoor Sports Center EIR. The description refers to expansion “determined by future demand”. Since other proposals for sports fields and open fields for recreation, what is the basis for the City’s belief that expansion of the current Outdoor Sports Center is required within a reasonable amount of time from the completion of the EIR?

Without better descriptions of the individual projects, stakeholders cannot identify what are reasonable alternatives for the SEQ Project or related environmental impacts that the EIR needs to analyze. A clearly defined SEQ Project is required so that stakeholders can provide commentary on potential impacts and project alternatives. Until that time, the NOP is insufficient and untimely and should be withdrawn.

### **General Plan**

The City of Morgan Hill and its City Council have adopted policies that are meant to efficiently use the city’s land. For instance, in the City Council’s Strategy, Policies and Goals for 2010, the Community Growth policy state that “the Council seeks to build a sustainable community through fiscal responsibility, economic development, environmental protection, compact development and smart-growth urban design.” This Project is incompatible with this policy as well as the Morgan Hill General Plan Community Development Element Policy 2a which encourages the “orderly development of the city, with concentric growth and infill of existing developed areas”. The SEQ Project should analyze all the impacts of disregarding the City Council adopted Community Growth Policy and City Policy 2a or it should examine impacts of changing those Policies.

Policy 2m of the the Open Space and Conservation Element of the Morgan Hill General Plan states that “Greenbelt areas should not include unincorporated areas with residential development on lots of less than 10 acres, except in unusual circumstances.” The proposed area outside the Urban Limit Line designates the Greenbelt/buffer area between Morgan Hill and San Martin. There are Rural Residential/Rural Estate lands within this proposed Greenbelt area. The EIR needs to quantify the size of each of these lots and analyze whether their size violates the size requirement in Policy 2m.

### **Agricultural Resources**

One of the public policy reasons given in the NOP for the SEQ Project is to ensure the long-term viability of agriculture in Morgan Hill. Some relevant General Plan goals related to this policy are also included in the NOP. However, the majority of proposed individual project descriptions in the NOP are very loosely defined. The City needs to clarify how these projects and the extension of the urban growth boundary will help service Goals 5 and 15 under the Morgan Hill General Plan Community Development Element.

A small portion of the designated agricultural land outside the Urban Limit Line is bordered by the U.S. Highway 101, the Subdistrict B development (land intensive uses) and Rural Residential/Residential Estate lands. Surrounding this small agricultural area with development is inconsistent with Goal 15 of the Morgan Hill General Plan Community Development Element and Goal 3 of the Open Space and Conservation Element. When small agricultural parcels are surrounded by development, it severely decreases the ability to keep that land agriculturally viable. This impact must be analyzed in the EIR.

### **Compliance with Local Agency Formation Commission (LAFCO)**

In a letter to the City of Morgan Hill dated April 6, 2010, LAFCO outlined its many concerns with the proposed project at that time. The NOP has not addressed their concerns. The EIR needs to analyze the project’s compliance with regards to LAFCO’s Policies Relative to Annexations/Reorganizations for Cities and Special Districts, Urban Service Area Policies, and Agricultural Mitigation Policies.

### **Air Quality and Greenhouse Gas Emissions**

Recently, a majority of Californians voted to oppose suspending Assembly Bill 32 – the Global Warming Solutions Act of 2006 – underlining its importance to the residents of our state. In September 2007, the City Council took initiative to protect the city’s environment by adopting its own Environmental Agenda. Two of the Primary Subject Goals of the Agenda are Air Quality and Climate Protection.

The City’s Department of Environmental Programs developed an annual report on a series of Environmental Indicators that the City uses to monitor progress in reaching its environmental goals set out in the Environmental Agenda. Air quality and greenhouse gas indicators offered mixed results, but overall the “community’s greenhouse gas emissions continue to rise” and there is an upward trend in ozone and PM 2.5 concentrations exceeding the California Ambient Air Quality Standards at the San Martin air quality station. Therefore, how the SEQ Project will further impact the City reaching its greenhouse gas emission requirements needs to be analyzed.

However, since the majority of project descriptions are extremely broad and wide ranging, a very wide array of potential impacts to air quality must be analyzed in addition to greenhouse gases.

Construction impacts, traffic impacts (including increased delay/wait times at intersections), ongoing energy usage, and agricultural displacement should all be evaluated for their greenhouse gas impacts. The impacts should be assessed individually and cumulatively.

### **Growth Inducing Impacts**

Project 5, the Chiala Planned Development is not included in the Urban Service Area which is not only a violation of LAFCO Urban Service Area policies, but allows this project's housing component to skirt the City of Morgan Hill's Residential Development Control System (RDCS). In particular, the developer would not be restricted like virtually all other developers are to the yearly housing competition which is based on a point system to determine housing allotment priorities. Measure C, which was enacted by voters in 2004 to extend Morgan Hill's RDCS, gives priority to housing nearest to the city core. Exclusion from the Urban Service Area and therefore the RDCS allows the housing planned for the Chiala project to be exempt from these growth constraints. Therefore, the growth inducing impact of this project needs to be carefully analyzed.

The effect of bringing intense development closer to rural and agricultural parcels south of the SEQ must also be analyzed.

### **Biological Resources**

Current baseline agriculture and very low density residential development generally supports wild-life habitat, especially avian species. Burrowing owls, California horned lark, loggerhead shrike, and nesting raptors have all been known to populate this area. Birds can have intrinsically positive value in agricultural systems therefore, possible impacts due to the potential loss of habitat needs to be analyzed in the EIR.

### **Geology and Soils**

As the Project will be subject to LAFCO review, the EIR should follow LAFCO's "Definition of Prime Agricultural Lands" as outlined in their Agricultural Mitigation Policies.

### **Public School Impacts**

The overall project description as well as Project 5: the Chiala Planned Development includes rural residential/residential estate designations, therefore potential adverse impacts to local public schools needs to be analyzed.

### **Traffic Impacts**

As mentioned before, the Notice of Preparation provides inadequate descriptions of the majority of the proposed individual projects. Therefore a very broad range of potential impacts must be analyzed, including but not limited to, impacts on levels of service (at both Highway 101 interchanges at Dunne Ave. and Tennant Ave., and all intersections throughout the SEQ), roadway, graded sidewalk and bikeway improvements, increase in vehicle miles traveled, and impact of encroaching urban usage on farming interface.

### **Hydrology and Water Quality**

The Project 5: Chiala Planned Development proposes to provide water via a private water company. The EIR needs to analyze the ability of this proposed water company to provide a clean, safe, adequate supply of water for all the proposed uses identified in the project description.

### **Aesthetics and Visual Impacts**

A very wide array of potential impacts must be analyzed as the majority of the project descriptions are extremely broad and wide ranging, making it extremely difficult to know what specific issues need to be taken into account.



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### **Cumulative Impacts**

The EIR should address the cumulative impacts this project will have on current and future agricultural operations and open space in the Southeast Quadrant. However, given the majority of the project descriptions are extremely broad and wide ranging, it will not be possible to know whether the results of such an analysis will accurately reflect actual long-term impacts.

### **Economic Analysis**

Although not a requirement under CEQA, we recommend that a Fiscal Impact Analysis be prepared. The Fiscal Analysis would be used to determine the public costs associated with serving the proposed project area and specifically assess the impact on the City and service providing agencies (i.e. fire district, police, etc.).

Thank you again for the opportunity to comment. We request that we be sent copies of the Draft EIR and any other supporting documents.

Sincerely,

Marieke Ruys  
Thrive! Morgan Hill