



Special - Regular Meeting Agenda

City Council

Rich Constantine - Mayor
Rene Spring - Mayor Pro Tem
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member

Wednesday, July 17, 2019 6:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

TELECONFERENCE

Council Member Martinez Beltran will be participating in the meeting via teleconference as follows:

The Westgate Hotel
Business Center
1055 2nd Ave
San Diego, CA 92101

Public comment from the teleconference location shall be allowed.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 6:00 p.m. for the purpose of conducting a workshop.

6:00 p.m. High Speed Rail Workshop

7:00 p.m. Regular Meeting

SPECIAL MEETING

6:00 P.M.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

Deputy City Clerk Bigelow

WORKSHOP

The Purpose of this workshop is to:

- Share California High Speed Rail Authority (CHSRA) staff - recommended State's Preferred Alternative and process for identifying the State's Preferred Alternative;
- Provide Council Members with the opportunity to discuss the CHSRA staff recommendation; and
- Collect Council feedback on the CHSRA staff-recommended State's Preferred Alternative.

PRESENTATION AND HANDOUTS

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PRESENTATIONS

YAC Presentation - Asset #27- Equality and Social Justice

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

PUBLIC COMMENT SUPPLEMENT

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. APPROVE FEE WAIVER FOR USE OF THE DOWNTOWN AMPHITHEATER BY THE FORD STORE MORGAN HILL

Recommendation:

Authorize the City Manager to waive facility rental fees of \$512 for use of the Downtown Amphitheater by The Ford Store Morgan Hill.

2. APPROVE RESOLUTION AUTHORIZING GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT-RELATED AGREEMENTS AND DOCUMENTS

Recommendation:

Adopt the resolution approving the following actions:

1. Authorizing staff to prepare and submit a Statewide Park Development and Community Revitalization Program Grant Application to the State of California Department of Parks and Recreation for an amount not to exceed \$8,500,000 for the development of the proposed park at Butterfield Boulevard and Monterey Road; and
2. Authorizing the City Manager to negotiate and execute the Statewide Park Development and Community Revitalization Program Grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

3. APPROVE AGREEMENT WITH AXON FOR BODY WORN CAMERAS

Recommendation:

1. Approve a 5-Year Sales Agreement with AXON for the purchase of body worn cameras, cloud storage, service and maintenance; and
2. Authorize City Manager to execute 5-Year Agreement with AXON for an amount not to exceed \$194,405.

4. APPROVE DESIGN SERVICES AGREEMENT FOR WEST LITTLE LLAGAS CREEK TRAIL PROJECT

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Verde Design, Inc. for a not to exceed amount of \$199,895, for design of the West Little Llagas Creek Trail Project.

5. APPROVE FUNDING AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF SILICON VALLEY

Recommendation:

Authorize the City Manager to execute a funding agreement with the Boys and Girls Clubs of Silicon Valley for Park Place Apartments youth program services.

6. APPROVE SENIOR ACCOUNTANT SALARY RANGE AND AFSCME SALARY SCHEDULE

Recommendation:

1. Approve the Senior Accountant monthly salary range of \$7,220 - \$9,215; and
2. Approve the American Federation of State, County, and Municipal Employees (AFSCME) Salary Schedule.

7. APPROVE PURCHASE OF THREE UNMARKED POLICE VEHICLES

Recommendation:

1. Approve the purchase and build out of three new unmarked replacement vehicles for the Police Department for the not to exceed amount of \$138,212, which includes 10% contingency of \$12,565;
2. Approve repurposing of the existing three unmarked vehicles within the Police Department; and
3. Authorize the City Manager to approve the purchase order with Priority 1 Public Safety Equipment Installation, Inc.

8. ACCEPT 2018 PAVEMENT RESURFACING PROJECT

Recommendation:

1. Accept as complete, the 2018 Pavement Resurfacing Project, in the final amount of \$1,528,721;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

9. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – MONTEREY PARQUE – TRACT NO. 10331

Recommendation:

1. Accept the subdivision public improvements for Monterey Parque – Tract No. 10331;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

10. ACCEPT REPORT REGARDING CITY RECREATION PROGRAMS OVERVIEW

Recommendation:

Receive report.

11. ACCEPT MAY 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

12. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FISCAL YEAR 2018-19 (YEAR 4) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:

Accept the Annual Evaluation Report for FY 2018-19 (Year 4) of the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

13. AWARD TENNANT AVENUE SEWER MAIN PROJECT

Recommendation:

1. Approve Tennant Avenue Sewer Main Project plans and specifications;
2. Award contract to KJ Woods Construction for the Tennant Avenue Sewer Main Project in the amount of \$2,148,000;
3. Authorize expenditure of construction contingency funds not to exceed \$322,200; and
4. Authorize the City Manager to execute and administer the construction contract with KJ Woods Construction.

14. RATIFY CITY POSITION ON PENDING LEGISLATION; AB 516 AUTHORITY TO REMOVE VEHICLES, SB 13 ACCESSORY DWELLING UNITS, AB 68 LAND USE: ACCESSORY DWELLING UNITS, AB 1763 PLANNING AND ZONING: DENSITY BONUSES: AFFORDABLE HOUSING, AND SB 592 HOUSING ACCOUNTABILITY ACT

Recommendation:

1. Receive legislative correspondence in opposition of AB 516 Authority to remove vehicles;
2. Receive legislative correspondence in opposition of SB 13 Accessory dwelling units;
3. Receive legislative correspondence in opposition of AB 68 Land use: accessory dwelling units;
4. Receive legislative correspondence in opposition of AB 1763 Planning and zoning: density bonuses: affordable housing;
5. Receive legislative correspondence in opposition of SB 592 Housing Accountability Act; and
6. Ratify City's positions.

15. APPROVE THE JUNE 26, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

16. RECEIVE REPORT ON PREVENTATIVE GUN VIOLENCE MEASURES AND PROVIDE DIRECTION FOR FIREARMS SAFETY EDUCATION

Recommendation:

1. Accept report regarding preventative gun violence measures the City has implemented; and
2. Provide direction for firearms safety education.

Estimated Time: 30 Minutes

17. ACCEPT DONATION OF AN AMBULANCE TO FIRE AND APPROVE ASSOCIATED REQUIREMENTS TO PLACE IN SERVICE

Recommendation:

1. Accept the donation of an ambulance from Monterey County Regional Fire District;
2. Adopt resolution amending Fiscal Year 2019-20 adopted budget to appropriate \$100,000 from the General Fund and a transfer of \$25,000 from Fire Impact Fund (313) to the General Fund (010), for one-time costs to place the ambulance in service, operate the ambulance and the capability to bill for treatment and transport; and
3. Authorize the City Manager to approve, amend and execute agreements to operate the ambulance within Santa Clara County Emergency Medical Services (EMS) and other agencies that are required to place the ambulance in service for use.

Estimated Time: 15 Minutes

18. APPROVE SECOND AMENDMENT TO THE 911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA TO EXTEND THE TERM OF THE AGREEMENT AND THE USE OF THE MEDICAL PRIORITY DISPATCH SYSTEM

Recommendation:

1. Approve the Second Amendment to the Agreement with the County of Santa Clara Emergency Medical Services Agency relating to providing 911 emergency medical services extending the Agreement for a 36-month period through June 30, 2022;
2. Authorize the City Manager to include ambulance transport services provided by Morgan Hill Fire in the Second Amendment, subject to Council action on Agenda Item #17 - Ambulance Donation; and
3. Authorize the City Manager to execute the agreement.

Estimated Time: 5 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(a)
Case Name: Patton et al. v. City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court Case No. 16-CV-303044
Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government. Code Section 54956.9(d)(1)
Case Name: Brandon v. City of Morgan Hill and Innovative Claim Solutions, Inc.
Case Numbers: Workers' Compensation Claim Nos:

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment
- Maintaining Fiscal Responsibility
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation



CALIFORNIA HIGH-SPEED RAIL NORTHERN CALIFORNIA REGION

Staff-Recommended State's Preferred Alternative

City of Morgan Hill City Council Presentation
Wednesday, July 17, 2019



OBJECTIVE

Share **staff-recommended State's Preferred Alternative** and process for identifying the State's Preferred Alternative.

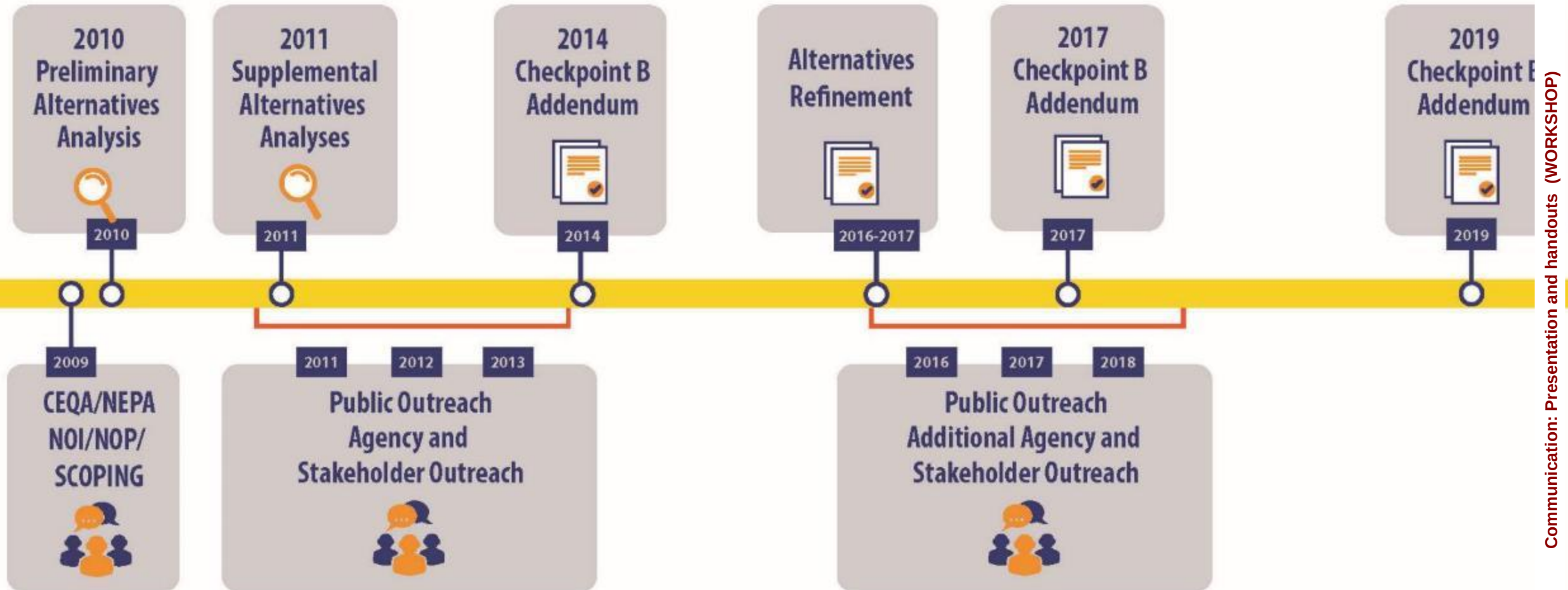
- The staff-recommended State's Preferred Alternative is based on stakeholder input and analyses completed to date.
- All alternatives will be analyzed at an equal level of detail and described in the published Draft EIR/EIS.
- Staff will summarize the comments received during planned outreach and report to the Authority Board for consideration with the recommended State's Preferred Alternative on September 17, 2019.
- Identifying the State's Preferred Alternative does not approve or adopt a preferred alternative for final design or construction.

SAN JOSE TO MERCED PROJECT SECTION

REFINING THE ALTERNATIVES:
Collaboration with Partner Agencies,
Stakeholders, and Members of the Public

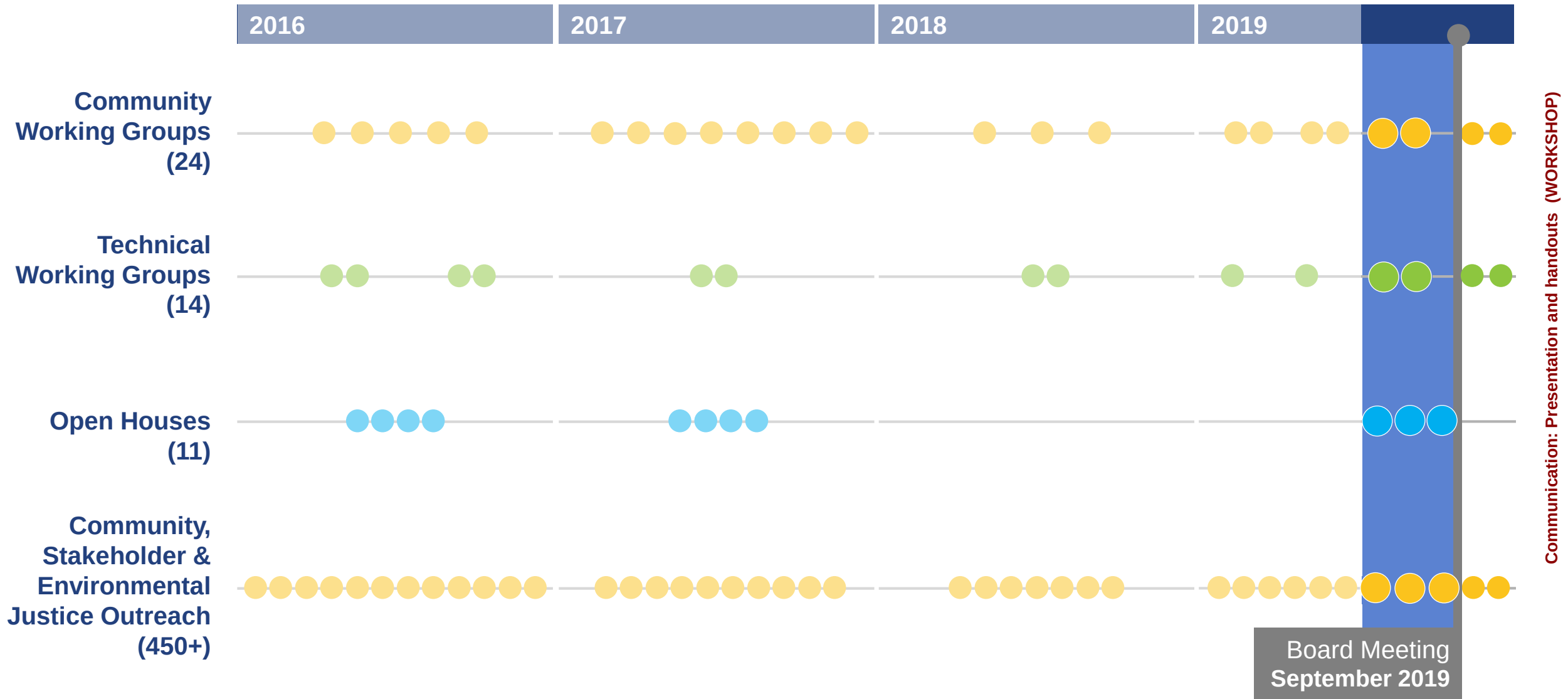


ALTERNATIVES DEVELOPMENT PROCESS



SAN JOSE TO MERCED COMMUNITY OUTREACH

2016 – 2019



INTERFACING WITH NORTHERN CALIFORNIA AGENCIES

2018 – 2019

AGENCY	ALIGNMENTS	WATER MANAGEMENT	WILDLIFE CROSSINGS	TRANSPORTATION/ ROADS	ENGINEERING/ DESIGN	LAND USE	JOINT OUTREACH	2018 BUSINESS PLAN
California Highway Patrol	●			●				●
California Strategic Growth Council	●		●		●	●		●
Caltrain	●			●	●		●	●
Caltrans Districts 4, 5, and 10	●			●	●			●
City of Gilroy	●	●		●	●	●	●	●
City of Morgan Hill	●	●		●	●	●	●	●
City of San Jose	●	●		●	●	●	●	●
Floodplain Administrators and Managers	●	●			●			●
Metropolitan Transportation Commission	●			●		●		●
Mineta San Jose International Airport	●				●			●
Pathways for Wildlife	●		●					●
Peninsula Open Space Trust	●		●					●
Santa Clara County Parks	●	●	●			●		●
Santa Clara County Planning Department	●	●			●			●
Santa Clara County Roads & Airports	●			●				●
Santa Clara Valley Habitat Agency	●		●		●	●		●
Santa Clara Valley Open Space Authority	●	●	●					●
Santa Clara Valley Transportation Authority	●			●	●	●	●	●
Santa Clara Valley Water District	●	●			●			●
The Nature Conservancy	●		●			●		●

Communication: Presentation and handouts (WORKSHOP)

STATE'S PREFERRED ALTERNATIVE



Communication: Presentation and handouts (WORKSHOP)

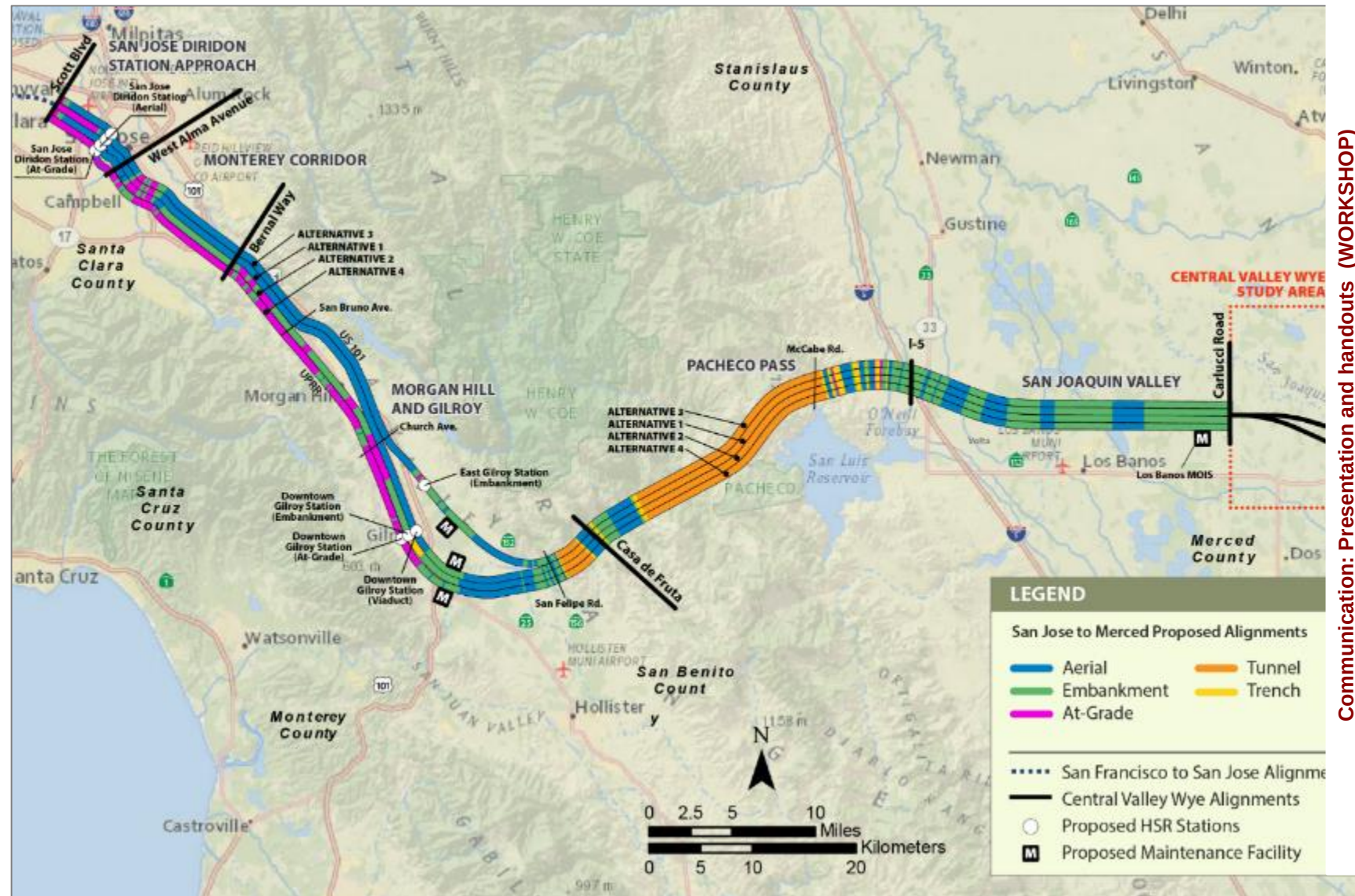
SAN JOSE TO MERCED PROJECT SECTION

ALTERNATIVES OVERVIEW



SAN JOSE TO MERCED RANGE OF ALTERNATIVES

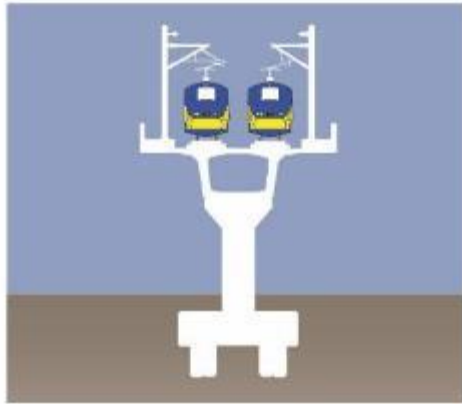
- San Jose to Merced Project Section
- 4 end-to-end alternatives
- Some alternatives are the same for a part of the route



CROSS SECTIONS IN MORGAN HILL

MAIN AVE TO TENNANT AVE

Viaduct

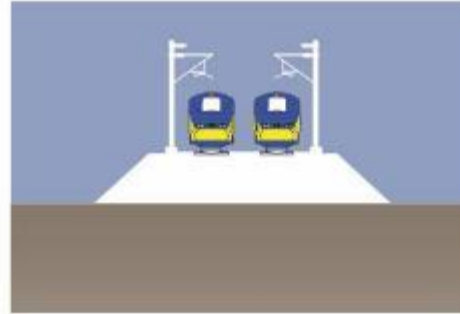


Two high-speed rail tracks on an aerial structure

Height: 50' to 63'
ROW Width: 50' to 193'

Alternative 1 & 3

Embankment

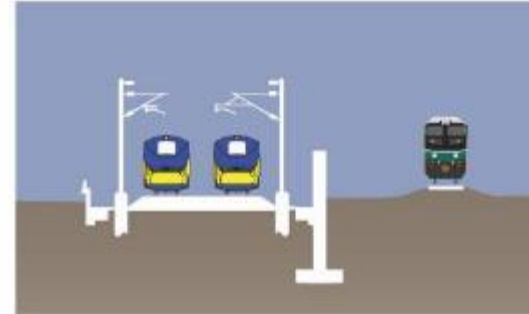


Two high-speed rail tracks on an earthen embankment

Height: 5' to 18'
ROW Width: ~92'

Alternative 2

Dedicated At-Grade



Two high-speed rail tracks at ground level adjacent to existing freight tracks

Height: 3' to 5'
ROW Width: ~86'

Blended At-Grade



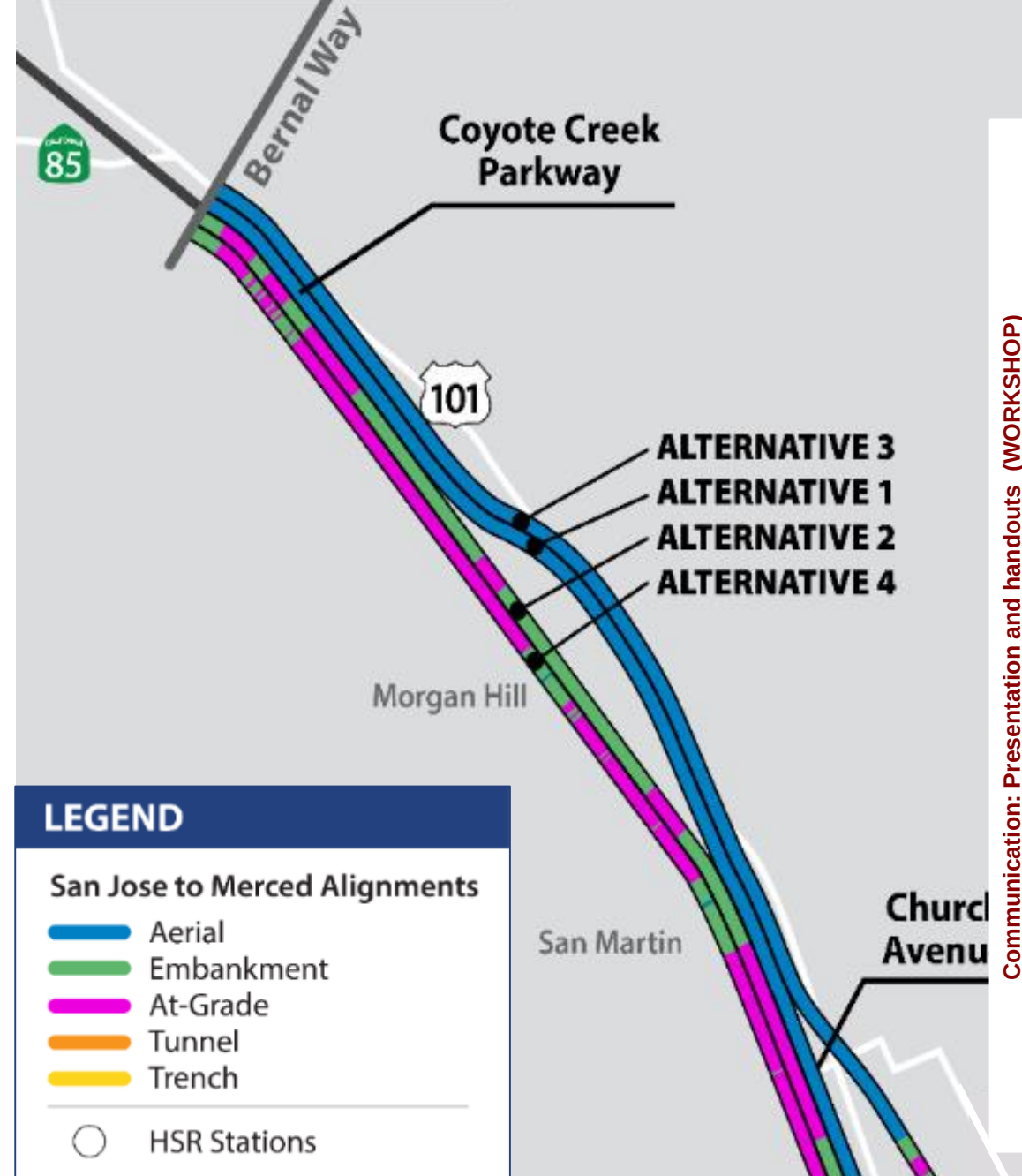
Two electrified, blended passenger tracks (with Caltrain) and one non-electrified freight track at ground level

Height: 0' to 5'
ROW Width: ~57' to 60'
ROW at Caltrain Station: 114'

Alternative 4

MORGAN HILL TO SAN MARTIN

- **Alternatives 1 and 3**
 - » Viaduct
 - » Bypass downtown Morgan Hill
- **Alternative 2**
 - » Grade-separated embankment
 - » Through downtown Morgan Hill
- **Alternative 4**
 - » At-grade
 - » Predominantly in existing UPRR right-of-way



SAN JOSE TO MERCED PROJECT SECTION

IDENTIFYING A PREFERRED ALTERNATIVE



STATE'S PREFERRED ALTERNATIVE CRITERIA

System Performance, Operations, & Costs

- Alignment Length
- Operational Speed
- Proximity to Transit Corridors
- Travel Time
- Capital Costs
- Operations & Maintenance Costs

Preferred Alternative Criteria

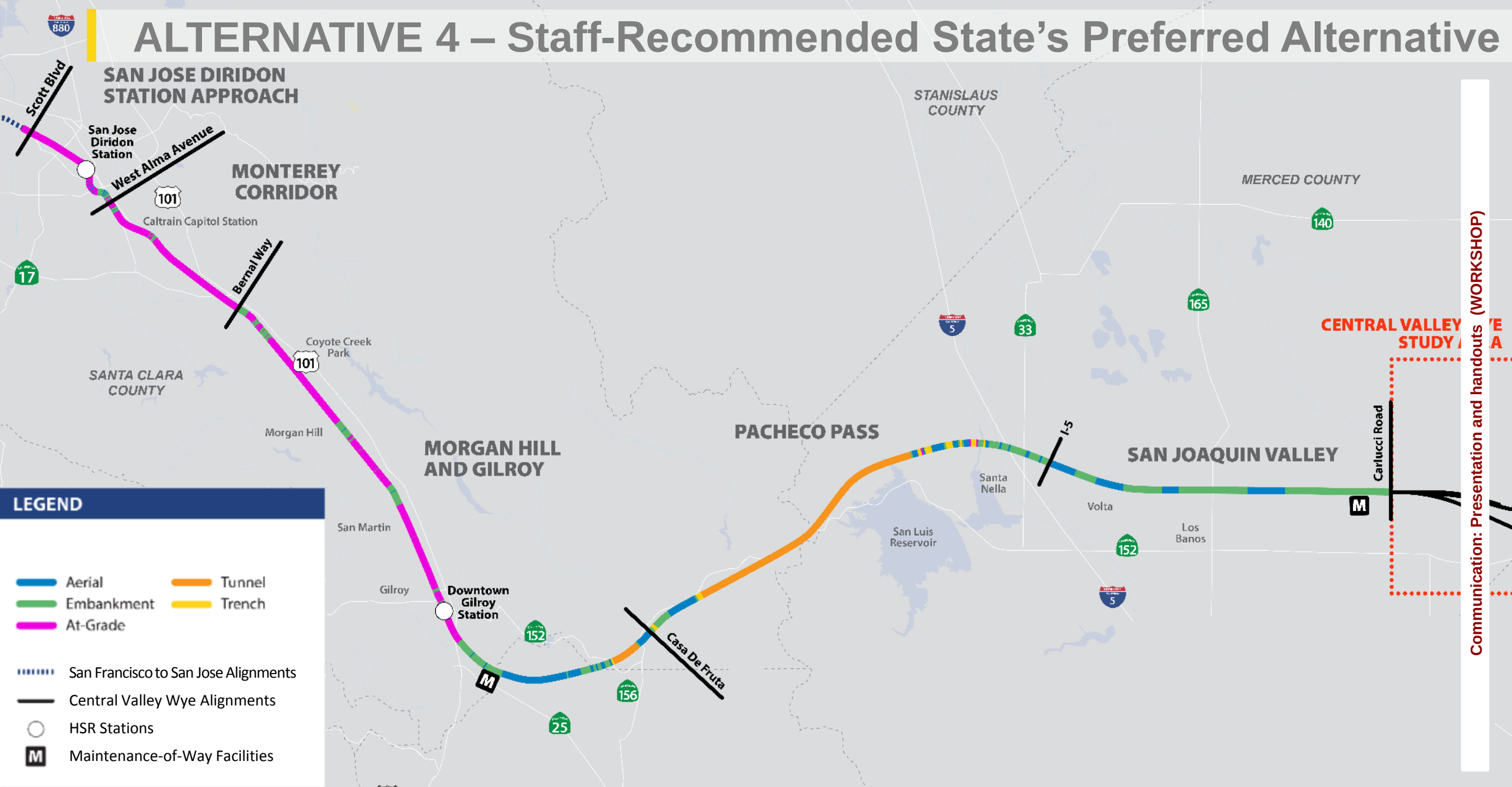
Environmental Factors

- Biological Resources and Wetlands and Other Waters of the U.S.
- Parks and Recreation Areas
- Built Environment Historic Resources

Community Factors

- Displacements
- Agricultural Lands
- Aesthetics and Visual Quality
- Land Use and Development
- Noise
- Traffic
- Emergency Vehicle Access/ Response Time

ALTERNATIVE 4 – Staff-Recommended State’s Preferred Alternative



SUMMARY OF ALTERNATIVES EVALUATION – SYSTEM PERFORMANCE, OPERATIONS, & COSTS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length			●	
Operational Speed — San Jose to Gilroy		●		
Operational Speed — Gilroy to Central Valley Wye	No difference			
Proximity to existing transit corridors		●		●
Travel time — San Jose and Gilroy			●	
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs				●
Estimated annual operations and maintenance costs	No difference			

● Best-performing alternative

SUMMARY OF ALTERNATIVES EVALUATION – COMMUNITY FACTORS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements				●
Commercial displacements (#)				●
Agricultural displacements (#)				●
Community or public facilities displacements				●
Commercial displacements (square footage)	●			
Agricultural structure displacements (square footage)	●			
Permanent conversion of important farmland				●
Visual quality effects				●
Consistency with Gilroy General Plan	●	●		●
Noise impacts with noise barrier mitigation			●	

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Increase in 2040 peak travel time on Monterey Road (NB — AM/PM, SB — AM/PM)				●
Permanent road closures			●	●
Amount of mitigation needed to minimize emergency vehicle delays	●	●	●	
EJ proportion of total impacts on local views		●		●
EJ proportion of total residential displacements			●	●
EJ proportion of total business displacements			●	
Amount of mitigation required to address effects on emergency vehicle response times (EJ)	●		●	
EJ proportion of total noise impacts			●	

● Best-performing alternative (fewest environmental impacts)

SUMMARY OF ALTERNATIVES EVALUATION – ENVIRONMENTAL FACTORS

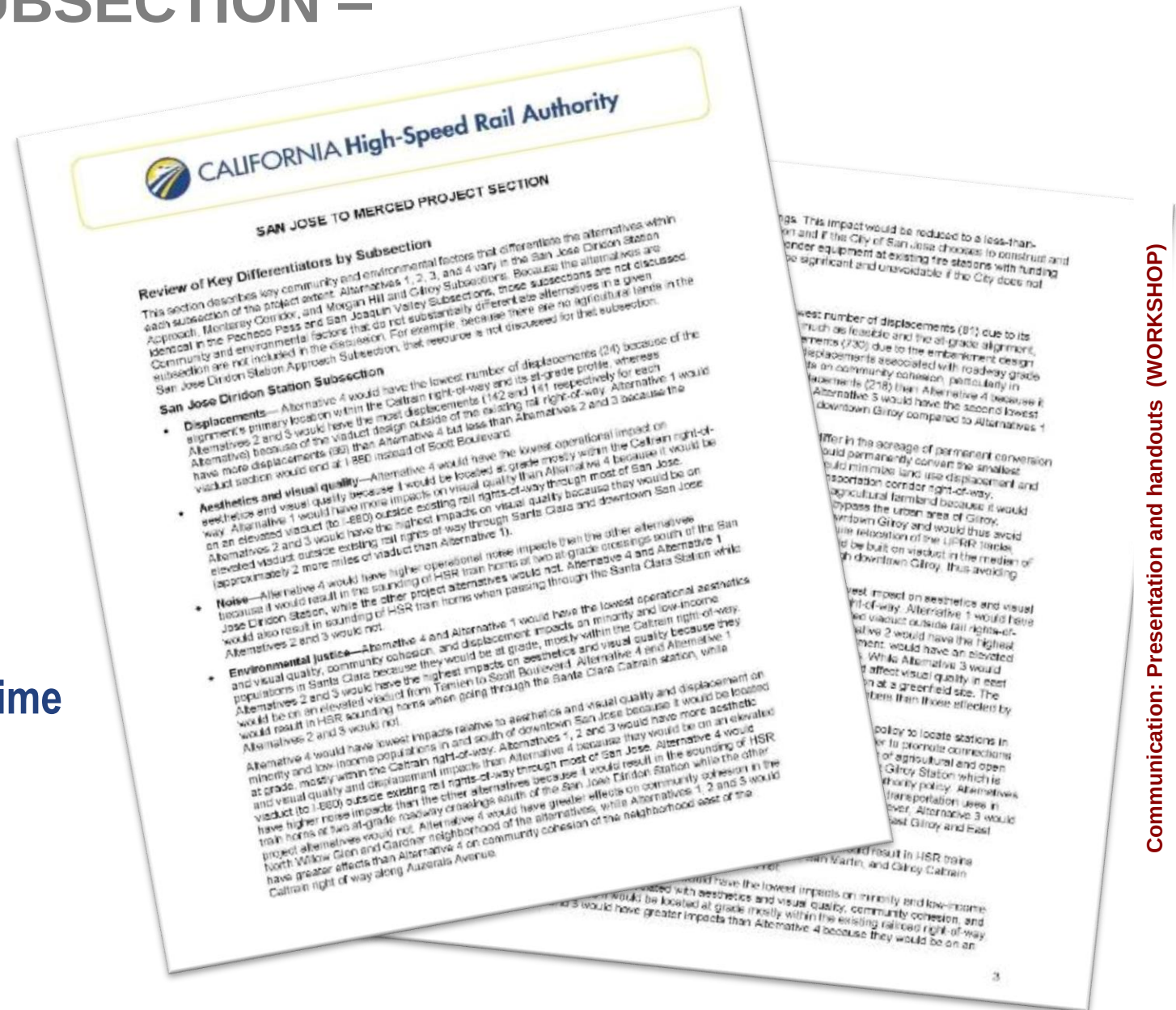


CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Waters and wetlands				●
Habitat for listed plant species				●
Habitat for listed wildlife species (California tiger salamander)				●
Wildlife corridor impacts	●	●		●
Conservation areas	●			●
Permanent use of 4(f)/6(f) park resources				●
Permanent adverse effects on NRHP-listed/eligible resources				●
Permanent significant impacts on CEQA-only historic resources			●	●

● Best-performing alternative (fewest environmental impacts)

MORGAN HILL/GILROY SUBSECTION – KEY DIFFERENTIATORS

- Displacements
- Agricultural Farmland
- Aesthetics and Visual Quality
- Land Use and Development
- Noise
- Environmental Justice
- Biological Resources
- Build Environment Historic Resources
- Emergency Vehicle Access/Response Time



ALTERNATIVE 4 – Staff-Recommended State’s Preferred Alternative

Conclusions of Technical Analysis



Fewest displacements



Fewest road closures



Fewest impacts on wetlands and habitats



Good access to transit systems and services



Fewest impacts on natural resources



Fewest visual impacts



Marginal increase in system travel time



More noise (if no quiet zones)



Lowest capital cost



Allows for extension of electrified Caltrain service to Gilroy

FACT SHEETS: TECHNICAL ANALYSIS



ALTERNATIVES EVALUATION FOR SAN FRANCISCO TO SAN JOSE PROJECT SECTION

WHY IS STAFF RECOMMENDING ALTERNATIVE A AS THE STATE'S PREFERRED ALTERNATIVE?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the two alternatives. The results indicate that each alternative has tradeoffs – advantages and disadvantages. Nevertheless, Alternative A was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community, and environmental factors. The factors that differentiate the two alternatives are presented in the tables below.

HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives A & B were evaluated by comparing the alternatives across three criteria:



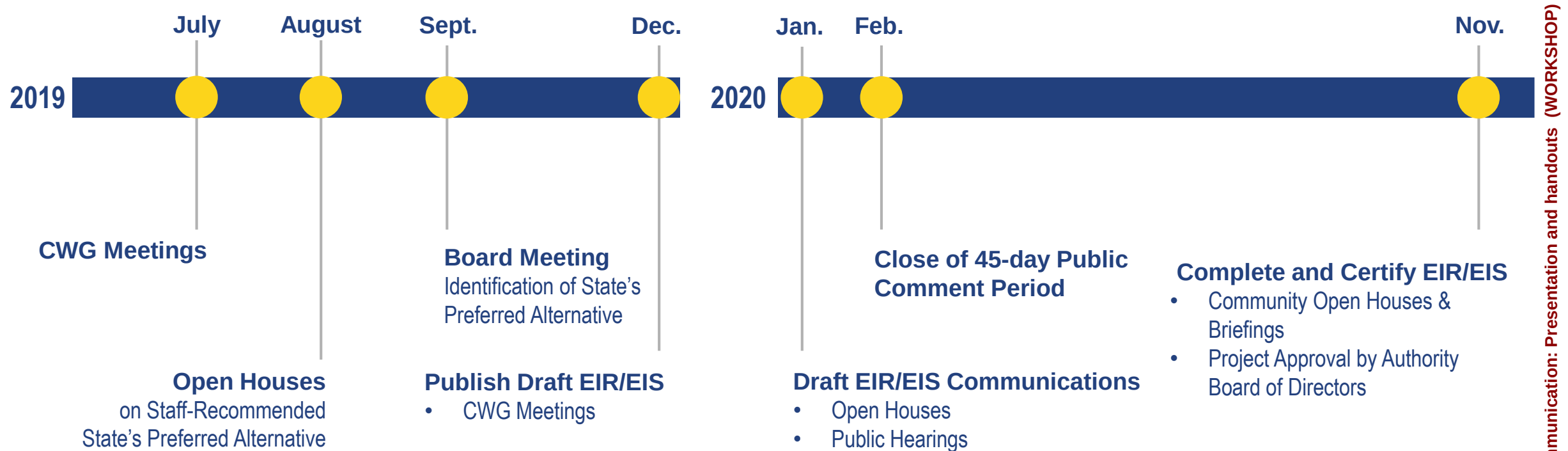
System Performance, Operations, and Costs. The best-performing alternative is **bold**.

CRITERIA	ALT A	ALT B
Alignment length (miles)	42.9	
Speed Capacity (mph)	Up to 110	
HSR Peak Hour Average Representative Travel Time San Francisco to San Jose (minutes)	47	45
Proposition 1A Service Travel Time Compliance	✓	✓
Estimated Capital Costs (2017\$)	\$2.6 billion	\$3.5 billion
Estimated Annual Operations and Maintenance Costs (2017\$)	\$78 million	
Caltrain Peak Hour Average Representative Travel Time (minutes)	63	65

NEXT STEPS & OUTREACH UPDATE



NEXT STEPS



Communication: Presentation and handouts (WORKSHOP)

COMMUNITY WORKING GROUP MEETINGS

Morgan Hill-Gilroy CWG

July 10, 6:00 – 8:00 pm

Morgan Hill Community and Cultural Center

Morgan Hill, CA

San Jose CWG

July 16, 6:00 – 8:00 pm

Leininger Center

San Jose, CA

San Francisco CWG

July 22, 6:00 – 8:00 pm

Bay Area Metro Center

San Francisco, CA

San Mateo County CWG

July 24, 6:00 – 8:00 pm

Burlingame Library

Burlingame, CA

*One-on-one briefings will be scheduled by request
with South Peninsula CWG members*

OPEN HOUSES

South Peninsula Open House
August 6, 5:00 to 8:00 p.m.
Adrian Wilcox High School
Santa Clara, CA

San Francisco Open House
August 12, 5:00 to 8:00 p.m.
Bay Area Metro Center
San Francisco, CA

San Mateo Open House
August 19, 5:00 to 8:00 p.m.
Sequoia High School
Redwood City, CA

Gilroy Open House
August 8, 5:00 to 8:00 p.m.
Gilroy Portuguese Hall
Gilroy, CA

San Jose Open House
August 15, 5:00 to 8:00 p.m.
City Hall Council Chambers
San Jose, CA

Los Banos Open House
August 21, 5:00 to 8:00 p.m.
Los Banos Community Center
Los Banos, CA

REQUEST FOR COMMUNITY FEEDBACK

CALIFORNIA HIGH-SPEED RAIL

Please share the information presented today with your communities and give us your feedback.

- Comments will be accepted through **August 22, 2019** to be included in the staff report to the Authority Board.
- Comments can be submitted via email to San.Jose_Merced@hsr.ca.gov or via mail to: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

OR

- Share feedback in person at an upcoming Open House or at the **Authority Board meeting on September 17 in San Jose, CA.**



Headquarters

California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814
www.hsr.ca.gov



Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

APPENDIX A – MORGAN HILL DETAIL

SAN JOSE TO MERCED PROJECT SECTION



DISPLACEMENTS

Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# structural improvements)	49	53	49	40
Community or public facilities displacement (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000

Example: overlay of footprint in rural area



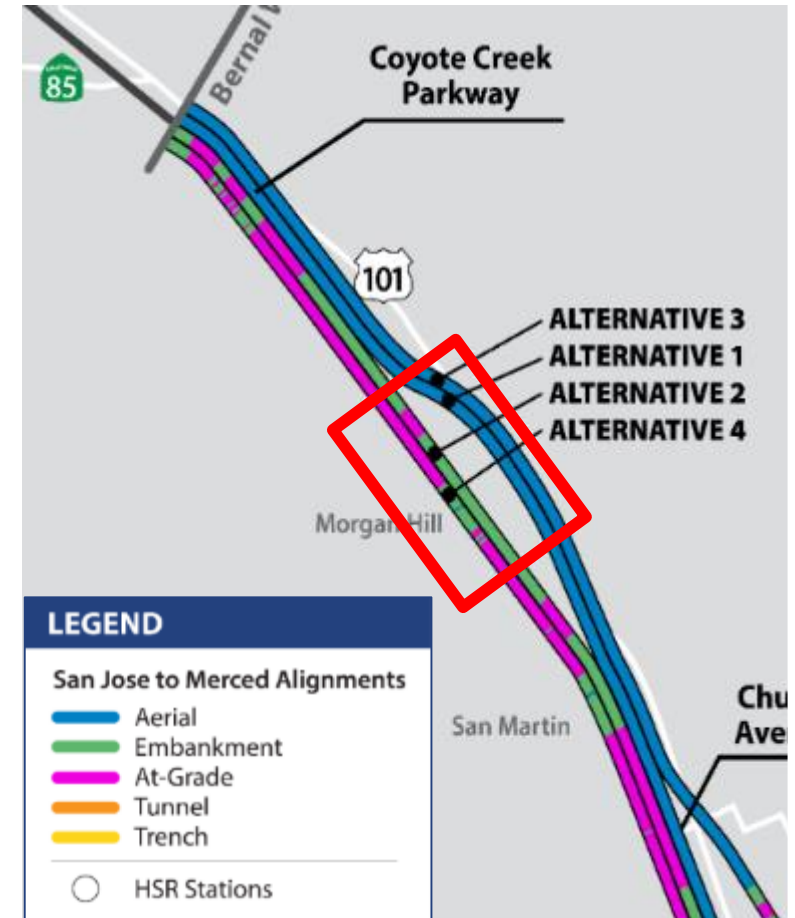
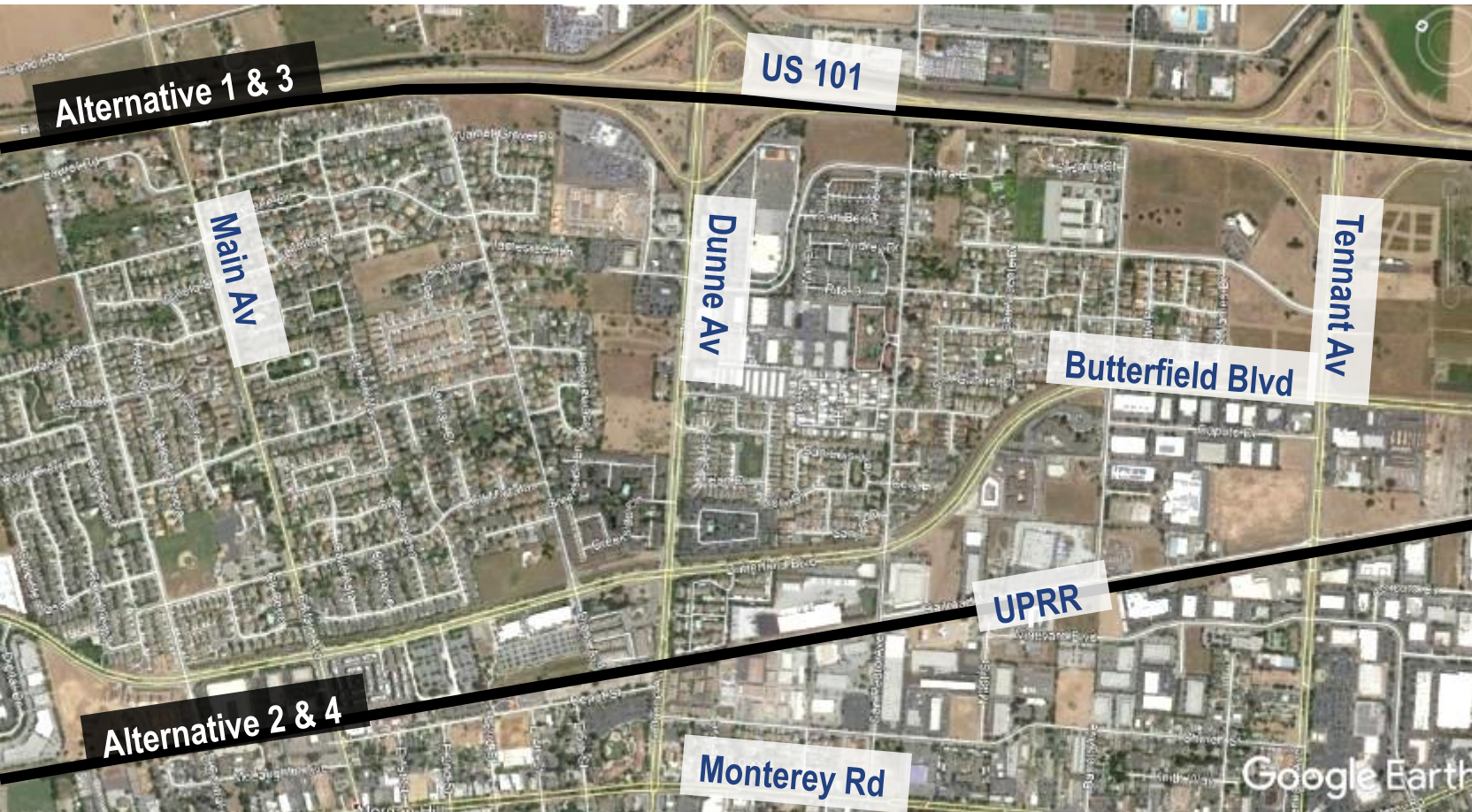
Example: overlay of footprint in urban area



MORGAN HILL OVERVIEW

MAIN AVE TO TENNANT AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



Communication: Presentation and handouts (WORKSHOP)

MORGAN HILL

DUNNE AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

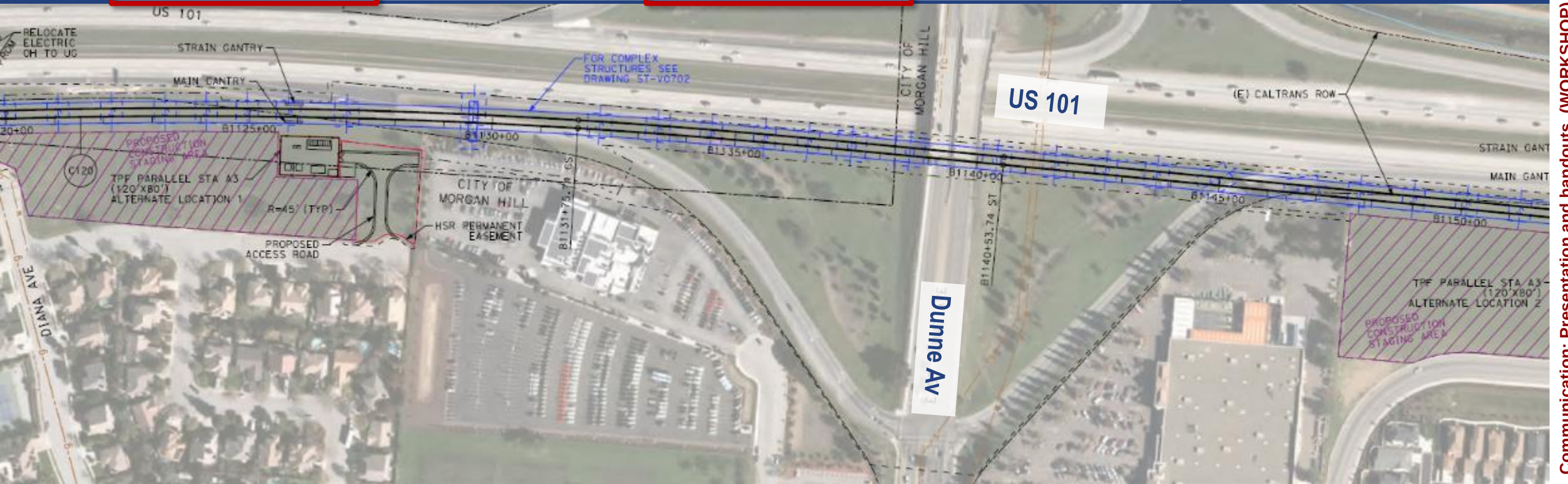
Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



Communication: Presentation and handouts (WORKSHOP)

MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

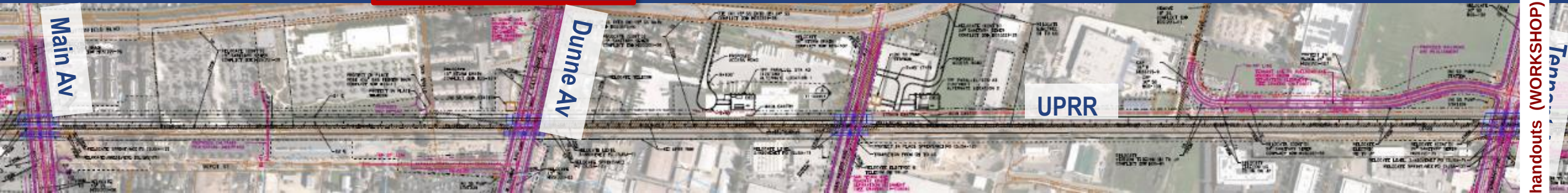
Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



Communication: Presentation and handouts (WORKSHOP)

MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



Communication: Presentation and handouts (WORKSHOP)

DUNNE AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4	
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade	



MORGAN HILL

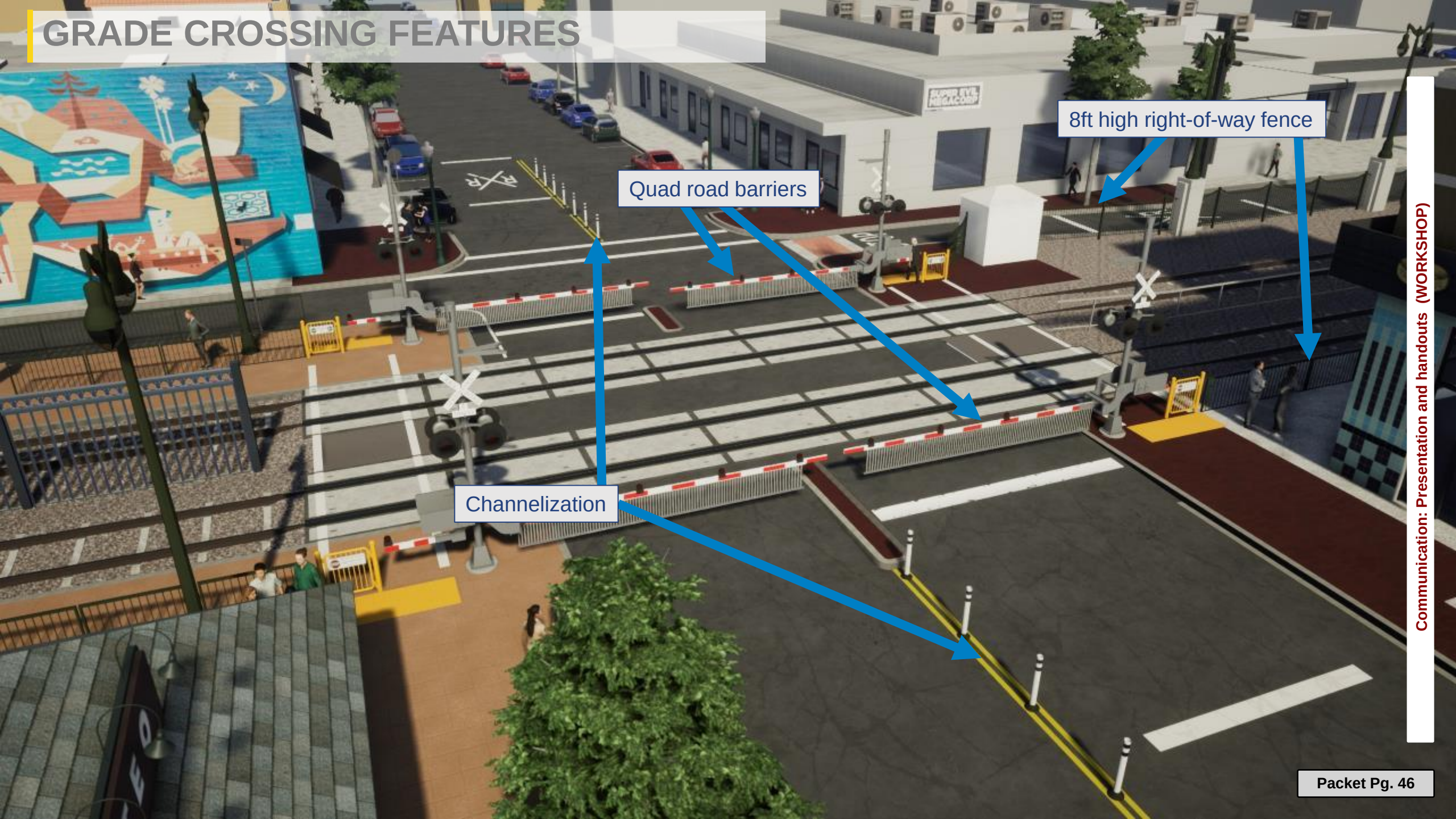
DUNNE AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



Communication: Presentation and handouts (WORKSHOP)

GRADE CROSSING FEATURES



Quad road barriers

8ft high right-of-way fence

Channelization

Communication: Presentation and handouts (WORKSHOP)

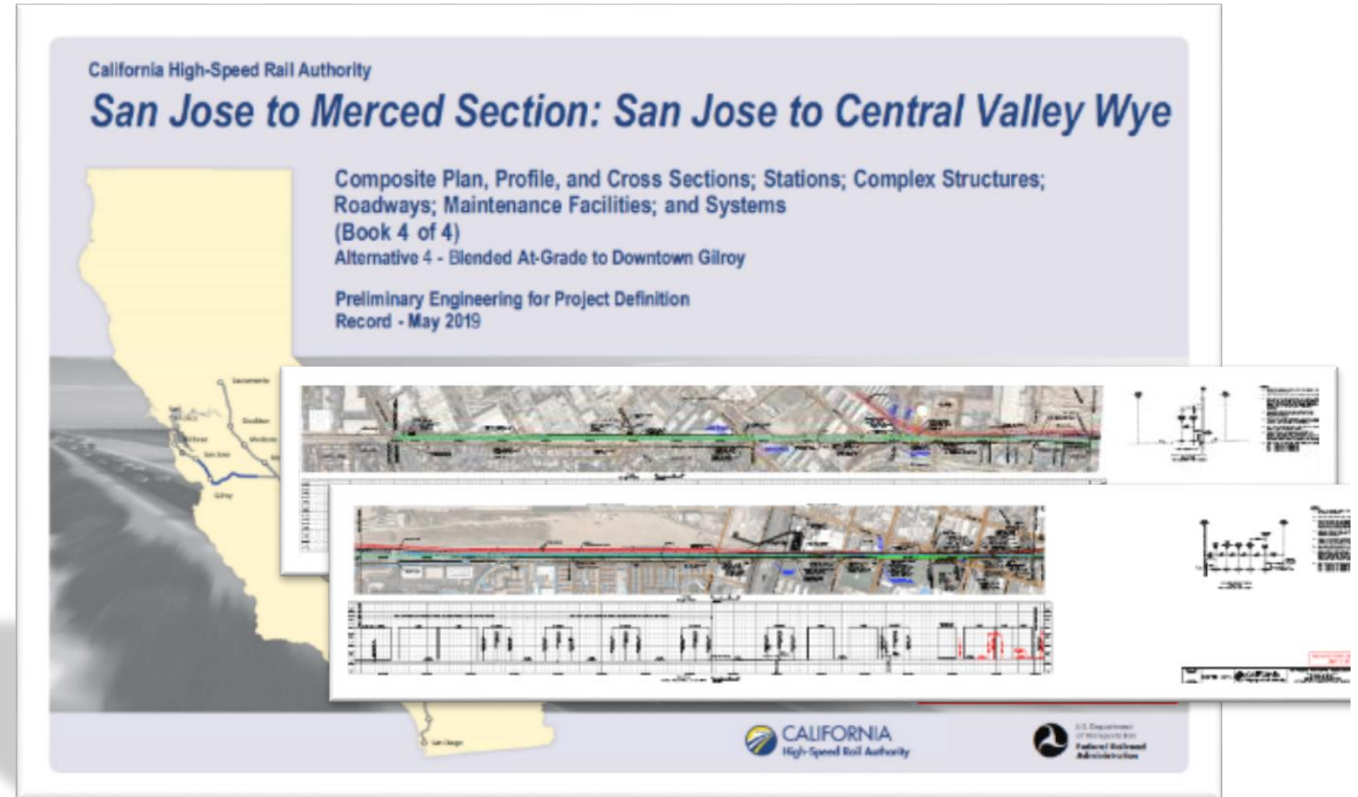
ACCESS TO PEPD

Contact Edith Ramirez or Tiffany Brown to view Preliminary Engineering Project Definition design files of all four alternatives, including:

 Google Earth KMZ

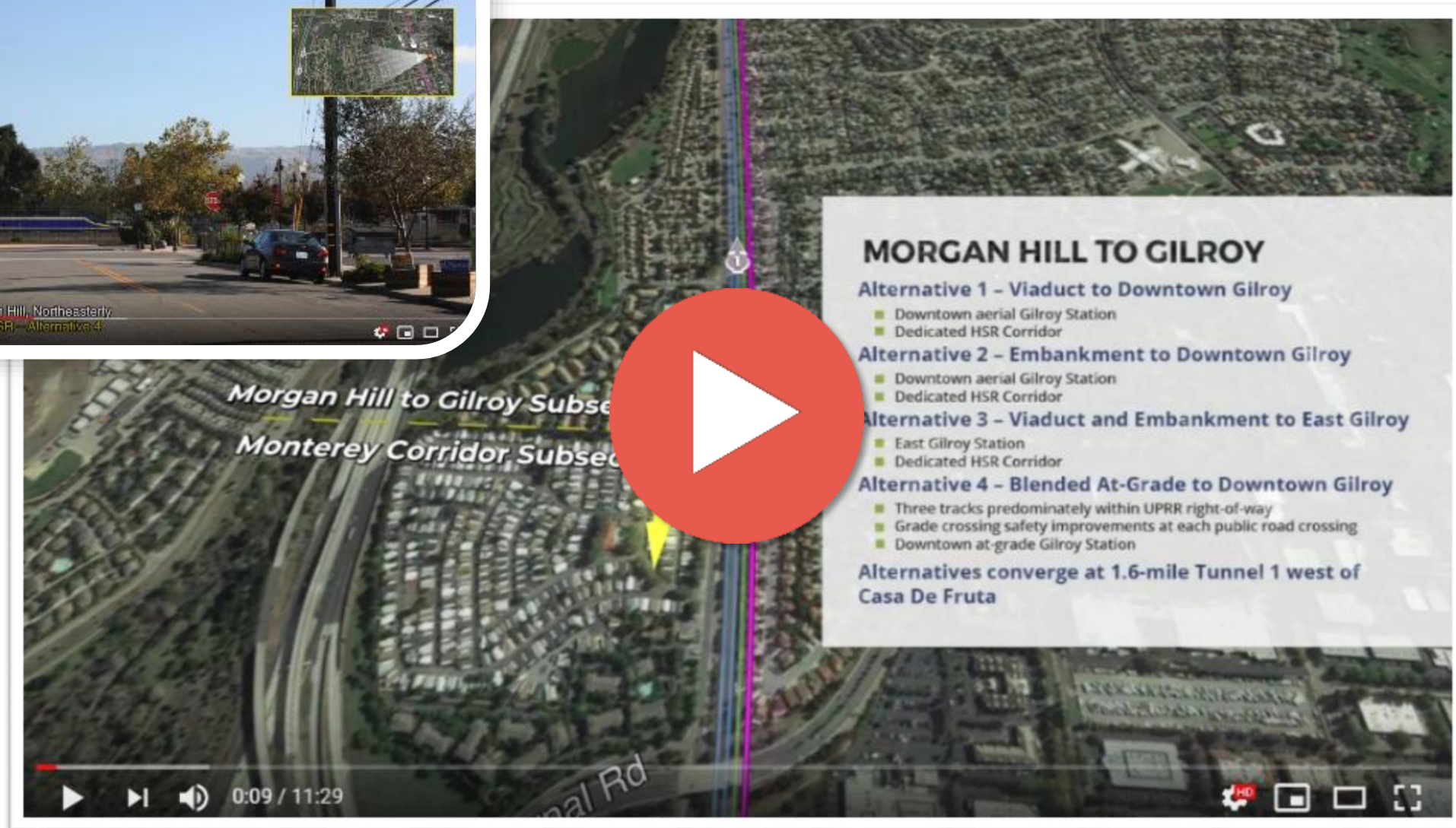
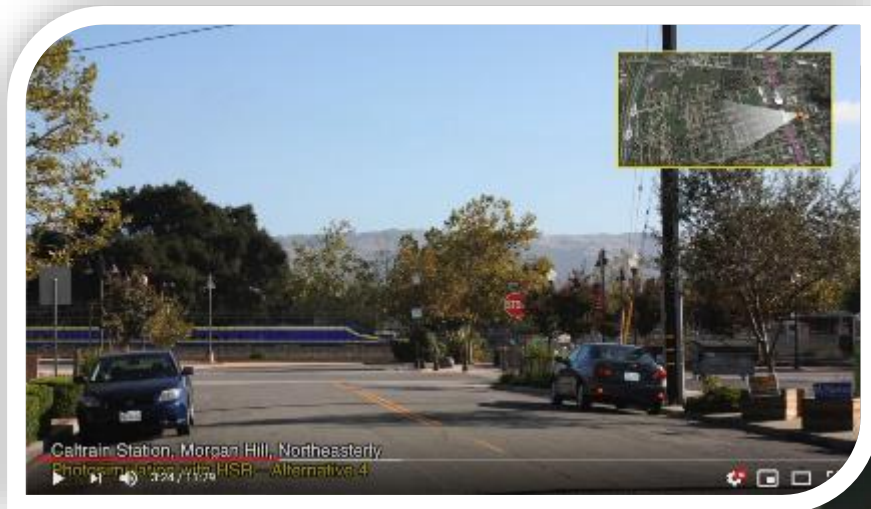
 GIS Shapefiles

 Plan sets



Communication: Presentation and handouts (WORKSHOP)

FLYOVER VIDEO & KEY VIEW POINTS



APPENDIX B – EVALUATION FACTORS

SAN JOSE TO MERCED PROJECT SECTION



SYSTEM PERFORMANCE, OPERATIONS, AND COSTS

Bold text in tables indicates best-performing alternative(s).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles)	43	50	35	50
Peak hour average representative travel time between San Jose and Gilroy (minutes) ¹	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs (2017\$ billions) ²	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs (2017\$ millions) ³	\$162			

¹Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

²Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

³Based on level of design sufficient to analyze potential environmental impacts.

AGRICULTURAL LANDS



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Permanent conversion of Important Farmland (i.e. Prime Farmland, Farmland of State Importance, and Farmland of Local Importance (acres))	1,036	1,181	1,193	1,033



Alternatives 1 and 3 traction power facility on agricultural land

AESTHETICS AND VISUAL QUALITY



Bold text in tables indicates best-performing alternative(s) (least community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Visual Quality Effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way



LAND USE AND DEVELOPMENT



Bold text in tables indicates best-performing alternative(s) (least community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Consistency with City of Gilroy General Plan policy to encourage transit-oriented development (TOD) in downtown	Yes	Yes	No	Yes



- Low/ Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Parks/ Recreation/ Open Space
- Public Facilities
- Agriculture

Planned Land Use (Current Zoning)

Downtown
Gilroy Station

East Gilroy
Station



NOISE

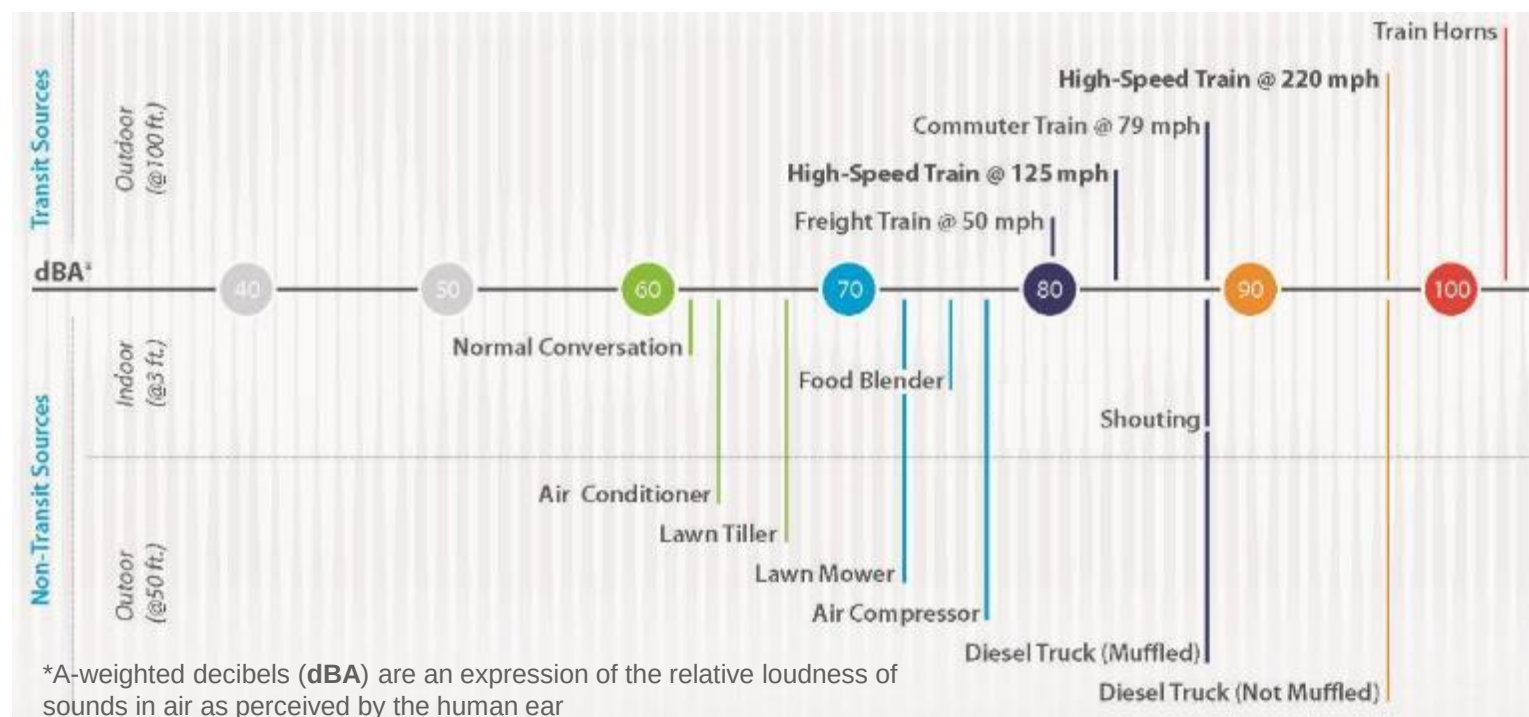


Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Severe noise impacts with noise barrier mitigation (# of sensitive receptors)	231	194	173	275
Severe noise impacts with noise barrier mitigation and if local municipalities implement quiet zones (# of sensitive receptors)	223	194	173	179

The Sound of High-Speed Train Travel

Typical Maximum Noise Levels Before Mitigation



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent road closures — San Jose to Gilroy	10	19	8	8
Permanent road closures — Gilroy to Carlucci Rd	7			



Alternatives 1, 2, and 3:
Simulated view of I-280 in San Jose

Communication: Presentation and handouts (WORKSHOP)

EMERGENCY VEHICLE ACCESS/RESPONSE TIME

Bold text in tables indicates best-performing alternative(s) (lowest level of mitigation required).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Increase in 2040 peak travel time on Monterey Road (northbound AM/PM, southbound AM/PM, minutes)	NB 8/20 SB 6/12	NB 27/5 SB 16/17	NB 8/20 SB 6/12	NB 0/5 SB 1/8
Areas of potential delay to emergency vehicle response times	Monterey Corridor due to Monterey Road narrowing			Monterey Corridor, Morgan Hill, Gilroy due to gate-down time
Types of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, additional emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services



Communication: Presentation and handouts (WORKSHOP)



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA (within low-income or minority communities)	ALT 1	ALT 2	ALT 3	ALT 4
EJ proportion of total significant and unavoidable impacts on local views ¹	50%	N/A²	67%	N/A²
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ³	49%	65%	45%	76%

¹As indicated by impacts on visual landscape units.

²These alternatives have no significant and unavoidable impacts on visual landscape units.

³Noise impacts after noise barrier mitigation.

BIOLOGICAL RESOURCES AND WETLANDS AND OTHER WATERS OF THE U.S.

Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species with the most impacts overall (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Permanent impacts on conservation areas (acres)	427	432	481	427

PARKS AND RECREATION AREAS

Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

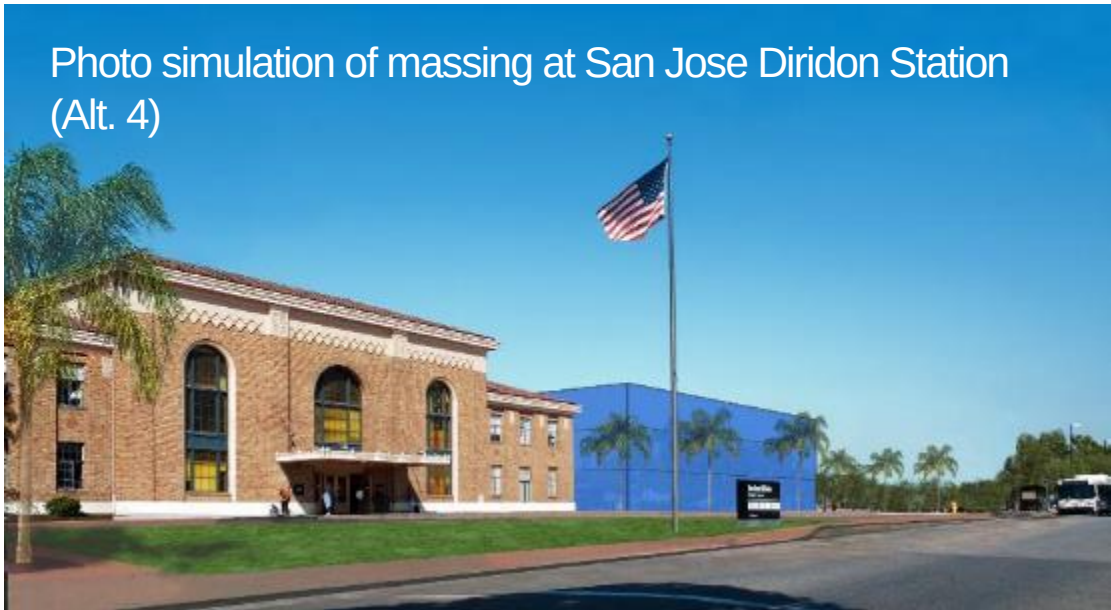
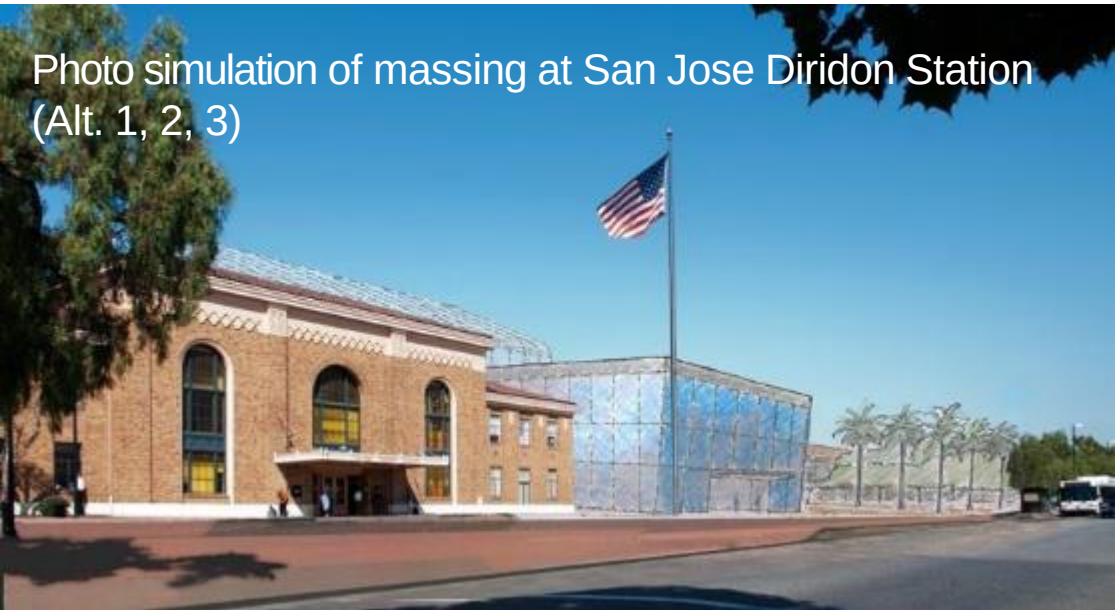
CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent use of 4(f)/6(f) park resources (#)	4	6	5	3
(acres)	4.8	7.4	5.0	1.4



BUILT ENVIRONMENT HISTORIC RESOURCES

Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Number of permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Number of permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1



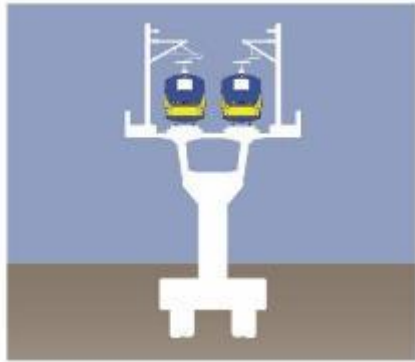
APPENDIX C – SUPPLEMENTAL

SAN JOSE TO MERCED PROJECT SECTION



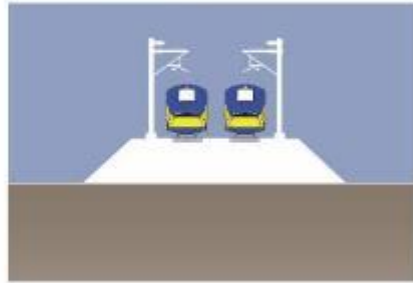
TYPICAL CROSS SECTIONS

Viaduct



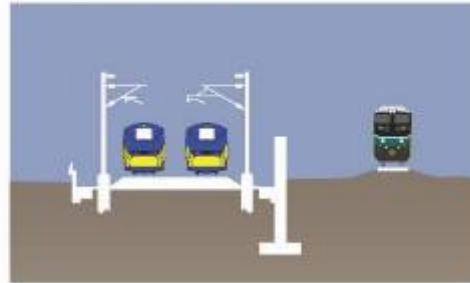
Two high-speed rail tracks on an aerial structure

Embankment



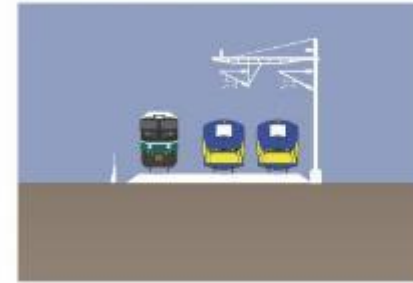
Two high-speed rail tracks on an earthen embankment

Dedicated At-Grade



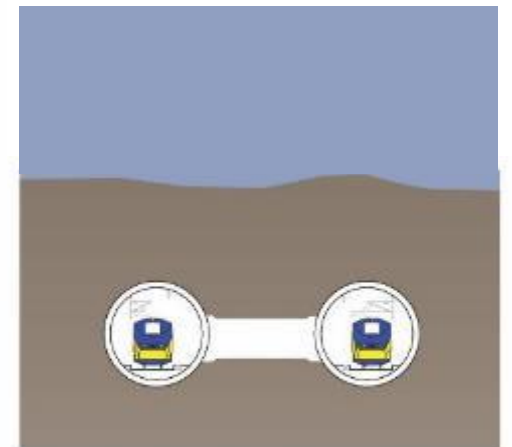
Two high-speed rail tracks at ground level adjacent to existing freight tracks

Blended At-Grade



Two electrified, blended passenger tracks (with Caltrain) and one non-electrified freight track at ground level

Tunnel



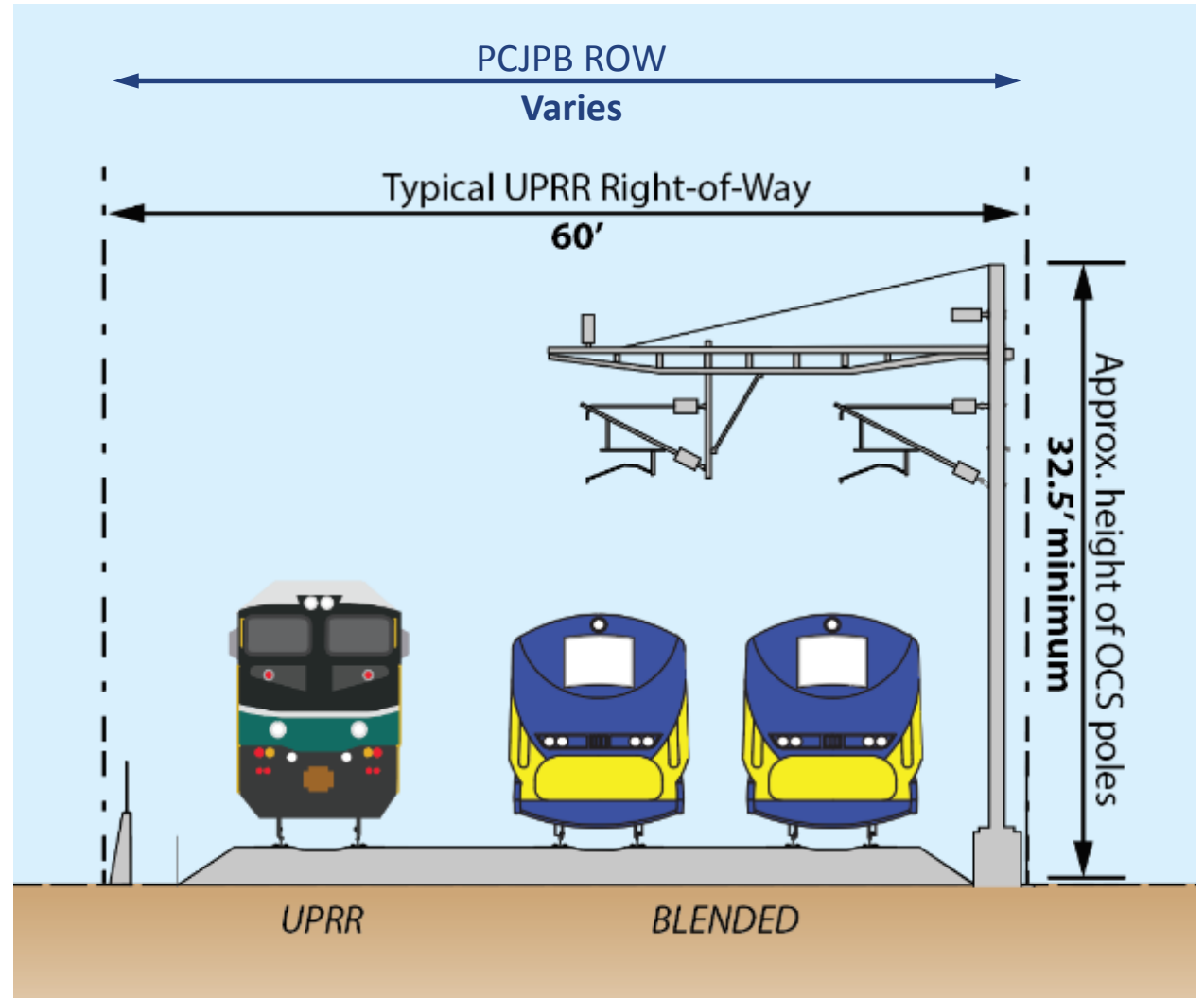
Twin bore tunnel through the Pacheco Pass

TYPICAL CROSS SECTION

BLENDED AT-GRADE

Features:

- Two electrified tracks and one conventional track
- Predominantly within the existing railroad ROW
- At-grade tracks with quad gates at each road crossing



SAN JOSE DIRIDON STATION APPROACH

- **Alternative 1**
 - » Short Viaduct to I-880
 - » Aerial Diridon Station
- **Alternatives 2 and 3**
 - » Long Viaduct to Scott Blvd.
 - » Aerial Diridon Station
- **Alternative 4**
 - » At-grade alignment predominantly in existing railroad right-of-way
 - » At-grade Diridon Station



MONTEREY CORRIDOR

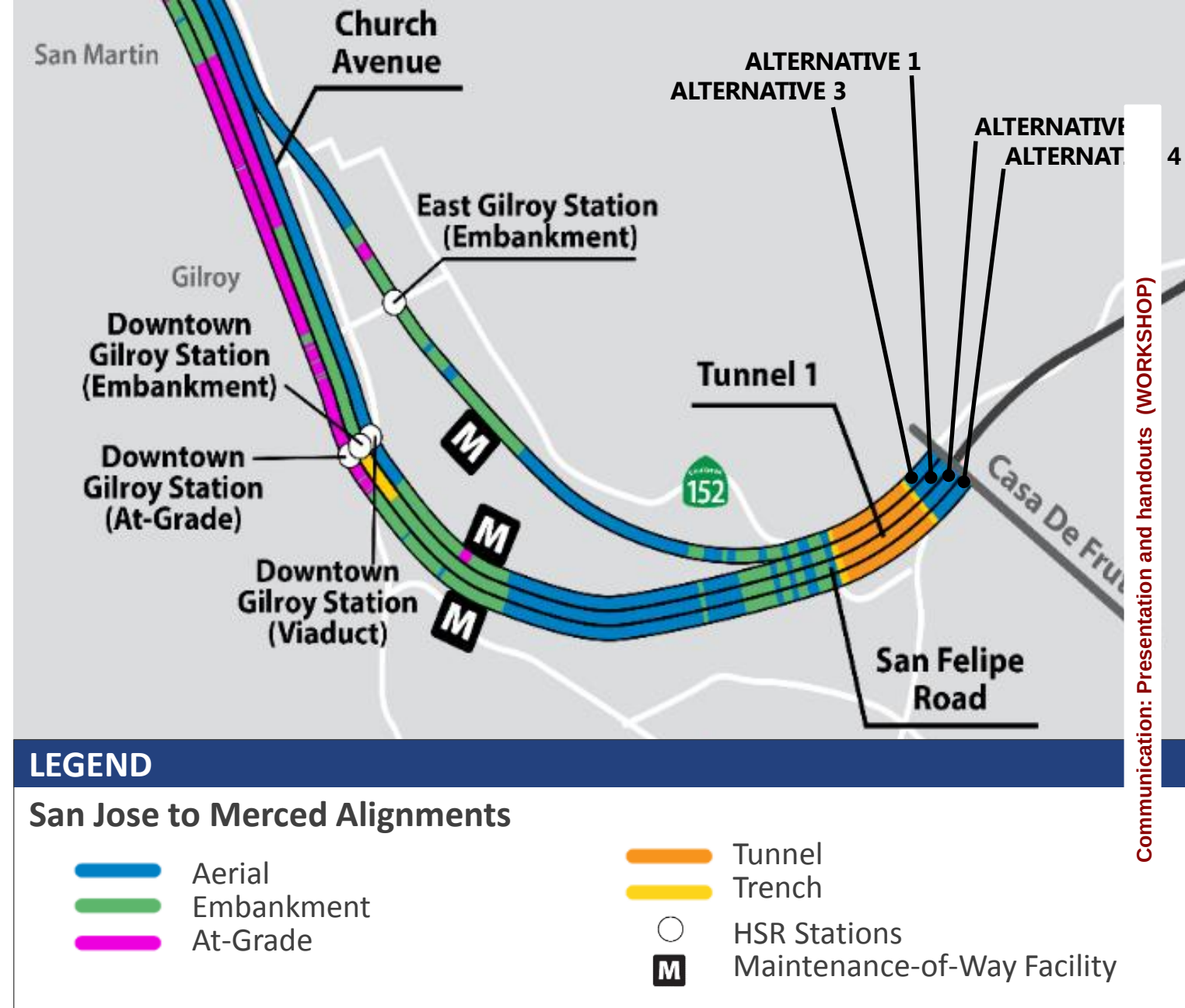
- **Alternatives 1 and 3**
 - » Viaduct in median of Monterey Road
 - » Narrowing of Monterey Road
- **Alternative 2**
 - » Grade-separated embankment between UPRR and Monterey Road
 - » Narrowing of Monterey Road
- **Alternative 4**
 - » At-grade predominantly in existing railroad right-of-way



SAN MARTIN TO GILROY

- **Alternative 1 – Downtown Gilroy**
 - » Viaduct
- **Alternative 2 – Downtown Gilroy**
 - » Grade-separated embankment
- **Alternative 3 – East Gilroy**
 - » Viaduct to grade-separated embankment
- **Alternative 4 – Downtown Gilroy**
 - » At-grade
 - » Predominantly in existing UPRR right-of-way

Alternatives converge at 1.6-mile Tunnel 1 west of Casa De Fruta



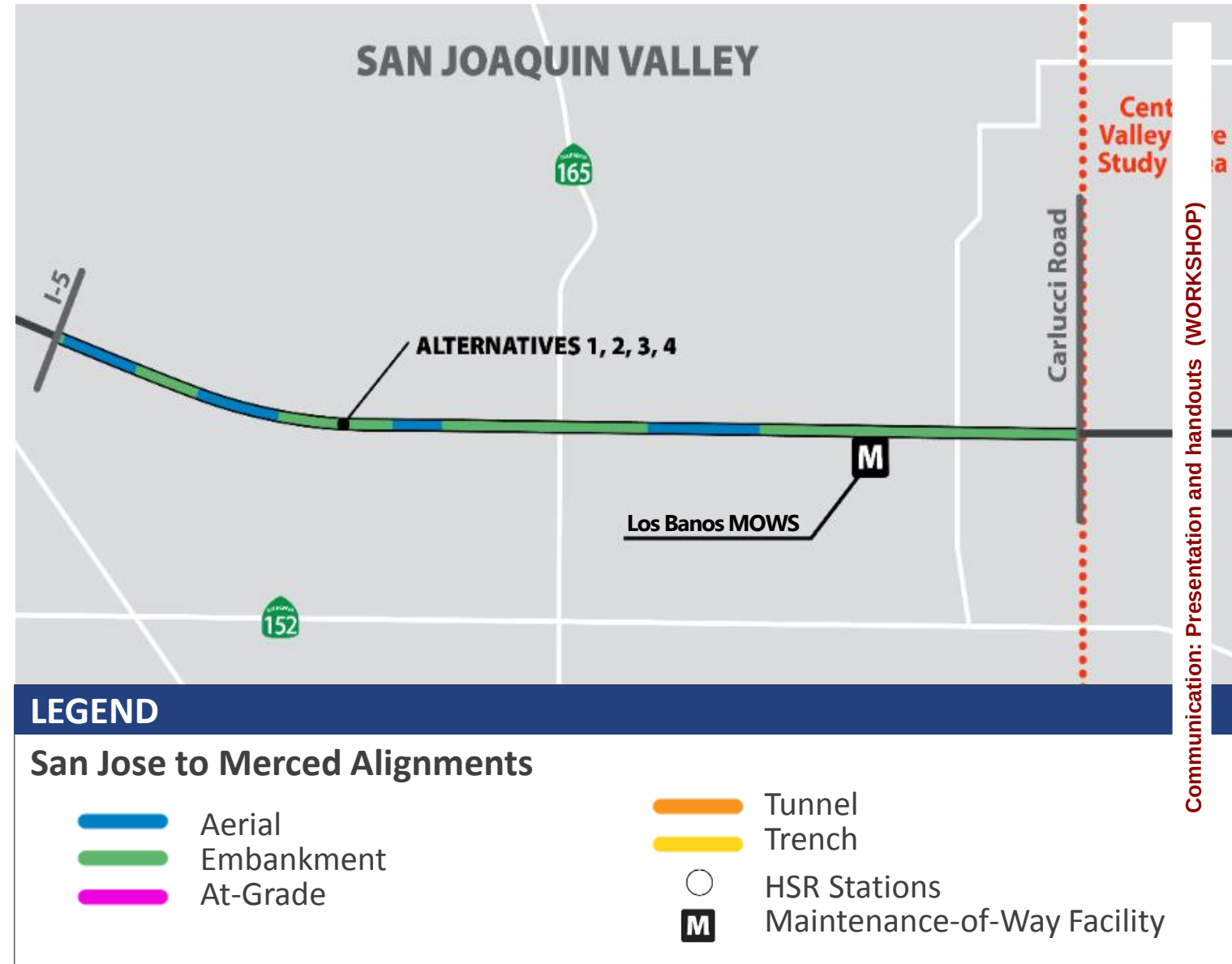
PACHECO PASS

- All alternatives have the same alignment
 - » 13.5-mile Tunnel
 - » Embankment
 - » Viaduct



SAN JOAQUIN VALLEY

- All alternatives have the same alignment
 - » Embankment
 - » Viaduct



Communication: Presentation and handouts (WORKSHOP)



SAN JOSE TO MERCED PROJECT SECTION

Review of Key Differentiators by Subsection

This section describes key community and environmental factors that differentiate the alternatives within each subsection of the project extent. Alternatives 1, 2, 3, and 4 vary in the San Jose Diridon Station Approach, Monterey Corridor, and Morgan Hill and Gilroy Subsections. Because the alternatives are identical in the Pacheco Pass and San Joaquin Valley Subsections, those subsections are not discussed. Community and environmental factors that do not substantially differentiate alternatives in a given subsection are not included in the discussion. For example, because there are no agricultural lands in the San Jose Diridon Station Approach Subsection, that resource is not discussed for that subsection.

San Jose Diridon Station Subsection

- **Displacements**— Alternative 4 would have the lowest number of displacements (24) because of the alignment's primary location within the Caltrain right-of-way and its at-grade profile, whereas Alternatives 2 and 3 would have the most displacements (142 and 141 respectively for each Alternative) because of the viaduct design outside of the existing rail right-of-way. Alternative 1 would have more displacements (89) than Alternative 4 but less than Alternatives 2 and 3 because the viaduct section would end at I-880 instead of Scott Boulevard.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest operational impact on aesthetics and visual quality because it would be located at grade mostly within the Caltrain right-of-way. Alternative 1 would have more impacts on visual quality than Alternative 4 because it would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternatives 2 and 3 would have the highest impacts on visual quality because they would be on elevated viaduct outside existing rail rights-of-way through Santa Clara and downtown San Jose (approximately 2 more miles of viaduct than Alternative 1).
- **Noise**—Alternative 4 would have higher operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade crossings south of the San Jose Diridon Station, while the other project alternatives would not. Alternative 4 and Alternative 1 would also result in sounding of HSR train horns when passing through the Santa Clara Station while Alternatives 2 and 3 would not.
- **Environmental justice**—Alternative 4 and Alternative 1 would have the lowest operational aesthetics and visual quality, community cohesion, and displacement impacts on minority and low-income populations in Santa Clara because they would be at grade, mostly within the Caltrain right-of-way. Alternatives 2 and 3 would have the highest impacts on aesthetics and visual quality because they would be on an elevated viaduct from Tamien to Scott Boulevard. Alternative 4 and Alternative 1 would result in HSR sounding horns when going through the Santa Clara Caltrain station, while Alternatives 2 and 3 would not.

Alternative 4 would have lowest impacts relative to aesthetics and visual quality and displacement on minority and low-income populations in and south of downtown San Jose because it would be located at grade, mostly within the Caltrain right-of-way. Alternatives 1, 2 and 3 would have more aesthetic and visual quality and displacement impacts than Alternative 4 because they would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade roadway crossings south of the San Jose Diridon Station while the other project alternatives would not. Alternative 4 would have greater effects on community cohesion in the North Willow Glen and Gardner neighborhood of the alternatives, while Alternatives 1, 2 and 3 would have greater effects than Alternative 4 on community cohesion of the neighborhood east of the Caltrain right of way along Auzeras Avenue.

- **Section 4(f)/6(f) resources**—Alternative 1, 2, and 3 would have permanent effects on portions of Los Gatos Creek Trail and Park (0.55 acres each) and the Guadalupe River Trail (0.8 acres each). Alternatives 2 and 3 would also affect a portion of Reed Street Park (0.18 acres each). Alternative 4 would affect portions of Los Gatos Creek Trail and Park (1.03 acres) as well as a small (0.03-acre) portion of Fuller Park.
- **Built environment historic resources**—All four project alternatives would have a permanent significant and unavoidable impact on the San Jose Diridon Station and 75 South Autumn Street. Alternatives 1, 2, and 3 would also have a permanent significant and unavoidable impact on the Sunlite Baking Company and 415 Illinois Ave.

Monterey Corridor Subsection

- **Displacements**—Alternative 4 would have the lowest number of permanent displacements (3) due to the alignment's location within the Caltrain right-of-way as much as feasible and its at-grade profile, whereas Alternative 2 would have the highest number of displacements (73) because of the embankment design outside of the existing rail right-of-way and the displacements associated with roadway grade separations. Alternatives 1 and 3 would have more displacements (46 for each Alternative) than Alternative 4 but less than Alternative 2 because they would have a viaduct design and not require as many roadway grade separations.
- **Aesthetics and visual quality**—Alternative 4 would have the least operational impact associated with aesthetics and visual quality because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on elevated viaduct outside existing rail rights-of-way. Alternative 2 would have less impacts than Alternatives 1 and 3 because it would be on an embankment outside existing rail rights-of-way.
- **Noise**—Alternative 4 would have more operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Traffic**—The Preferred Alternative 4 would result in substantially lower additional peak hour travel time delay on Monterey Road because it would not permanently reduce travel lanes from six lanes as would Alternatives 1, 2, and 3.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have more impacts than Alternative 4 because they would be on elevated viaduct located outside existing rail rights-of-way. Alternative 2 would have the most impacts on aesthetics and visual quality because it would be located on embankment outside existing rail rights-of-way and would include large grade separation structures. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Section 4(f)/6(f) resources**—All alternatives would affect a portion of the Coyote Creek Parkway. Alternative 4 would have the least effect (0.31 acres) and Alternative 2 would have the most effect (3.34 acres), with Alternatives 1 and 3 in between (2.42 acres each). Alternatives 1, 2, and 3 would affect a portion of the Coyote Creek Trail (Alternatives 1 and 3 – 1.03 acres; Alternative 2 – 1.2 acres), but Alternative 4 would not.
- **Emergency vehicle access/response time**—Alternatives 1, 2, and 3 would result in increased travel times along Monterey Road during morning and evening peak periods due to the narrowing of Monterey Road from six lanes to four, but vehicle detection mitigation would reduce effects on emergency vehicle response times to a less-than-significant level. Alternative 4 would increase emergency response times by more than 30 seconds in a portion of the service area for one fire station (4430 Monterey Road) and for the Kaiser Permanente San Jose Medical Center as a result of

increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the City of San Jose chooses to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the City does not undertake these actions.

Morgan Hill and Gilroy Subsection

- **Displacements**— Alternative 4 would have the lowest number of displacements (81) due to its location within the Caltrain corridor right-of-way as much as feasible and the at-grade alignment, whereas Alternative 2 would have the most displacements (730) due to the embankment design outside the existing rail right-of-way and due to the displacements associated with roadway grade separations which would also result in the most effects on community cohesion, particularly in downtown Gilroy. Alternative 1 would have more displacements (218) than Alternative 4 because it would be located outside the existing rail right-of-way. Alternative 3 would have the second lowest number of displacements (114) because it would avoid downtown Gilroy compared to Alternatives 1 and 2.
- **Agricultural farmland**—The project alternatives would differ in the acreage of permanent conversion of agricultural land only in this subsection. Alternative 4 would permanently convert the smallest amount of agricultural farmland because this alternative would minimize land use displacement and conversion by staying predominantly within the existing transportation corridor right-of-way. Alternative 3 would permanently convert the largest area of agricultural farmland because it would pass through the eastern portion of Santa Clara County and bypass the urban area of Gilroy. Alternative 4 and Alternatives 1 and 2 would pass through downtown Gilroy and would thus avoid some agricultural farmland. However, Alternative 2 would require relocation of the UPRR tracks, resulting in impacts on agricultural farmland. Alternative 1 would be built on viaduct in the median of Monterey Road for a portion of its length and would pass through downtown Gilroy, thus avoiding some of the agricultural farmland in the subsection.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest impact on aesthetics and visual quality because of its location at grade mostly within the UPRR right-of-way. Alternative 1 would have higher impacts than Alternative 4 because it would be on an elevated viaduct outside rail rights-of-way through Gilroy and would have an elevated HSR station. Alternative 2 would have the highest visual impacts in Gilroy because it would be on an elevated embankment, would have an elevated station, and would require construction of roadway grade separations. While Alternative 3 would avoid aesthetic and visual quality impacts in downtown Gilroy, it would affect visual quality in east Gilroy with a guideway on viaduct and embankment and an HSR station at a greenfield site. The effects of Alternative 3 would be experienced by fewer community members than those affected by project alternatives in downtown Gilroy.
- **Land Use and development** - The Authority has adopted a station area policy to locate stations in downtown, multi-modal transportation hubs and not greenfield sites in order to promote connections to transit, to support transit-oriented development, and to avoid conversion of agricultural and open space lands to urban or transportation uses. Alternative 3 includes the East Gilroy Station which is located outside of Gilroy in an agricultural area and is not consistent with Authority policy. Alternatives 1, 2, and 4 would result in conversion of commercial and mixed land uses to transportation uses in downtown Gilroy due to their location, whereas Alternative 3 would not. However, Alternative 3 would convert more agricultural lands to transportation uses due to its alignment in East Gilroy and East Gilroy station.
- **Noise**—Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Morgan Hill, San Martin, and Gilroy Caltrain Stations, whereas the other project alternatives would not.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations in Morgan Hill associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on an

elevated viaduct outside existing rail rights-of-way through Morgan Hill, although these alternatives would not pass through downtown Morgan Hill. Alternative 2 would have the most impacts on minority and low-income populations in Morgan Hill because it would be on an elevated embankment outside existing rail rights-of-way through Morgan Hill and would require displacements because of construction of roadway grade separations. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and the Morgan Hill Caltrain station while the other project alternatives would not.

Downtown Gilroy has the highest rates of minority and low-income populations in the resource study area identified for environmental justice (more than 85 percent minority and 60 percent low-income). Alternative 3 would avoid downtown Gilroy and would have no effect on minority populations and low-income populations there, whereas Alternative 1, Alternative 2, and Alternative 4 would result in higher impacts on minority and low-income populations. Of the project alternatives that pass through downtown Gilroy, Alternative 4 would result in the least impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacement due to its location at grade mostly within the UPRR right-of-way. Alternative 2 would have the most displacement impacts of the downtown Gilroy alternatives because it would be on embankment, would include an elevated station, and would require construction of roadway grade separations which would also have the most effect on community cohesion of the alternatives. Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Gilroy Caltrain Station, whereas the other project alternatives would not. While Alternative 3 would avoid impacts in downtown Gilroy, it would affect visual quality and community cohesion in east Gilroy, although these impacts would be experienced by fewer community members with a lower percentage of minority and low-income populations than those affected by the project alternatives in downtown Gilroy. Alternative 3 would result in more conversion of agricultural farmland and have higher impacts on agricultural employment than the other project alternatives.

- **Biological resources**—Alternative 4 would have the least impacts on natural resources because it has a narrow footprint that is primarily within an existing railroad right-of-way and it travels through downtown Morgan Hill and Gilroy instead of east Gilroy. Alternative 1 would have higher impacts than Alternative 4 for most natural resources because it would not use an existing railroad right-of-way and would have a longer alignment outside of an existing transportation corridor (due to the Morgan Hill bypass). Alternative 2 would have higher impacts than Alternative 4 for most natural resources because it has a wider footprint (using an embankment) and more extensive roadway modifications than Alternative 4. Alternative 3 would have higher impacts on biological and aquatic resources than Alternative 4 because it would not use an existing railroad right-of-way and because of its routing via the Morgan Hill bypass and through the agricultural and less developed areas in east Gilroy, contrasted with the more urban routing of Alternative 4 through downtown Morgan Hill and downtown Gilroy.
- **Section 4(f)/6(f) resources**—Alternative 2 would affect a portion of the Morgan Hill Community and Cultural Center (1.31 acres).
- **Built environment historic resources**—Alternative 4 would have a significant and unavoidable impact on the Madrone Underpass and the Live Oak Creamery. Alternative 3 would have a significant and unavoidable impact on the Stevens/Fisher House and the San Martin Winery. Alternative 1 would have a significant and unavoidable impact on the Stevens/Fisher House, the San Martin Winery, the Live Oak Creamery, and the St. Stephens School. Alternative 2 would have a significant and unavoidable impact on the Coyote Depot Complex, the Stevens/Fisher House, the Cribari Winery, the St. Martin Winery, the Live Oak Creamery, the St. Stephens School, and the IOOF Orphanage Home.
- **Emergency vehicle access/response time**—Alternative 4 would result in increased emergency response times of more than 30 seconds in a portion of the service areas for five fire stations (15670 Monterey Road, 10810 No Name Uno, 880 Sunrise Drive, 8383 Wren, and 7070 Chestnut Street) as well as response times for the Kaiser Permanent San Jose Medical Center and the St. Louise Regional Hospital due to increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the Cities of San Jose

and Gilroy and Santa Clara County choose to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the cities and county do not undertake such actions. The other alternatives would not result in this impact.

Additional Considerations

In addition to the operational performance, community factors, and environmental factors, the Authority also considered the compatibility of the alternatives with directly relevant transportation projects or plans between Santa Clara and Gilroy.

- **Caltrain Peninsula Corridor Electrification Project**—All of the alternatives are designed to be compatible with the Caltrain electrification project.
- **Caltrain Business Plan and Service Vision** —Caltrain is currently developing a Business Plan to address forecasted increases in travel demand and ridership, and the long-term goal of southern Santa Clara County communities for more regular rail service. One of the concepts in the Caltrain Business Plan is to extend electrification and increase service to Gilroy. Alternative 4 is the only alternative that would provide for an extension of electrification and other infrastructure to support increased regional passenger rail service to Gilroy.
- **BART Silicon Valley Extension**—All of the alternatives would accommodate the planned extension of BART to San Jose, including BART stations at Diridon Station and in Santa Clara.
- **State Rail Plan and Other Passenger Rail Service Planning**—The Authority has consulted with the State Rail Plan and other passenger rail providers so that the alternatives would not impede plans for expansion of ACE, Capitol Corridor, and TAMC (Monterey County Rail Extension) passenger rail service. All of the alternatives would provide adequate capacity at the San Jose Diridon Station and the Gilroy Station for the planned expansions of other passenger rail services.

Overall Assessment

Implementing the four project alternatives in the subsections between Santa Clara and Gilroy would lead to four relatively different sets of environmental impacts and costs. In summary:

- Alternative 1 would have the lowest impacts relative to commercial and agricultural structural displacements in terms of area (square feet). It would have the most number of residual noise impacts (with noise barrier mitigation and local quiet zone implementation). The predominant factors contributing to the impacts of Alternative 1 are its use of elevated viaduct between San Jose and Gilroy, its alignment bypassing downtown Morgan Hill, and its alignment through downtown Gilroy. It has the second highest capital cost. It would have less alignment in proximity to existing transit corridors compared to Alternatives 2 and 4, but more than Alternative 3.
- Alternative 2 would not be the single best performing alternative relative to any community or environmental factors. It would have the most impacts on Section 4(f)/6(f) resources, built environment historic resources, displacements, roadway travel times on Monterey Road, road closures, aesthetics and visual quality, and minority and low-income populations. The predominant factors contributing to the impacts of Alternative 2 relative to the other alternatives are its use of elevated embankment between San Jose and Gilroy, its alignment through downtown Morgan Hill and Gilroy, and the construction of roadway grade separations. Alternative 2 would have the second lowest capital cost. Along with Alternative 4, it would have the most alignment in proximity to existing transit corridors.
- Alternative 3 would have the lowest impact on CEQA-only built environment historic resources (along with Alternative 4) and operational noise severe impacts. It would have the highest impacts on waters and wetlands, habitat for special-status plant and wildlife species, wildlife movement corridors, conservation areas, and agricultural farmland. The predominant factors contributing to the impacts of

Alternative 3 are its use of elevated viaduct between San Jose and East Gilroy, its alignment bypassing downtown Morgan Hill and Gilroy, and its alignment through east Gilroy. Alternative 3 would have the highest capital cost. It would have the least amount of alignment in proximity to existing transit corridors.

- Alternative 4 would have the lowest impacts on number of displacements, biological resources, Section 4(f)/6(f) resources, aesthetics and visual quality, agricultural farmland, and built environment resources. It would have the most noise impacts from project operation if local jurisdictions choose not to implement quiet zones, but the second lowest noise impacts of the alternatives if noise barrier mitigation and quiet zones are implemented. It would have the lowest impact on travel times along Monterey Road in San Jose. It would have the highest impact on emergency vehicle response times due to increased gate-down time at the at-grade crossings, but only if local jurisdictions do not construct and operate new fire stations and install new response equipment for which HSR would provide funding. The predominant factors contributing to the impacts of Alternative 4 relative to the other alternatives are alignment at grade mostly within existing rail rights-of-way between San Jose and Gilroy and its alignment through downtown San Jose, downtown Morgan Hill, and downtown Gilroy. It is the alternative with the lowest capital cost. It, along with Alternative 2, would have the most alignment in proximity to existing transit corridors. Alternative 4 would also provide the opportunity to extend electrified Caltrain service to Gilroy.

SUMMER 2019



SAN JOSE TO MERCED PROJECT SECTION **STATE'S PREFERRED ALTERNATIVE**

OVERVIEW

High-speed rail offers an unprecedented opportunity to modernize California's transportation system and tie together the state's economies. The San Jose to Merced Project Section will be the crucial connection between the Bay Area and the Central Valley. This fact sheet discusses the staff recommendation for the State's Preferred Alternative to be considered by the California High-Speed Rail Authority (Authority) Board of Directors.

WHAT IS A PREFERRED ALTERNATIVE?

Since 2008, numerous alternatives have been considered for the high-speed rail alignment traveling within and outside of the Bay Area. Ultimately, four alternatives are being analyzed for the Draft Environmental Impact Report/Statement (EIR/EIS). The alternative determined to best balance tradeoffs between environmental; community; and performance, operations, and cost factors will be identified as the State's Preferred Alternative.

Planning, design, and analysis of the four alternatives, collaboration with landowners and agencies, and input from the public and stakeholders has led Authority staff to recommend Alternative 4 as the State's Preferred

Alternative. Authority staff is seeking feedback on this recommendation before it is presented to the Authority Board of Directors in September 2019.

Alternative 4 will be referred to as the staff-recommended State's Preferred Alternative until the Authority Board of Directors concurs with the staff recommendation or requests that a different alternative be identified as the State's Preferred Alternative. The identification of the State's Preferred Alternative for the Draft EIR/EIS does not express or imply approval or adoption of a preferred alternative for final design or construction.

WHAT IS THE PUBLIC'S ROLE IN DEVELOPING AND RECOMMENDING ALTERNATIVES?

The Authority coordinates closely with individuals, local governments, tribes, public agencies, and organizations to gather local knowledge and input on project alternatives. Over the last three years, the Authority participated in nearly 500 meetings with stakeholders and members of the public.

Now the Authority is seeking public feedback on the staff-recommended State's Preferred Alternative. A summary of feedback provided at community meetings and open houses – as well as via telephone or written correspondence – will be presented to the Authority Board of Directors in September 2019.



HOW TO **PROVIDE FEEDBACK**

By email: san.jose_merced@hsr.ca.gov

By phone: 800-455-8166

By mail: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

In person: Attend a Community Open House

- August 8 in Gilroy
 - August 15 in San Jose
 - August 21 in Los Banos
 - September 17 in San Jose
- Attend the Board Meeting

Communication: Presentation and handouts (WORKSHOP)



@cahsra



facebook.com/CaliforniaHighSpeedRail

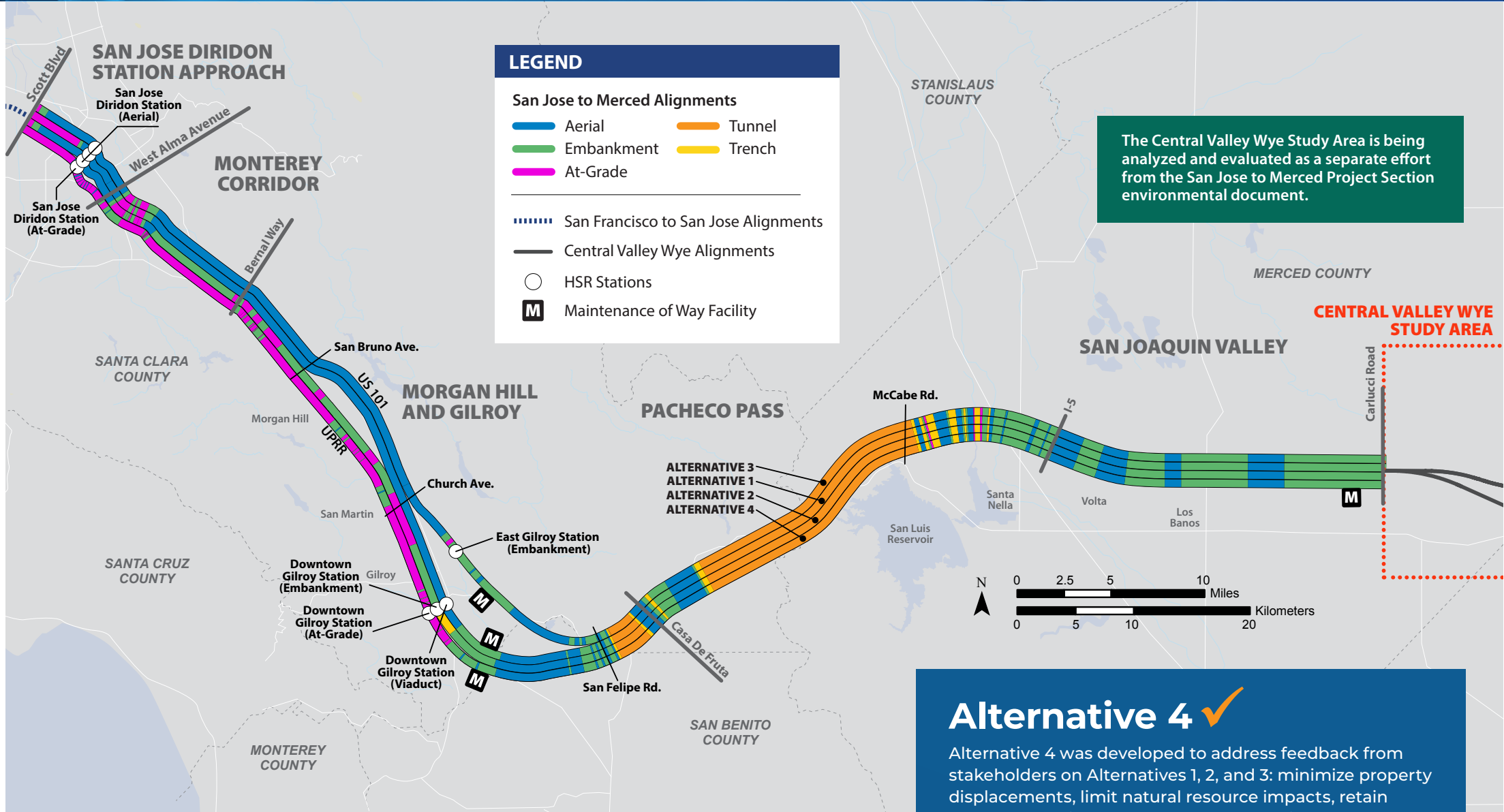


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Packet Pg. 75



Alternative 1

The objective of Alternative 1 is to minimize land required for the project, minimize impacts on the ground, and reduce the need to purchase right-of-way to build and operate dedicated, fully grade-separated high-speed rail. This would be accomplished by extensive use of viaduct (raised “aerial”) structures and bypassing downtown Morgan Hill. By traveling where existing transportation infrastructure – like rail or highways – exist, Alternative 1 makes use of existing rights-of-way whenever feasible.

Alternative 2

Alternative 2 features a dedicated high-speed rail alignment located between the existing Union Pacific Railroad (UPRR) corridor and Monterey Road. This alternative would have the highest number of property displacements (taking private or public land for rail), but would provide grade separations between the rail corridor and city streets in San Jose, Morgan Hill, San Martin, and Gilroy.

Alternative 3

Alternative 3 was also designed to minimize the project footprint by operating on viaducts and going around downtown Morgan Hill. The objective of Alternative 3 is to minimize the needed right-of-way in downtown Gilroy by bypassing downtown and instead serving an east Gilroy Station. Like Alternative 2, Alternative 3 features a long viaduct between Scott Boulevard and Diridon Station, but is the same as Alternative 1 from the Monterey Corridor Subsection to Church Avenue in San Martin.

Alternative 4 ✓

Alternative 4 was developed to address feedback from stakeholders on Alternatives 1, 2, and 3: minimize property displacements, limit natural resource impacts, retain local community development patterns, improve the efficiency and safety of the existing railroad corridor, and set the stage for extending regional electrified passenger rail service to Southern Santa Clara County.

Alternative 4 is different from the others because it would enable both Caltrain and High-Speed Rail to operate on the same alignment (this is called a blended system). The service would operate on two electrified passenger tracks alongside one conventional freight track predominantly within the existing Caltrain and UPRR rights-of-way.

The maximum train speed would be 110 mph where operations would be blended between San Jose and Gilroy. South and east of Gilroy, speeds would increase up to 220 mph in the dedicated High-Speed Rail portion of the alignment. Alternative 4 will require the successful completion of negotiations with UPRR for the use of their rail corridor between San Jose and Gilroy.

Alternatives at a Glance

SUBSECTION/ DESIGN OPTIONS	ALT 1	ALT 2	ALT 3	ALT 4
San Jose Diridon Station Approach				
Viaduct to Scott Blvd (Long Viaduct)		●	●	
Viaduct to I-880 (Short Viaduct)	●			
Blended, at-grade				●
Monterey Corridor				
Viaduct	●		●	
Dedicated, at-grade		●		
Blended, at-grade				●
Morgan Hill and Gilroy				
Embankment to downtown Gilroy		●		
Viaduct to downtown Gilroy	●			
Viaduct & embankment to east Gilroy			●	
Blended, at-grade to downtown Gilroy				●
Pacheco Pass				
Tunnel, viaduct, and other structures	●	●	●	●
San Joaquin Valley				
Embankment and viaduct along Henry Miller Rd	●	●	●	●

Pacheco Pass and San Joaquin Valley Subsections

All alternatives have the same alignment after Gilroy (starting near Casa De Fruta). Through the Pacheco Pass Subsection, there would be a long tunnel around the northern arm of the San Luis Reservoir and viaducts over the California Aqueduct, Delta-Mendota Canal, and I-5.

East of the I-5 overcrossing, the alignment through the San Joaquin Valley Subsection would be predominantly on embankment along the south side of Henry Miller Road to Carlucci Road, traveling on viaduct over major watercourses and through the Grasslands Ecological Area.

Communication: Presentation and handouts (WORKSHOP)

Acronyms, Abbreviations, and Key Terms

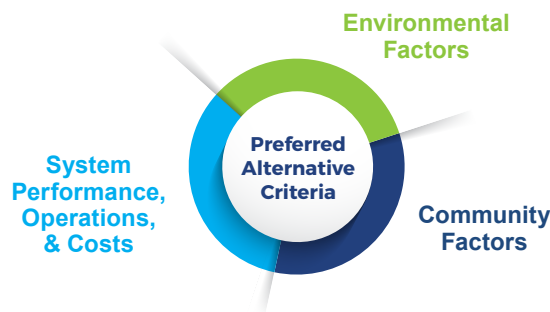
At-grade	An alignment at ground level	MOWF	Maintenance of way facility: A facility where equipment for nightly maintenance of right-of-way and tracks is stored
Aerial	An alignment with tracks raised in the air (e.g. on a bridge or viaduct)	mph	Miles per hour
Authority	California High-Speed Rail Authority: State agency responsible for planning, designing, building, and operating the first high-speed rail system in the US	NEPA	National Environmental Policy Act: A Federal law that requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions
Blended	A rail system shared between two or more operators (e.g. high-speed rail and Caltrain)	NOI	Notice of intent: A formal announcement of intent to prepare an EIS; the first step of the NEPA process
CEQA	California Environmental Quality Act: A California law that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible	NOP	Notice of preparation: A document stating that an EIR will be prepared for a particular project; the first step in the CEQA process
Dedicated	An alignment with only high-speed trains	PAA	Preliminary Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2010, provided initial details of design options in each subsection and helps inform the environmental document
EIR	Environmental impact report: A document required by CEQA for certain actions; it describes the environmental effects of a proposed action	PTE	Permission to enter: Process through which the Authority obtains consent to access property in order to conduct environmental studies
EIS	Environmental impact statement: A document required by NEPA for certain actions that significantly affect the quality of the human environment; it describes the environmental effects of a proposed action	ROW	Right-of-way: Land reserved for use by railroads
EJ	Environmental justice: Fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies	SAA	Supplemental Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2011, considered feedback received on the PAA and presented a refined suite of alternatives
Embankment	An earth-filled structure that raises tracks above the ground	Sensitive receptor	Places where the occupants are more susceptible to the adverse effects of exposure to noise, such as residences, hospital, hotels, schools, libraries, or concert halls
Environmental document	A combined EIR/EIS document	SR	State Route
ETO	Early train operator: DB Engineering and Consulting was engaged by the Authority to assist with planning, designing, and implementing the initial operations of California's high-speed rail program	Statewide Program EIR/EIS	Final Program EIR/EIS for the Proposed California High-Speed Train System: This document, released in 2005, identified a high-speed train system as the preferred alternative for meeting future intercity travel needs and cleared the way for further analysis of alignment and station locations
FRA	Federal Railroad Administration: Federal agency that regulates passenger and freight rail travel in the US	Trench	An excavation that lowers the tracks below ground level
GEA	Grasslands Ecological Area: 160,000 acres of wetlands in the San Joaquin Valley that serve as an important habitat for many bird species, including migratory waterfowl	UPRR	Union Pacific Railroad
Grade-separated	Physical separation at the intersection between railroad tracks and a roadway (e.g. with a bridge)	US	U.S. Highway
I-	Interstate	Viaduct	An elevated structure that raises tracks above the ground; an example of an aerial alignment
		VTA	(Santa Clara) Valley Transportation Authority

WHY IS STAFF RECOMMENDING ALTERNATIVE 4 AS THE STATE'S PREFERRED ALTERNATIVE?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the four alternatives. The results indicate that all of the alternatives have tradeoffs – advantages and disadvantages. Nevertheless, Alternative 4 was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community, and environmental factors. The factors that differentiate the four alternatives are presented in the tables below.

HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives 1, 2, 3, and 4 were evaluated by comparing the four alternatives across three sets of criteria:¹



System Performance, Operations, and Costs. The best-performing alternative is **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational Speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational Speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles) ²	43	50	35	50
Travel time — San Jose and Gilroy ³ (minutes)	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs ⁴ (2017\$ billions)	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs ⁵ (2017\$ millions)	\$162			

¹ Resources or topics for which potential impacts do not substantially differentiate the alternatives are not included on this fact sheet, but they still remain an important part of the evaluation and may be of importance to the public, stakeholders, and agencies. These include: archaeological resources; air quality and climate change; electromagnetic fields and interference; geology, soils, and seismicity; hazardous materials and waste; hydrology and water quality; paleontological resources; socioeconomic and communities (apart from displacements); regional growth; station planning; and vibration. All of these analyses will be included in the Draft environmental documents.

² This represents the length of the proposed alignment that is in close proximity to existing transit (bus, car, train, etc.) corridors.

³ Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

⁴ Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

⁵ Based on level of design sufficient to analyze potential environmental impacts.

Community Factors. The best-performing alternative(s) (fewest/least community impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# of structural improvements)	49	53	49	40
Community or public facilities displacements (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000
Permanent conversion of important farmland ⁶ (acres)	1,036	1,181	1,193	1,033
Visual quality effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way
Consistency with Gilroy City General Plan	Yes	Yes	No	Yes
Noise impacts with noise barrier mitigation/with noise barrier mitigation and quiet zones (# of sensitive receptors)	231/223	194/194	173/173	275/179
Increase in 2040 peak travel time on Monterey Road (northbound – AM/PM, southbound – AM/PM, minutes)	NB–8/20 SB–6/12	NB–27/5 SB–16/17	NB–8/20 SB–6/12	NB–0/5 SB–1/8
Permanent road closures	17	26	15	15
Type of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, and additional mitigations ⁷
EJ proportion of total significant and unavoidable impacts on local views ⁸	50%	N/A⁹	67%	N/A⁹
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times for EJ populations (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ¹⁰	49%	65%	45%	76%

Environmental Factors. The best-performing alternative(s) (fewest/least environmental impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impact	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Conservation areas (acres)	427	432	481	427
Permanent use of 4(f)/6(f) park resources (#/acres)	4/4.8	6/7.4	5/5.0	3/1.4
Permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1

⁶ Important Farmland includes Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.

⁷ Additional mitigations include emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services.

⁸ As indicated by impacts on visual landscape units.

⁹ These alternatives have no significant and unavoidable impacts on visual landscape units.

¹⁰ Noise impacts after noise barrier mitigation.



SAN JOSE TO MERCED PROJECT SECTION

Review of Key Differentiators by Subsection

This section describes key community and environmental factors that differentiate the alternatives within each subsection of the project extent. Alternatives 1, 2, 3, and 4 vary in the San Jose Diridon Station Approach, Monterey Corridor, and Morgan Hill and Gilroy Subsections. Because the alternatives are identical in the Pacheco Pass and San Joaquin Valley Subsections, those subsections are not discussed. Community and environmental factors that do not substantially differentiate alternatives in a given subsection are not included in the discussion. For example, because there are no agricultural lands in the San Jose Diridon Station Approach Subsection, that resource is not discussed for that subsection.

San Jose Diridon Station Subsection

- **Displacements**— Alternative 4 would have the lowest number of displacements (24) because of the alignment's primary location within the Caltrain right-of-way and its at-grade profile, whereas Alternatives 2 and 3 would have the most displacements (142 and 141 respectively for each Alternative) because of the viaduct design outside of the existing rail right-of-way. Alternative 1 would have more displacements (89) than Alternative 4 but less than Alternatives 2 and 3 because the viaduct section would end at I-880 instead of Scott Boulevard.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest operational impact on aesthetics and visual quality because it would be located at grade mostly within the Caltrain right-of-way. Alternative 1 would have more impacts on visual quality than Alternative 4 because it would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternatives 2 and 3 would have the highest impacts on visual quality because they would be on elevated viaduct outside existing rail rights-of-way through Santa Clara and downtown San Jose (approximately 2 more miles of viaduct than Alternative 1).
- **Noise**—Alternative 4 would have higher operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade crossings south of the San Jose Diridon Station, while the other project alternatives would not. Alternative 4 and Alternative 1 would also result in sounding of HSR train horns when passing through the Santa Clara Station while Alternatives 2 and 3 would not.
- **Environmental justice**—Alternative 4 and Alternative 1 would have the lowest operational aesthetics and visual quality, community cohesion, and displacement impacts on minority and low-income populations in Santa Clara because they would be at grade, mostly within the Caltrain right-of-way. Alternatives 2 and 3 would have the highest impacts on aesthetics and visual quality because they would be on an elevated viaduct from Tamien to Scott Boulevard. Alternative 4 and Alternative 1 would result in HSR sounding horns when going through the Santa Clara Caltrain station, while Alternatives 2 and 3 would not.

Alternative 4 would have lowest impacts relative to aesthetics and visual quality and displacement on minority and low-income populations in and south of downtown San Jose because it would be located at grade, mostly within the Caltrain right-of-way. Alternatives 1, 2 and 3 would have more aesthetic and visual quality and displacement impacts than Alternative 4 because they would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade roadway crossings south of the San Jose Diridon Station while the other project alternatives would not. Alternative 4 would have greater effects on community cohesion in the North Willow Glen and Gardner neighborhood of the alternatives, while Alternatives 1, 2 and 3 would have greater effects than Alternative 4 on community cohesion of the neighborhood east of the Caltrain right of way along Auzerai Avenue.

- **Section 4(f)/6(f) resources**—Alternative 1, 2, and 3 would have permanent effects on portions of Los Gatos Creek Trail and Park (0.55 acres each) and the Guadalupe River Trail (0.8 acres each). Alternatives 2 and 3 would also affect a portion of Reed Street Park (0.18 acres each). Alternative 4 would affect portions of Los Gatos Creek Trail and Park (1.03 acres) as well as a small (0.03-acre) portion of Fuller Park.
- **Built environment historic resources**—All four project alternatives would have a permanent significant and unavoidable impact on the San Jose Diridon Station and 75 South Autumn Street. Alternatives 1, 2, and 3 would also have a permanent significant and unavoidable impact on the Sunlite Baking Company and 415 Illinois Ave.

Monterey Corridor Subsection

- **Displacements**—Alternative 4 would have the lowest number of permanent displacements (3) due to the alignment's location within the Caltrain right-of-way as much as feasible and its at-grade profile, whereas Alternative 2 would have the highest number of displacements (73) because of the embankment design outside of the existing rail right-of-way and the displacements associated with roadway grade separations. Alternatives 1 and 3 would have more displacements (46 for each Alternative) than Alternative 4 but less than Alternative 2 because they would have a viaduct design and not require as many roadway grade separations.
- **Aesthetics and visual quality**—Alternative 4 would have the least operational impact associated with aesthetics and visual quality because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on elevated viaduct outside existing rail rights-of-way. Alternative 2 would have less impacts than Alternatives 1 and 3 because it would be on an embankment outside existing rail rights-of-way.
- **Noise**—Alternative 4 would have more operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Traffic**—The Preferred Alternative 4 would result in substantially lower additional peak hour travel time delay on Monterey Road because it would not permanently reduce travel lanes from six lanes as would Alternatives 1, 2, and 3.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have more impacts than Alternative 4 because they would be on elevated viaduct located outside existing rail rights-of-way. Alternative 2 would have the most impacts on aesthetics and visual quality because it would be located on embankment outside existing rail rights-of-way and would include large grade separation structures. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Section 4(f)/6(f) resources**—All alternatives would affect a portion of the Coyote Creek Parkway. Alternative 4 would have the least effect (0.31 acres) and Alternative 2 would have the most effect (3.34 acres), with Alternatives 1 and 3 in between (2.42 acres each). Alternatives 1, 2, and 3 would affect a portion of the Coyote Creek Trail (Alternatives 1 and 3 – 1.03 acres; Alternative 2 – 1.2 acres), but Alternative 4 would not.
- **Emergency vehicle access/response time**—Alternatives 1, 2, and 3 would result in increased travel times along Monterey Road during morning and evening peak periods due to the narrowing of Monterey Road from six lanes to four, but vehicle detection mitigation would reduce effects on emergency vehicle response times to a less-than-significant level. Alternative 4 would increase emergency response times by more than 30 seconds in a portion of the service area for one fire station (4430 Monterey Road) and for the Kaiser Permanente San Jose Medical Center as a result of

increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the City of San Jose chooses to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the City does not undertake these actions.

Morgan Hill and Gilroy Subsection

- **Displacements**—Alternative 4 would have the lowest number of displacements (81) due to its location within the Caltrain corridor right-of-way as much as feasible and the at-grade alignment, whereas Alternative 2 would have the most displacements (730) due to the embankment design outside the existing rail right-of-way and due to the displacements associated with roadway grade separations which would also result in the most effects on community cohesion, particularly in downtown Gilroy. Alternative 1 would have more displacements (218) than Alternative 4 because it would be located outside the existing rail right-of-way. Alternative 3 would have the second lowest number of displacements (114) because it would avoid downtown Gilroy compared to Alternatives 1 and 2.
- **Agricultural farmland**—The project alternatives would differ in the acreage of permanent conversion of agricultural land only in this subsection. Alternative 4 would permanently convert the smallest amount of agricultural farmland because this alternative would minimize land use displacement and conversion by staying predominantly within the existing transportation corridor right-of-way. Alternative 3 would permanently convert the largest area of agricultural farmland because it would pass through the eastern portion of Santa Clara County and bypass the urban area of Gilroy. Alternative 4 and Alternatives 1 and 2 would pass through downtown Gilroy and would thus avoid some agricultural farmland. However, Alternative 2 would require relocation of the UPRR tracks, resulting in impacts on agricultural farmland. Alternative 1 would be built on viaduct in the median of Monterey Road for a portion of its length and would pass through downtown Gilroy, thus avoiding some of the agricultural farmland in the subsection.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest impact on aesthetics and visual quality because of its location at grade mostly within the UPRR right-of-way. Alternative 1 would have higher impacts than Alternative 4 because it would be on an elevated viaduct outside rail rights-of-way through Gilroy and would have an elevated HSR station. Alternative 2 would have the highest visual impacts in Gilroy because it would be on an elevated embankment, would have an elevated station, and would require construction of roadway grade separations. While Alternative 3 would avoid aesthetic and visual quality impacts in downtown Gilroy, it would affect visual quality in east Gilroy with a guideway on viaduct and embankment and an HSR station at a greenfield site. The effects of Alternative 3 would be experienced by fewer community members than those affected by project alternatives in downtown Gilroy.
- **Land Use and development** - The Authority has adopted a station area policy to locate stations in downtown, multi-modal transportation hubs and not greenfield sites in order to promote connections to transit, to support transit-oriented development, and to avoid conversion of agricultural and open space lands to urban or transportation uses. Alternative 3 includes the East Gilroy Station which is located outside of Gilroy in an agricultural area and is not consistent with Authority policy. Alternatives 1, 2, and 4 would result in conversion of commercial and mixed land uses to transportation uses in downtown Gilroy due to their location, whereas Alternative 3 would not. However, Alternative 3 would convert more agricultural lands to transportation uses due to its alignment in East Gilroy and East Gilroy station.
- **Noise**—Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Morgan Hill, San Martin, and Gilroy Caltrain Stations, whereas the other project alternatives would not.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations in Morgan Hill associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on an

elevated viaduct outside existing rail rights-of-way through Morgan Hill, although these alternatives would not pass through downtown Morgan Hill. Alternative 2 would have the most impacts on minority and low-income populations in Morgan Hill because it would be on an elevated embankment outside existing rail rights-of-way through Morgan Hill and would require displacements because of construction of roadway grade separations. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and the Morgan Hill Caltrain station while the other project alternatives would not.

Downtown Gilroy has the highest rates of minority and low-income populations in the resource study area identified for environmental justice (more than 85 percent minority and 60 percent low-income). Alternative 3 would avoid downtown Gilroy and would have no effect on minority populations and low-income populations there, whereas Alternative 1, Alternative 2, and Alternative 4 would result in higher impacts on minority and low-income populations. Of the project alternatives that pass through downtown Gilroy, Alternative 4 would result in the least impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacement due to its location at grade mostly within the UPRR right-of-way. Alternative 2 would have the most displacement impacts of the downtown Gilroy alternatives because it would be on embankment, would include an elevated station, and would require construction of roadway grade separations which would also have the most effect on community cohesion of the alternatives. Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Gilroy Caltrain Station, whereas the other project alternatives would not. While Alternative 3 would avoid impacts in downtown Gilroy, it would affect visual quality and community cohesion in east Gilroy, although these impacts would be experienced by fewer community members with a lower percentage of minority and low-income populations than those affected by the project alternatives in downtown Gilroy. Alternative 3 would result in more conversion of agricultural farmland and have higher impacts on agricultural employment than the other project alternatives.

- **Biological resources**—Alternative 4 would have the least impacts on natural resources because it has a narrow footprint that is primarily within an existing railroad right-of-way and it travels through downtown Morgan Hill and Gilroy instead of east Gilroy. Alternative 1 would have higher impacts than Alternative 4 for most natural resources because it would not use an existing railroad right-of-way and would have a longer alignment outside of an existing transportation corridor (due to the Morgan Hill bypass). Alternative 2 would have higher impacts than Alternative 4 for most natural resources because it has a wider footprint (using an embankment) and more extensive roadway modifications than Alternative 4. Alternative 3 would have higher impacts on biological and aquatic resources than Alternative 4 because it would not use an existing railroad right-of-way and because of its routing via the Morgan Hill bypass and through the agricultural and less developed areas in east Gilroy, contrasted with the more urban routing of Alternative 4 through downtown Morgan Hill and downtown Gilroy.
- **Section 4(f)/6(f) resources**—Alternative 2 would affect a portion of the Morgan Hill Community and Cultural Center (1.31 acres).
- **Built environment historic resources**—Alternative 4 would have a significant and unavoidable impact on the Madrone Underpass and the Live Oak Creamery. Alternative 3 would have a significant and unavoidable impact on the Stevens/Fisher House and the San Martin Winery. Alternative 1 would have a significant and unavoidable impact on the Stevens/Fisher House, the San Martin Winery, the Live Oak Creamery, and the St. Stephens School. Alternative 2 would have a significant and unavoidable impact on the Coyote Depot Complex, the Stevens/Fisher House, the Cribari Winery, the St. Martin Winery, the Live Oak Creamery, the St. Stephens School, and the IOOF Orphanage Home.
- **Emergency vehicle access/response time**—Alternative 4 would result in increased emergency response times of more than 30 seconds in a portion of the service areas for five fire stations (15670 Monterey Road, 10810 No Name Uno, 880 Sunrise Drive, 8383 Wren, and 7070 Chestnut Street) as well as response times for the Kaiser Permanent San Jose Medical Center and the St. Louise Regional Hospital due to increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the Cities of San Jose

and Gilroy and Santa Clara County choose to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the cities and county do not undertake such actions. The other alternatives would not result in this impact.

Additional Considerations

In addition to the operational performance, community factors, and environmental factors, the Authority also considered the compatibility of the alternatives with directly relevant transportation projects or plans between Santa Clara and Gilroy.

- **Caltrain Peninsula Corridor Electrification Project**—All of the alternatives are designed to be compatible with the Caltrain electrification project.
- **Caltrain Business Plan and Service Vision** —Caltrain is currently developing a Business Plan to address forecasted increases in travel demand and ridership, and the long-term goal of southern Santa Clara County communities for more regular rail service. One of the concepts in the Caltrain Business Plan is to extend electrification and increase service to Gilroy. Alternative 4 is the only alternative that would provide for an extension of electrification and other infrastructure to support increased regional passenger rail service to Gilroy.
- **BART Silicon Valley Extension**—All of the alternatives would accommodate the planned extension of BART to San Jose, including BART stations at Diridon Station and in Santa Clara.
- **State Rail Plan and Other Passenger Rail Service Planning**—The Authority has consulted with the State Rail Plan and other passenger rail providers so that the alternatives would not impede plans for expansion of ACE, Capitol Corridor, and TAMC (Monterey County Rail Extension) passenger rail service. All of the alternatives would provide adequate capacity at the San Jose Diridon Station and the Gilroy Station for the planned expansions of other passenger rail services.

Overall Assessment

Implementing the four project alternatives in the subsections between Santa Clara and Gilroy would lead to four relatively different sets of environmental impacts and costs. In summary:

- Alternative 1 would have the lowest impacts relative to commercial and agricultural structural displacements in terms of area (square feet). It would have the most number of residual noise impacts (with noise barrier mitigation and local quiet zone implementation). The predominant factors contributing to the impacts of Alternative 1 are its use of elevated viaduct between San Jose and Gilroy, its alignment bypassing downtown Morgan Hill, and its alignment through downtown Gilroy. It has the second highest capital cost. It would have less alignment in proximity to existing transit corridors compared to Alternatives 2 and 4, but more than Alternative 3.
- Alternative 2 would not be the single best performing alternative relative to any community or environmental factors. It would have the most impacts on Section 4(f)/6(f) resources, built environment historic resources, displacements, roadway travel times on Monterey Road, road closures, aesthetics and visual quality, and minority and low-income populations. The predominant factors contributing to the impacts of Alternative 2 relative to the other alternatives are its use of elevated embankment between San Jose and Gilroy, its alignment through downtown Morgan Hill and Gilroy, and the construction of roadway grade separations. Alternative 2 would have the second lowest capital cost. Along with Alternative 4, it would have the most alignment in proximity to existing transit corridors.
- Alternative 3 would have the lowest impact on CEQA-only built environment historic resources (along with Alternative 4) and operational noise severe impacts. It would have the highest impacts on waters and wetlands, habitat for special-status plant and wildlife species, wildlife movement corridors, conservation areas, and agricultural farmland. The predominant factors contributing to the impacts of

Alternative 3 are its use of elevated viaduct between San Jose and East Gilroy, its alignment bypassing downtown Morgan Hill and Gilroy, and its alignment through east Gilroy. Alternative 3 would have the highest capital cost. It would have the least amount of alignment in proximity to existing transit corridors.

- Alternative 4 would have the lowest impacts on number of displacements, biological resources, Section 4(f)/6(f) resources, aesthetics and visual quality, agricultural farmland, and built environment resources. It would have the most noise impacts from project operation if local jurisdictions choose not to implement quiet zones, but the second lowest noise impacts of the alternatives if noise barrier mitigation and quiet zones are implemented. It would have the lowest impact on travel times along Monterey Road in San Jose. It would have the highest impact on emergency vehicle response times due to increased gate-down time at the at-grade crossings, but only if local jurisdictions do not construct and operate new fire stations and install new response equipment for which HSR would provide funding. The predominant factors contributing to the impacts of Alternative 4 relative to the other alternatives are alignment at grade mostly within existing rail rights-of-way between San Jose and Gilroy and its alignment through downtown San Jose, downtown Morgan Hill, and downtown Gilroy. It is the alternative with the lowest capital cost. It, along with Alternative 2, would have the most alignment in proximity to existing transit corridors. Alternative 4 would also provide the opportunity to extend electrified Caltrain service to Gilroy.

SUMMER 2019



SAN JOSE TO MERCED PROJECT SECTION **STATE'S PREFERRED ALTERNATIVE**

OVERVIEW

High-speed rail offers an unprecedented opportunity to modernize California's transportation system and tie together the state's economies. The San Jose to Merced Project Section will be the crucial connection between the Bay Area and the Central Valley. This fact sheet discusses the staff recommendation for the State's Preferred Alternative to be considered by the California High-Speed Rail Authority (Authority) Board of Directors.

WHAT IS A PREFERRED ALTERNATIVE?

Since 2008, numerous alternatives have been considered for the high-speed rail alignment traveling within and outside of the Bay Area. Ultimately, four alternatives are being analyzed for the Draft Environmental Impact Report/Statement (EIR/EIS). The alternative determined to best balance tradeoffs between environmental; community; and performance, operations, and cost factors will be identified as the State's Preferred Alternative.

Planning, design, and analysis of the four alternatives, collaboration with landowners and agencies, and input from the public and stakeholders has led Authority staff to recommend Alternative 4 as the State's Preferred

Alternative. Authority staff is seeking feedback on this recommendation before it is presented to the Authority Board of Directors in September 2019.

Alternative 4 will be referred to as the staff-recommended State's Preferred Alternative until the Authority Board of Directors concurs with the staff recommendation or requests that a different alternative be identified as the State's Preferred Alternative. The identification of the State's Preferred Alternative for the Draft EIR/EIS does not express or imply approval or adoption of a preferred alternative for final design or construction.

WHAT IS THE PUBLIC'S ROLE IN DEVELOPING AND RECOMMENDING ALTERNATIVES?

The Authority coordinates closely with individuals, local governments, tribes, public agencies, and organizations to gather local knowledge and input on project alternatives. Over the last three years, the Authority participated in nearly 500 meetings with stakeholders and members of the public.

Now the Authority is seeking public feedback on the staff-recommended State's Preferred Alternative. A summary of feedback provided at community meetings and open houses – as well as via telephone or written correspondence – will be presented to the Authority Board of Directors in September 2019.



HOW TO **PROVIDE FEEDBACK**

By email: san.jose_merced@hsr.ca.gov

By phone: 800-455-8166

By mail: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

In person: Attend a Community Open House

- August 8 in Gilroy
 - August 15 in San Jose
 - August 21 in Los Banos
 - September 17 in San Jose
- Attend the Board Meeting

Communication: Presentation and handouts (WORKSHOP)



@cahsra



facebook.com/CaliforniaHighSpeedRail

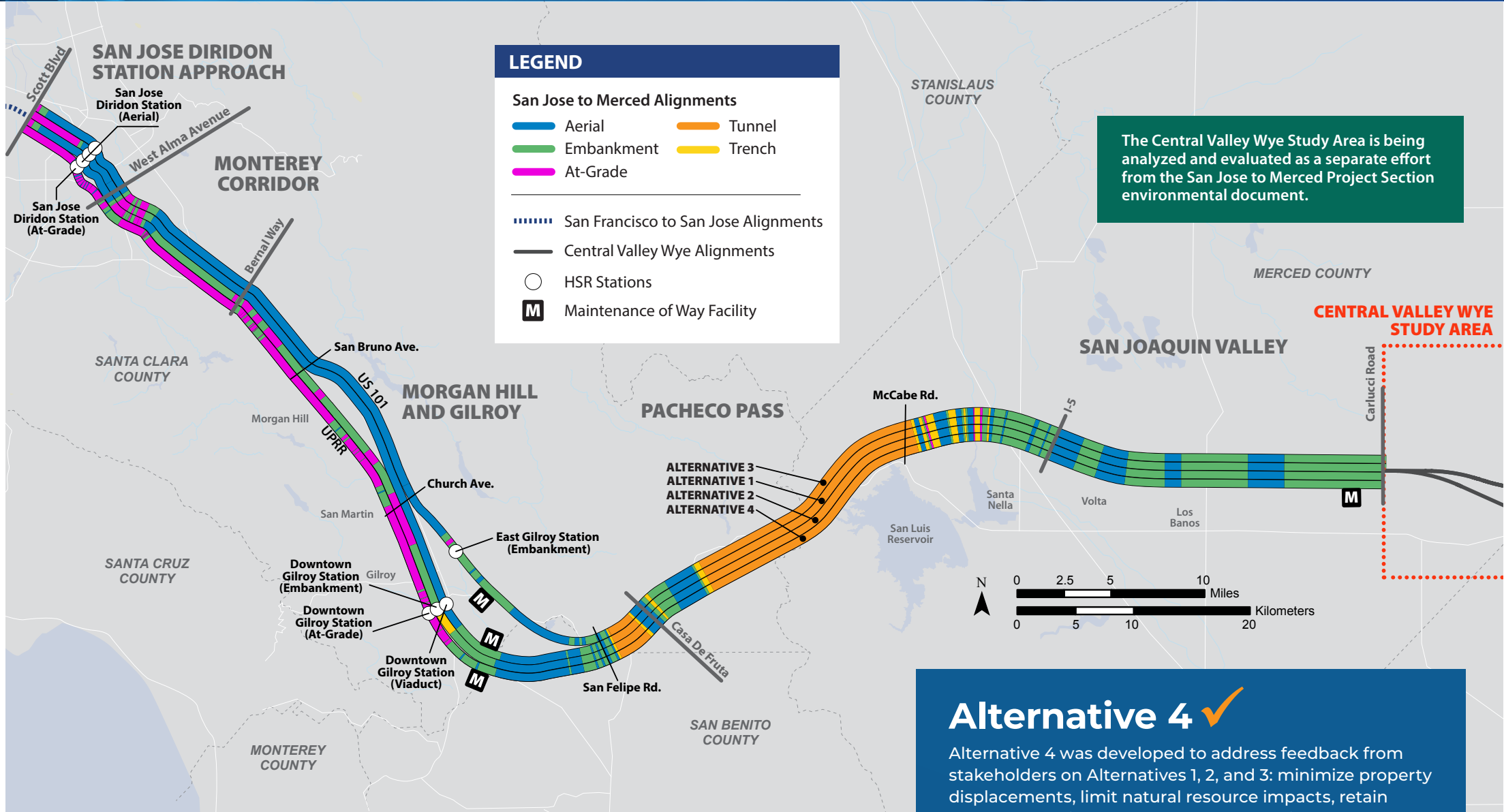


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Packet Pg. 86



LEGEND

San Jose to Merced Alignments

- Aerial
- Embankment
- At-Grade
- Tunnel
- Trench

San Francisco to San Jose Alignments

Central Valley Wye Alignments

HSR Stations

Maintenance of Way Facility

The Central Valley Wye Study Area is being analyzed and evaluated as a separate effort from the San Jose to Merced Project Section environmental document.

Alternative 1

The objective of Alternative 1 is to minimize land required for the project, minimize impacts on the ground, and reduce the need to purchase right-of-way to build and operate dedicated, fully grade-separated high-speed rail. This would be accomplished by extensive use of viaduct (raised “aerial”) structures and bypassing downtown Morgan Hill. By traveling where existing transportation infrastructure – like rail or highways – exist, Alternative 1 makes use of existing rights-of-way whenever feasible.

Alternative 2

Alternative 2 features a dedicated high-speed rail alignment located between the existing Union Pacific Railroad (UPRR) corridor and Monterey Road. This alternative would have the highest number of property displacements (taking private or public land for rail), but would provide grade separations between the rail corridor and city streets in San Jose, Morgan Hill, San Martin, and Gilroy.

Alternative 3

Alternative 3 was also designed to minimize the project footprint by operating on viaducts and going around downtown Morgan Hill. The objective of Alternative 3 is to minimize the needed right-of-way in downtown Gilroy by bypassing downtown and instead serving an east Gilroy Station. Like Alternative 2, Alternative 3 features a long viaduct between Scott Boulevard and Diridon Station, but is the same as Alternative 1 from the Monterey Corridor Subsection to Church Avenue in San Martin.

Alternative 4 ✓

Alternative 4 was developed to address feedback from stakeholders on Alternatives 1, 2, and 3: minimize property displacements, limit natural resource impacts, retain local community development patterns, improve the efficiency and safety of the existing railroad corridor, and set the stage for extending regional electrified passenger rail service to Southern Santa Clara County.

Alternative 4 is different from the others because it would enable both Caltrain and High-Speed Rail to operate on the same alignment (this is called a blended system). The service would operate on two electrified passenger tracks alongside one conventional freight track predominantly within the existing Caltrain and UPRR rights-of-way.

The maximum train speed would be 110 mph where operations would be blended between San Jose and Gilroy. South and east of Gilroy, speeds would increase up to 220 mph in the dedicated High-Speed Rail portion of the alignment. Alternative 4 will require the successful completion of negotiations with UPRR for the use of their rail corridor between San Jose and Gilroy.

Alternatives at a Glance

SUBSECTION/ DESIGN OPTIONS	ALT 1	ALT 2	ALT 3	ALT 4
San Jose Diridon Station Approach				
Viaduct to Scott Blvd (Long Viaduct)		●	●	
Viaduct to I-880 (Short Viaduct)	●			
Blended, at-grade				●
Monterey Corridor				
Viaduct	●		●	
Dedicated, at-grade		●		
Blended, at-grade				●
Morgan Hill and Gilroy				
Embankment to downtown Gilroy		●		
Viaduct to downtown Gilroy	●			
Viaduct & embankment to east Gilroy			●	
Blended, at-grade to downtown Gilroy				●
Pacheco Pass				
Tunnel, viaduct, and other structures	●	●	●	●
San Joaquin Valley				
Embankment and viaduct along Henry Miller Rd	●	●	●	●

Pacheco Pass and San Joaquin Valley Subsections

All alternatives have the same alignment after Gilroy (starting near Casa De Fruta). Through the Pacheco Pass Subsection, there would be a long tunnel around the northern arm of the San Luis Reservoir and viaducts over the California Aqueduct, Delta-Mendota Canal, and I-5.

East of the I-5 overcrossing, the alignment through the San Joaquin Valley Subsection would be predominantly on embankment along the south side of Henry Miller Road to Carlucci Road, traveling on viaduct over major watercourses and through the Grasslands Ecological Area.

Communication: Presentation and handouts (WORKSHOP)

Acronyms, Abbreviations, and Key Terms

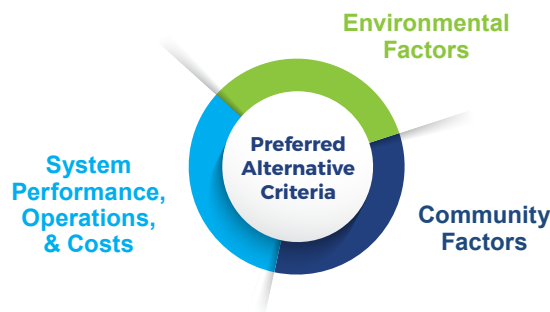
At-grade	An alignment at ground level	MOWF	Maintenance of way facility: A facility where equipment for nightly maintenance of right-of-way and tracks is stored
Aerial	An alignment with tracks raised in the air (e.g. on a bridge or viaduct)	mph	Miles per hour
Authority	California High-Speed Rail Authority: State agency responsible for planning, designing, building, and operating the first high-speed rail system in the US	NEPA	National Environmental Policy Act: A Federal law that requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions
Blended	A rail system shared between two or more operators (e.g. high-speed rail and Caltrain)	NOI	Notice of intent: A formal announcement of intent to prepare an EIS; the first step of the NEPA process
CEQA	California Environmental Quality Act: A California law that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible	NOP	Notice of preparation: A document stating that an EIR will be prepared for a particular project; the first step in the CEQA process
Dedicated	An alignment with only high-speed trains	PAA	Preliminary Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2010, provided initial details of design options in each subsection and helps inform the environmental document
EIR	Environmental impact report: A document required by CEQA for certain actions; it describes the environmental effects of a proposed action	PTE	Permission to enter: Process through which the Authority obtains consent to access property in order to conduct environmental studies
EIS	Environmental impact statement: A document required by NEPA for certain actions that significantly affect the quality of the human environment; it describes the environmental effects of a proposed action	ROW	Right-of-way: Land reserved for use by railroads
EJ	Environmental justice: Fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies	SAA	Supplemental Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2011, considered feedback received on the PAA and presented a refined suite of alternatives
Embankment	An earth-filled structure that raises tracks above the ground	Sensitive receptor	Places where the occupants are more susceptible to the adverse effects of exposure to noise, such as residences, hospital, hotels, schools, libraries, or concert halls
Environmental document	A combined EIR/EIS document	SR	State Route
ETO	Early train operator: DB Engineering and Consulting was engaged by the Authority to assist with planning, designing, and implementing the initial operations of California's high-speed rail program	Statewide Program EIR/EIS	Final Program EIR/EIS for the Proposed California High-Speed Train System: This document, released in 2005, identified a high-speed train system as the preferred alternative for meeting future intercity travel needs and cleared the way for further analysis of alignment and station locations
FRA	Federal Railroad Administration: Federal agency that regulates passenger and freight rail travel in the US	Trench	An excavation that lowers the tracks below ground level
GEA	Grasslands Ecological Area: 160,000 acres of wetlands in the San Joaquin Valley that serve as an important habitat for many bird species, including migratory waterfowl	UPRR	Union Pacific Railroad
Grade-separated	Physical separation at the intersection between railroad tracks and a roadway (e.g. with a bridge)	US	U.S. Highway
I-	Interstate	Viaduct	An elevated structure that raises tracks above the ground; an example of an aerial alignment
		VTA	(Santa Clara) Valley Transportation Authority

WHY IS STAFF RECOMMENDING ALTERNATIVE 4 AS THE STATE'S PREFERRED ALTERNATIVE?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the four alternatives. The results indicate that all of the alternatives have tradeoffs – advantages and disadvantages. Nevertheless, Alternative 4 was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community, and environmental factors. The factors that differentiate the four alternatives are presented in the tables below.

HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives 1, 2, 3, and 4 were evaluated by comparing the four alternatives across three sets of criteria:¹



System Performance, Operations, and Costs. The best-performing alternative is **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational Speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational Speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles) ²	43	50	35	50
Travel time — San Jose and Gilroy ³ (minutes)	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs ⁴ (2017\$ billions)	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs ⁵ (2017\$ millions)	\$162			

¹ Resources or topics for which potential impacts do not substantially differentiate the alternatives are not included on this fact sheet, but they still remain an important part of the evaluation and may be of importance to the public, stakeholders, and agencies. These include: archaeological resources; air quality and climate change; electromagnetic fields and interference; geology, soils, and seismicity; hazardous materials and waste; hydrology and water quality; paleontological resources; socioeconomic and communities (apart from displacements); regional growth; station planning; and vibration. All of these analyses will be included in the Draft environmental documents.

² This represents the length of the proposed alignment that is in close proximity to existing transit (bus, car, train, etc.) corridors.

³ Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

⁴ Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

⁵ Based on level of design sufficient to analyze potential environmental impacts.

Community Factors. The best-performing alternative(s) (fewest/least community impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# of structural improvements)	49	53	49	40
Community or public facilities displacements (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000
Permanent conversion of important farmland ⁶ (acres)	1,036	1,181	1,193	1,033
Visual quality effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way
Consistency with Gilroy City General Plan	Yes	Yes	No	Yes
Noise impacts with noise barrier mitigation/with noise barrier mitigation and quiet zones (# of sensitive receptors)	231/223	194/194	173/173	275/179
Increase in 2040 peak travel time on Monterey Road (northbound – AM/PM, southbound – AM/PM, minutes)	NB–8/20 SB–6/12	NB–27/5 SB–16/17	NB–8/20 SB–6/12	NB–0/5 SB–1/8
Permanent road closures	17	26	15	15
Type of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, and additional mitigations ⁷
EJ proportion of total significant and unavoidable impacts on local views ⁸	50%	N/A⁹	67%	N/A⁹
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times for EJ populations (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ¹⁰	49%	65%	45%	76%

Environmental Factors. The best-performing alternative(s) (fewest/least environmental impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impact	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Conservation areas (acres)	427	432	481	427
Permanent use of 4(f)/6(f) park resources (#/acres)	4/4.8	6/7.4	5/5.0	3/1.4
Permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1

6 Important Farmland includes Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.

7 Additional mitigations include emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services.

8 As indicated by impacts on visual landscape units.

9 These alternatives have no significant and unavoidable impacts on visual landscape units.

10 Noise impacts after noise barrier mitigation.

PUBLIC COMMENT**AGENDA DATE: 07/17/19****SUPPLEMENT # 1**

Fw: [New post] How to Get California Public Records

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; gary@custom-1.com; ehoward1965@gmail.com; president@gilroyedc.org; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; donpatloe@att.net; onemorejones@yahoo.com; sallybettencourt@gmail.com; carl@reformcalifornia.org; carol.marques@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; dion.bracco@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us; peter.leroe-munoz@ci.gilroy.ca.us; roland.velasco@ci.gilroy.ca.us; askmike@garlic.com; jon@hjta.org; shawna.freels@ci.gilroy.ca.us; allcouncilmembers@ci.gilroy.ca.us; rich.constantine@morganhill.ca.gov; mgr42@charter.net

Date: Sunday, June 30, 2019, 09:22 AM PDT

Dear Barry,

Why don't you join taxpayers, taxed/fee'd by confiscatory boondogglers' taxes/fees, for the purpose of government transit that competes illegally with private sector for-hire carriers of passengers, and ask some questions of the boondogglers,

like I did for ten years straight appearing at the SBCCOG's podium?

Why don't you ask them for all their documents that show what percentage of seats are transported empty each day, each week, each month, each year?

Why don't you ask them for their documents that show what percentage of their expenses are paid with fares from passengers, and what percentage of their expenses are paid with taxpayers' subsidies?

If they answer you, as they answered me, they'll tell you, "We don't know. We don't keep such records." And under the Public Records Act, they are not required to create documents. They only have to produce existing documents. So, they don't answer your question.

And you could, as I did, ask more such questions, and get the same stone-walling "answers." Then you could report to your readers how local government covers-up their boondoggles' fraud, waste and abuse.

Ask them for truth in transportation. I did, but never got it from them. For ten years straight from their podium.

Ask them:

What is your farebox recovery rate in terms of legal accounting, namely, generally accepted accounting principles (GAAP)

accounting? They, as all other transit agencies in California thanks to our Legislature, use non-GAAP accounting methods to

report, and therefore, falsify, their financial reports. They use the same accounting methods as Bernie Madoff used. As Enron used. It's called "off book" accounting, where they intentionally omit all of their capital and fixed costs. They thus cover-up the true extent of their losses.

But they are not wasting their own money, so what do they care? If they were using their own money, not motorists' money

from gas & diesel taxes, then they would use legal (GAAP) accounting. They use what Supervisor & COG-then Chairman

Anthony Botehlo called "government accounting," as though that justified false financial reports from the transit agencies to

the taxpayers paying for their boondoggle wastefulness.

Want more? I could send you my Freedom of Information Act (a/k/a Public Records Act in California) requests that I sent to COG, and their stonewalling, non-answers.

Why don't you support the taxpayers for a change?

Joe Thompson

(408) 848-5506

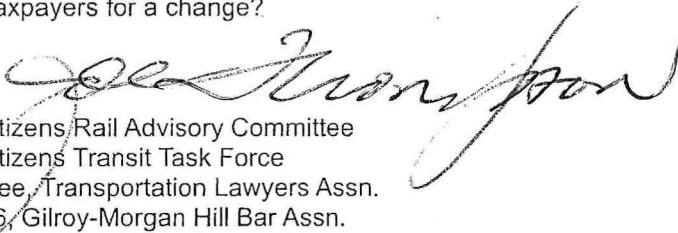
e-Mail: TransLaw@PacBell.Net

Charter Member, SBCCOG's Citizens Rail Advisory Committee

Charter Member, SBCCOG's Citizens Transit Task Force

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

Past-President 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.



Communication: Public Comment Supplement (PUBLIC COMMENT)

cc: PUBLIC COMMENT: NEXT MEETING, REGULAR, SPECIAL, STUDY SESSION, PRIVATE RETREAT, PUBLIC WORKSHOP,
AND/OR NON-BROWN ACT COMPLIANT MEETING OF THE "MOBILITY PARTNERSHIP"

PS: You could make the same request to VTA. But, you'd get the same stonewalling. VTA taught COG how to cover-up their boondoggles' losses and waste of our tax dollars.
jpt

----- Forwarded Message -----

From: CEBblog™ <comment-reply@wordpress.com>

To: "translaw@pacbell.net" <translaw@pacbell.net>

Sent: Friday, June 28, 2019, 08:07:29 AM PDT

Subject: [New post] How to Get California Public Records

Respond to this post by replying above this line

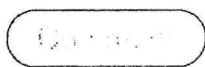
New post on **CEBblog**

How to Get California Public Records by Julie Brook, Esq.

The usual discovery requests don't always get you what you need.

Sometimes you'll do better seeking a public record under the California Public Records Act (Govt C §§6250–6276.48). [Read more of this post](#)

Julie Brook, Esq. | June 28, 2019 at 8:06 am | Tags: [CRPA](#), [discovery](#), [getting public records in California](#), [PRA](#), [public records act](#), [public records request](#) | Categories: [Civil Litigation](#), [Discovery](#), [Legal Topics](#) | URL: <https://wp.me/pKnUS-67A>



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Communication: Public Comment Supplement (PUBLIC COMMENT)

RE: Failure Notice

From: Shawna Freels (Shawna.Freels@ci.gilroy.ca.us)

To: translaw@pacbell.net

Date: Wednesday, June 12, 2019, 8:43 AM PDT

THANK YOU SHAWNA;

ALL COUNCIL MEMBERS

Hi Joseph, The full Council can be reached at: AllCouncilMembers@ci.gilroy.ca.us

Best Regards,

Shawna Freels, MMC

City Clerk of the City of Gilroy

CCAC Professional Development Director

7351 Rosanna Street

Gilroy, CA. 95020

(408) 846-0204

shawna.freels@cityofgilroy.org

Communication: Public Comment Supplement (PUBLIC COMMENT)

18 YEARS LATER, THEY'RE STILL DOING IT
TO US, WORSE EACH YEAR. JPT

Part of Every Trip We Take—
Taking Us Places We Don't Want to Go: JPT

A
Reply
to
Final Report by
San Benito County
Council of Governments
Transit Task Force

October 2002

"A bad cause seldom fails to betray itself."

James Madison, *The Federalist*, No. 41

By

JOSEPH P. THOMPSON

Attorney at Law

8339 Church Street, Suite 210, Gilroy, CA 95020

Post Office Box 154, Gilroy, CA 95021-0154

Telephone (408) 848-5506; Facsimile (408) 848-4246

E-mail: TransLaw@PacBell.Net

Website: <http://home.pacbell.net/translaw>

BAD Public
Policy =
BAD Transit
JPT

Communication: Public Comment Supplement (PUBLIC COMMENT)

Fw: [transport-policy] California HSR horror story, continued

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: shawna.freels@ci.gilroy.ca.us; allCouncilMembers@ci.gilroy.ca.us; rtdillon@garlic.com; bholtzclaw@newsmedia.com; nmixer@newsmedia.com; gary@custom-1.com; president@gilroyedc.org; john.lang@morganhill.ca.gov; ehoward1965@gmail.com; rich.constantine@morganhill.ca.gov; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; carl@reformcalifornia.org; sallybettencourt@gmail.com; donpatloe@att.net

Date: Thursday, June 13, 2019, 9:18 PM PDT

Editor,

The article that I forwarded to you, for use in your next Supermassive Black Hole Bullet Train Article, has been included in the Transport Policy newsletter----see attached. How long are our leaders in Sacramento going to pretend that they are doing something beneficial, when, like other public sector boondoggles, their boondoggle is just like all the others. Unsound and unsustainable transport policy, taking us down the USSR's Road to Serfdom. It is time to privatize public sector transit before it's too late. Our leaders in California, including at the local level, are driving taxpayers out of the State in ever-increasing numbers.

Joe Thompson

(408) 848-5506

e-Mail: TransLaw@PacBell.Net

----- Forwarded Message -----

From: JCWCONSULT@aol.com [transport-policy] <transport-policy@yahoogroups.com>

To: "transport-policy@yahoogroups.com" <transport-policy@yahoogroups.com>

Sent: Wednesday, June 12, 2019, 3:26:20 PM PDT

Subject: Re: [transport-policy] California HSR horror story, continued

This ongoing horror story SHOULD convince other venues to do better planning before starting.

Unfortunately, many venues let themselves in for similar disasters - example The Big Dig.

Regards,

Jim Walker

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

From: Phil Hayward best_intentions2@yahoo.co.nz [transport-policy] <transport-policy@yahoogroups.com>

To: Yahoogroups <urban-policy@yahoogroups.com>; Yahoogroups <transport-policy@yahoogroups.com>

Sent: Wed, Jun 12, 2019 4:58 pm

Subject: [transport-policy] California HSR horror story, continued

High-speed rail route look land from farmers.. The money they're owed hasn't arrived

Communication: Public Comment Supplement (PUBLIC COMMENT)



**High-speed rail route took land from farmers.
The money they're owed has...**

Ralph Vartabedian

Construction of California's bullet train meant farmers lost
land. Some had to pay out of pocket to adjust. The ...

Posted by: jcwconsult@aol.com

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YOUR BOONDOGGLES ARE THE SAME: BAD POLICY; UNBOUND + UNSUSTAINABLE PUBLIC SECTOR TRANSPORT

High-speed rail route took land from farmers. The money they're owed hasn't arrived

By RALPH VARTABEDIAN
JUN 10, 2019 | 5:00 AM



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John Diepersloot squinted under a bright Central Valley sun, pointing to the damage to his fruit orchard that came with the California bullet train.

He lost 70 acres of prime land. Rail contractors left mounds of rubble along his neat rows. Irrigation hoses are askew. A sophisticated canopy system for a kiwi field, supported by massive steel cables, was torn down.

inRead invented by Teads



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"I am out a quarter-million bucks on infrastructure, and they haven't paid a dime for a year," he said. "I don't have that kind of money."

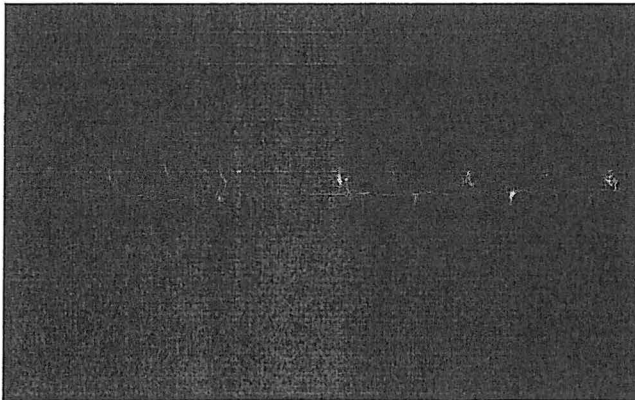
PAID CONTENT

What Is This?

Genesis G70 [↗](#)

2019 North American Car of the Year

SEE MORE



By Genesis

Up and down the San Joaquin Valley, farmers have similar stories. The state can take land with a so-called order of possession by the Superior Court while it haggles over the price.

But farmers often face out-of-pocket costs for lost production, road replacement, repositioning of irrigation systems and other expenses, which the state agrees to pay before the final settlement.

Those payments and even some payments for land have stretched out to three years. State officials have offered endless excuses for not paying, the farmers say.

Eminent domain, the legal process by which government takes private land, is complicated enough, particularly in Californ

But the rail authority's constantly changing]

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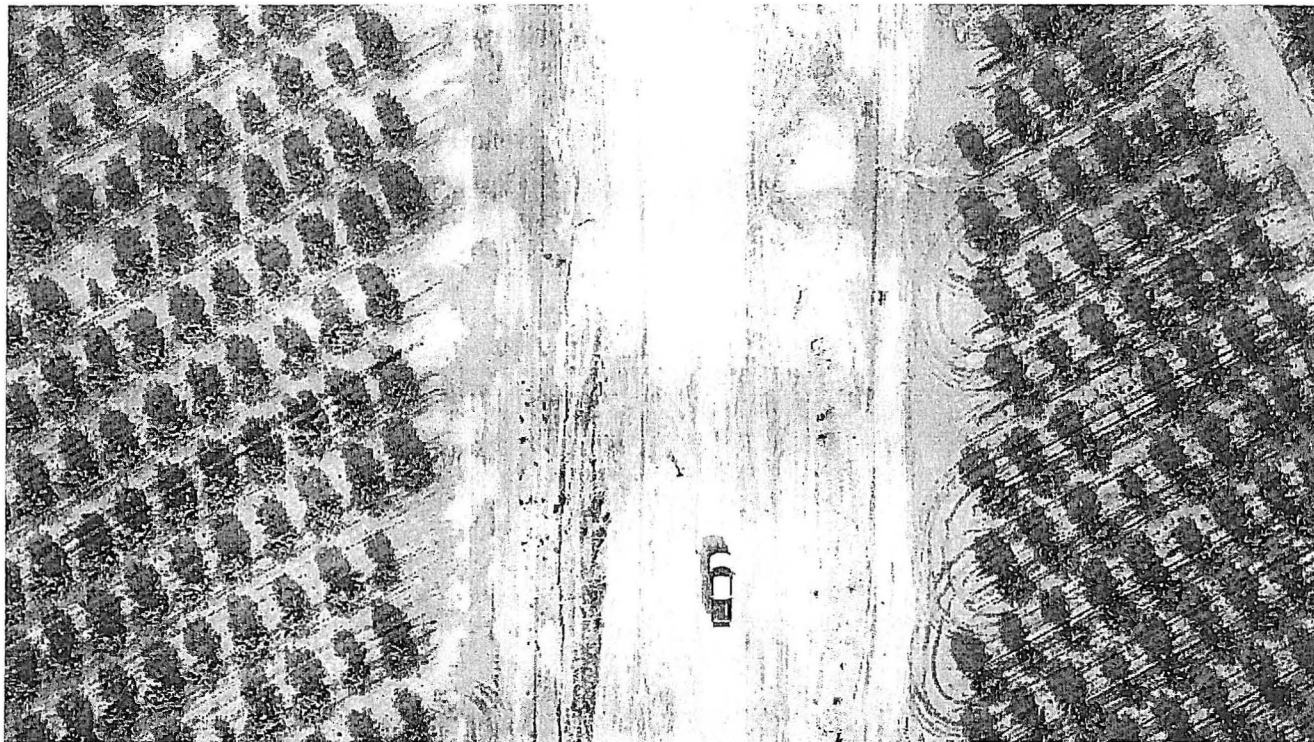
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"They are bogged down," said Mark Wasser, an eminent domain attorney in Sacramento who has represented more than 70 farmers and other businesses losing land to the rail project. "I would draw an analogy to Napoleon's invasion of Russia."

Many government highway and rail projects end up seizing private land for the greater good, leaving owners angry about the disruption to their lives and the loss of something they worked hard to build. In California, the slow payments are adding to the farmers' frustration.



John Diepersloot's truck is parked on a swath of land cleared for the bullet train project. (Tomas Ovalle / For The Times)

Tim Raven, a walnut and almond grower, is owed \$500,000, he told The Times. John Tos, a big grower who has waged a legal battle against the project, says the state owes him \$150,000. Wasser says Brenda Church, a former client, has been owed \$1.9 million for three years. Ray Carter, who voluntarily sold his farmland, says he has been owed \$630,000 for three years.

Carter's brother-in-law, Vince Carter, also co

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Asked about the allegations of nonpayment, the rail authority issued a statement, though it did not explain why the problem existed.

"We understand the concerns of private property owners affected during the acquisition of their property ... and construction of the high-speed rail system," wrote Don Odell, the agency's director of real property. He added that the authority tried to minimize effects on farmers, cover their expenses and ensure they got fair-market value for land.

One problem was the agency's decision to issue construction contracts with only 15% of the rail design completed, a so-called design-build approach. With only preliminary designs of highway bridges, rail structures and utility relocations, it was difficult to know how much land would be needed and the degree to which farms would be hit.

In fact, the rail authority has had to go back to landowners hundreds of times for additional land or to discuss unforeseen effects on farms. In Diepersloot's case, the authority is building two perpendicular highway bridges to go over its rails along his property. That has created a 70-acre triangle that is inaccessible. And it had to pay in perpetuity a walnut farmer next door to allow Diepersloot to use his private farm road for access.

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ALL Council MEMBERS

Fw: Secretary Chao: Fuel Tax a 'Topic of Discussion' During Infrastructure Policy Talks: TT Express

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; donpatloe@att.net; gary@custom-1.com; ehoward1965@gmail.com; president@gilroyedc.org; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; onemorejones@yahoo.com; sallybettencourt@gmail.com; mary@sanbenitocog.org; allcouncilmembers@ci.gilroy.ca.us; mgr42@charter.net; rich.constantine@morganhill.ca.gov; john.lang@morganhill.ca.gov; roland.velasco@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; carl@reformcalifornia.org; dion.bracco@ci.gilroy.ca.us; jon@hjeta.org; peter.leroe-munoz@ci.gilroy.ca.us; carol.marques@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us

Date: Wednesday, July 3, 2019, 09:41 AM PDT

Dear Barry,

For you next transportation Article, please report the calls from all levels of government for additional increases in gas & diesel taxes, at a time when motorists are already paying 102+% of the cost of our transport, and 99% of the cost of transit systems' riders' costs, too. It is bad public policy. It's not only unfair to motorists, it is unsound and unsustainable transport policy. Both California State and federal experts have concluded that we ought to fund transport with "user fees." The California Transportation Commission and the President's (Bush II) Blue Ribbon Commission on transport funding arrived at the same conclusion, but our leaders ignore their own experts' advice. Taxing people out of their cars is unwise. Government transport is a failure in radical socialist policy, and will take us down the same Road to Serfdom taken by the USSR. Our leaders should follow their experts' advice and raise transit fares. They ought to pay the same for their transport as motorists pay for our transport. We ought to end the double standard we currently have with our transport policy. Please report to truth about the losses being sustained at the transit agencies, Caltrain, Amtrak, ACE Train, BART, and the rest of the politicians transit boondoggles. Who in government is calling for truth in transportation? Anyone?

Caveat viator.

Joe Thompson

Past-President 1999-2001, 2006, Gilroy - Morgan Hill Bar Assn.

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

e-Mail: TransLaw@PacBell.Net

408-848-5506

cc: Public Comment: Next Meeting, Regular, Special, Study Session, Private Retreat, Public Workshop, and/or non-Brown Act compliant meeting of the so-called "Mobility Partnership" VTA&COG, another unconstitutional governing body, governing without the consent of the governed.

PS:-

"a long train of abuses and usurpations" - Thomas Jefferson, Declaration of Independence.

jpt

----- Forwarded Message -----

From: Transport Topics <noreply@ttnews.com>

To: "translaw@pacbell.net" <translaw@pacbell.net>

Sent: Wednesday, July 3, 2019, 09:20:42 AM PDT

Subject: Secretary Chao: Fuel Tax a 'Topic of Discussion' During Infrastructure Policy Talks: TT Express

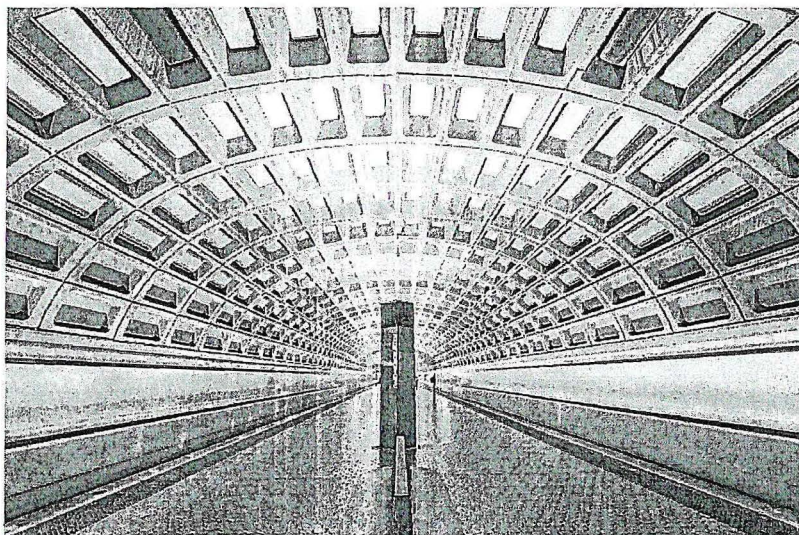
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July 3, 2019

Communication: Public Comment Supplement (PUBLIC COMMENT)

BAD PUBLIC POLICY =

May 7, 2018 AT 6:15 AM



GOVERNMENT TRANSPORT



VTA + COG = GOVERNANCE ABUSE

By Randal O'Toole | Contributor

A senior fellow with the Cato Institute

Public transit cost federal, state and local taxpayers more than \$50 billion in 2016 -- nearly \$5 in subsidies every time someone boarded a transit vehicle. Yet transit ridership has been declining since 2014, and although some might attribute this to telework or a general decline in the reliability of transit services, it's thanks in large part to the success of competitors such as Uber, Lyft and Chariot.

↘ This has led many to wring their hands over the future of public transit. In fact, we should be happy to see it go as it is obsolete, needlessly expensive and provides no significant environmental or social benefits. ←

A little over 50 years ago, urban transit was mostly private and mostly profitable. But in 1964, in the face of declining ridership and concerns about the industry's long-term financial viability, Congress offered federal subsidies to cities and states that took over private transit companies. Within a decade, all but a handful of transit companies had been "municipalized."

Those subsidies, along with those provided by states and local governments, failed to boost ridership or stabilize the industry. What followed instead was a dramatic decline in transit's productivity by any measure. The number of annual riders carried per transit employee has dropped by more than 50 percent, according to data from the American Public Transit Association. Operating and capital costs have grown more than twice as fast as fare revenues. ←

Adjusted for inflation, the same data show that subsidies to transit by all levels of government have totaled well over \$1.1 trillion since 1964, but these subsidies haven't benefitted either cities ←

or transit riders. In 1964, the average urban resident took more than 60 transit trips a year. Preliminary data for 2017 indicate that this has fallen to 37 trips per year, the lowest level in recorded history.

Subsidy supporters say transit helps low-income people get to work, but census data show that only about 4 percent of American workers live in households that lack cars, and a majority of them don't commute by transit. Nor are claims that transit saves energy and reduces pollution true. In 2016, transit used about 10 percent more energy per passenger mile than the average car and only slightly less than the average light truck. Both transit and cars emit about the same amount of greenhouse gases per passenger mile. People who care about energy or climate change would do better to drive a plug-in hybrid than to take transit.

The latest argument for transit is that it promotes economic development. While some studies have found that heavily used transit lines can influence property values, research published by the Federal Transit Administration has shown that this is a zero-sum game: Higher property values in one part of a city are balanced by lower values elsewhere. Not only does transit not promote overall economic growth, the high taxes required to subsidize transit may actually slow growth down. Data from more than 300 urban areas show that the regions that grew fastest in the 2000s were ones that had spent the least on transit in the 1990s, while the regions that spent the most on transit in the 1990s were among those that grew the slowest in the 2000s.

Now that ride hailing companies such as Uber and Lyft and private bus companies such as Chariot are providing increasingly affordable alternatives to public transit, it is time to think about phasing out the subsidies. That means, first, that transit agencies should stop spending money on new rail transit lines that few people will ride.

Rail transit was rendered obsolete more than 80 years ago when manufacturers had perfected buses that were less expensive to buy, operate and maintain than rail cars. Contrary to claims that light rail is "high-capacity transit," buses have much higher potential capacities: The New York-New Jersey Lincoln Tunnel Exclusive Bus Lane, for example, moves more people per hour than almost any rail line in the world, and far more than any light-rail line.

Next, transit agencies should pay down the debts they incurred building previous rail lines, as well as their unfunded pension and retiree health-care obligations. Finally, they should offer transit franchises to private companies, as the United Kingdom has done. At least until driverless cars make buses obsolete, private companies can provide bus services at a profit in many urban areas. A private company might also be able to operate the New York subway at a profit, but most other rail lines should be scrapped.

To be fair, we should end subsidies to highways as well, though those subsidies are much smaller – 1.5 cents per passenger mile vs. nearly 90 cents for transit. Subsidies make transportation providers, whether public or private, more responsive to politicians than to transportation users. Politicians are likely to build bridges to nowhere or expensive, low-capacity rail lines, while user fee-driven agencies will focus on maintenance and cost-effective congestion relief to keep customers happy.

The great experiment of socializing public transit has failed. Instead of trying to rescue transit, we should stop subsidizing it, saving taxpayers' tens of billions of dollars a year. There are better ways to improve urban transportation.



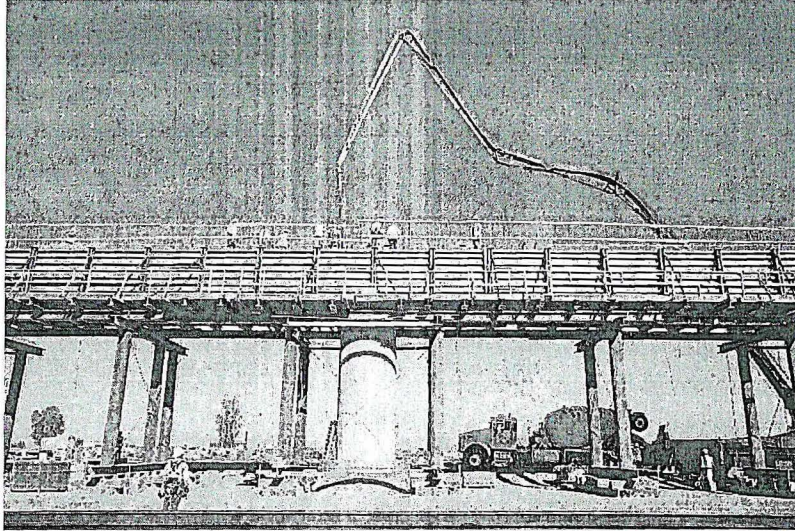
→ SO WHY DOES LOCAL GOVERNMENT CONTINUE THE ABUSE, WASTE AND FRAUD?

R. Thompson

It's Never Too Late to Stop a Transportation Megafolly

California's governor was right to put the brakes on a high-speed-rail boondoggle. That doesn't mean that the state should have to return the federal funds it received.

March 5, 2019 AT 6:15 AM



SHAFTING
CALIFORNIA
TAXPAYERS FOR
FUN + PROFIT
BAD PUBLIC POLICY

Construction workers on one of the elevated sections of California's high-speed rail. (AP/Rich Pedroncelli)



By Randal O'Toole | Contributor

A senior fellow with the Cato Institute

California should never have begun building its high-speed rail project, and Gov. Gavin Newsom's announcement last month that construction will be limited -- at least for now -- to a segment already under construction is one of the best decisions he could have made.

But President Donald Trump's demand that the state return federal contributions to the project is wrong, both because it was federal funding that enabled the project in the first place and because that demand creates perverse incentives for other states and localities to waste money on similarly useless projects.

Back in 1997, researchers at the University of California at Berkeley compared the cost of travel by auto, air and high-speed rail between San Francisco and Los Angeles. The state had not yet estimated the cost of constructing a high-speed rail line connecting the two cities, so the researchers assumed it would be about \$10 billion. At that cost, they found, both air and auto travel were less expensive than high-speed rail.

Then, in 2000, California estimated that the actual cost would be \$20 billion. That made it a megafolly: a hugely expensive project with negligible benefits. The state should have stopped right there. Instead, in 2008, it asked voters to approve the sale of \$9 billion worth of high-speed rail bonds. The bond sale, the state promised, would be conditional on getting matching funds from the federal government and other sources. By that time, cost estimates had risen to \$33

Communication: Public Comment Supplement (PUBLIC COMMENT)

billion, but if the state could find \$9 billion in matching funds, it would have enough to complete about half of the line.

Voters agreed, but nothing would have happened without federal matching funds. The following year, President Barack Obama persuaded Congress to make \$8 billion available for high-speed rail projects around the country; later, Congress added a couple more billion. California's share was less than \$3.5 billion, allowing the state to sell a similar amount of bonds.

The state began construction in the Central Valley. However, projected costs quickly escalated to \$77 billion, with indications that they might exceed \$100 billion. Obviously, the state had less than 10 percent of what it might end up needing.

This wasn't a surprise to anyone. California was up front from the very beginning that it only would provide matching funds for whatever the federal government gave it and that the total cost would be much more than that. The Obama administration gave it the money anyway, so it would be hypocritical for the federal government to demand it back now -- especially since the alternative is to have federal taxpayers eventually pay half of the remaining cost of completing the project, which Trump does not want to do.

Moreover, this creates perverse incentives for other states and local governments that are reconsidering their own megafollies. Oregon and Washington state, for example, spent \$135 million in federal dollars studying whether to spend \$3.5 billion replacing a bridge across the Columbia River with one that would move both highway vehicles and light-rail trains. The Washington legislature backed out of the project, concluding that it was too expensive. But now, even some Republicans are saying they have to revive the project so the states won't have to return the \$135 million to the federal government.

Honolulu, which has one of the best bus systems in America, made the foolish mistake of planning a rail transit line that will carry few people but divert resources away from the city's buses. It was far too expensive at its originally projected cost of around \$3 billion, but since then that megafolly's costs have ballooned to more than \$9 billion. The city probably has enough money to finish 16 miles of the planned 20-mile route. But some will argue that it will have to come up with several billion dollars more to finish the last four miles -- the most expensive ones - or the federal government will demand the return of its share.

These projects are obvious megafollies and never should have been considered. Yet sometimes common sense wins out only after construction of a megafolly has begun. As Gov. Newsom apparently concluded, the best thing to do is stop construction as soon as possible, run the incomplete megafolly until it wears out, and then, perhaps, replace it with something that makes more sense.

States and cities shouldn't have to complete projects that they never should have started just to avoid returning federal money they've already spent. The Trump administration should reverse its position on the California high-speed-rail funds. The only thing worse than a megafolly is doubling down on one.



Randal O'Toole | Contributor | rot@cato.org | [@antiplanner](https://twitter.com/antiplanner)

Communication: Public Comment Supplement (PUBLIC COMMENT)

Trump Cancels High-Speed Rail Funding for California and Demands Back Billions

by [Tribune News Service](#) | February 20, 2019 AT 8:15 AM

By Kurtis Alexander and Alexei Koseff

The Trump administration said Tuesday that it's canceling \$929 million of federal funding for California's high-speed rail project and demanding the return of \$2.6 billion that's already been spent.

Gov. Gavin Newsom quickly denounced the move as political retribution for the state's resistance to a southern border wall and said California will fight for the money.

The administration made its move a week after Newsom suggested that the state was refocusing its \$77 billion plan to run 220-mph trains between Los Angeles and San Francisco. Because of cost overruns and delays, he said, the state would concentrate on starting service in the Central Valley between Merced and Bakersfield.

President Trump seized on the governor's statement in a tweet, calling California's rail plan a "disaster" and saying he wanted the state to return federal money that has been invested in the project. House Minority Leader Kevin McCarthy, a Bakersfield Republican and close Trump ally who has long opposed the high-speed rail project, also celebrated its "extinction."

In a letter sent Tuesday to the California High-Speed Rail Authority, Ronald Batory, head of the Federal Railroad Administration, noted Newsom's "significant retreat" from the state's original plan. He wrote that the reduced project wasn't what the federal government had committed to help fund.

The letter also cited California's failure to meet its construction schedule, provide sufficient financial contributions and demonstrate that it was "effectively managing" the project.

Batory wrote that the high-speed rail authority reported spending only \$48 million in December, far short of the \$142 million officials committed to design and construction activities, and that "other months show the same shortfall of expenditures as compared to the state contribution commitment."

He said the Federal Railroad Administration had determined that California would be unable to meet its 2022 deadline to complete the first section of track from Madera, north of Fresno, to Shafter, near Bakersfield. The agency is "exploring all available legal options," Batory wrote, to recover more than \$2 billion of stimulus money that it awarded in 2010 for the project.

Newsom made his comments about limiting high-speed rail during his State of the State address Feb. 12. He quickly backpedaled, insisting he still wanted to extend the Central Valley line to the Bay Area and Southern California. The governor said he just wanted to get the Central Valley segment, which is under construction, up and running first.

The rail project, which broke ground in 2015, remains tens of billions of dollars short of full funding.

Communication: Public Comment Supplement (PUBLIC COMMENT)

In a statement Tuesday, Newsom said, "It's no coincidence that the administration's threat comes 24 hours after California led 16 states in challenging the president's farcical 'national emergency.' The president even tied the two issues together in a tweet this morning."

The reference was to a tweet in which Trump asserted that with cost overruns that "are becoming world record setting," California's project "is hundreds of times more expensive than the desperately needed Wall!"

California joined 15 other states to file suit against the Trump administration on Monday for declaring a national emergency to secure funding for his proposed wall along the U.S.-Mexico border without going through Congress.

"This is clear political retribution by President Trump, and we won't sit idly by," Newsom said. "This is California's money, and we are going to fight for it."

Federal and state Republican lawmakers, including McCarthy, applauded the Trump administration's letter and called for Newsom to scrap the high-speed train entirely.

"The funds should be redirected to Central Valley infrastructure projects that will benefit the entire state," Assemblyman Vince Fong, R-Bakersfield, said in a statement.

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[Tribune News Service](#) | [@TribuneAgency](#)

Fw: Join Us at our Community Open House Meetings

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; donpatloe@att.net; allcouncilmembers@ci.gilroy.ca.us; roland.velasco@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; peter.leroe-munoz@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; carol.marques@ci.gilroy.ca.us; dion.bracco@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us; rich.constantine@morganhill.ca.gov; john.lang@morganhill.ca.gov; ehoward1965@gmail.com; gary@custom-1.com; president@gilroyedc.org; sbcsuper@supervisor.co.sanbenito.ca.us; mgr42@charter.net; info@sanbenitocog.org; mary@sanbenitocog.org; carl@reformcalifornia.org; jon@hjta.org

Date: Friday, July 5, 2019, 12:11 PM PDT

Editor,

There's no route for the Bullet-in-the-Brain Train that CAHSRA can propose that is acceptable to taxpayers, who are already taxed to smithereens to pay the subsidies for existing politician transport like VTA, COG, TAMC, SCCRTC, Etc., County Transit, Dial-A-Ride, Paratransit, Lite Rail, BART, Caltrain, SMART Train, Ace Train, Amtrak, etc.

Why don't you republish my Guest Editorial about CAHSRA's insanity as Tourists Panacea-Taxpayers Hell?

California voted for self-sufficient HSR, not what CAHSRA's berserk unelected leaders are cramming down our throats.

The better route would be to drive a stake thru this Frankenstein.

Losses are estimated at \$1B/year, which they will pay with increased gas & diesel taxes, taxing motorists out of our cars, just like VTA does, COG does, TAMC, SCCRTC, and all the rest of the alphabet soup of transit agencies, where they govern without the consent of the governed.

As I said to the HRS Commission, back before it became an "Authority," if we put enough UPS, FEDEX, and Postal Service tonnage on the Bullet Train, then we would not need to ask the taxpayers for a dime.

Where is an elected official who will join with taxpayers and stopping this monstrosity before it ruins us more than the radical socialist transit agencies have already done?

We don't want, cannot afford, and didn't vote for a hugemongous Amtrak, guzzling our tax subsidies faster than a SuperMassive Black Hole.

We ought to learn from history, and do as Florida did: repeal Prop. 1A and privatize HSR, and all the rest of the politicians' boondoggles that we presently subsidize with our gas taxes. Caveat viator.

Joseph P. Thompson, Esq.
Past-President, 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn
Past-Chair, Legislation Committee, Transportation Lawyers Assn.
(408) 848-5506
e-Mail: TransLaw@PacBell.Net

cc: Public Comment-Next Meeting: Regular, Special, Study Session, Private Retreat, Public Workshop, and/or non-Brown Act compliant meeting of the "Mobility Partnership" unconstitutional governance at its worst.

jpt

----- Forwarded Message -----

From: California High-Speed Rail <info@hsr-email.com>
To: "translaw@pacbell.net" <translaw@pacbell.net>
Sent: Wednesday, July 3, 2019, 03:08:48 PM PDT
Subject: Join Us at our Community Open House Meetings

Communication: Public Comment Supplement (PUBLIC COMMENT)

JOSEPH P. THOMPSON
Attorney at Law
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Fax (408) 842-2206

August 24, 2007

Editor

Email: editor@garlic.com, editor@gilroydispatch.com

The **Dispatch**

6400 Monterey Road

Gilroy, CA 95020

Re: Bullet Train: Tourists' Panacea, Taxpayers' Hell

Dear Editor,

The proposal to build the Bullet Train in California is proof that socialists have taken-over our government. Based on past cost overruns, the price tag on this extreme boondoggle is about \$75-\$80 billion in today's dollars. Paid back interest on these bonds will also burden our children and grandchildren and great-grandchildren will billions more. Annual operating losses will exceed those of all Lite Rails combined. Fares won't cover 1% of operating expenses, estimated at \$1 billion/year. Bond debt will bury us.

Technology exists to build it, but how do we pay the construction costs, and operating costs? It's technologically incompatible with existing railroads, so it will need BART-like right-of-way. Eminent domain power, included in the legislation creating it, ensures that it will plow through Gilroy and Morgan Hill and any other place, regardless of opposition. But it cannot cross the UPRR's tracks because the Class I railroads' eminent domain trumps Bullet Train's eminent domain power, according to UP's top commerce counsel on the West Coast. Tourists will ride it, but enjoy a 99% taxpayer subsidy for rides that will cost more than those on the Concorde Supersonic Jets. Local small business owners will pick-up the tab, maybe getting 10% back from tourist dollars if we're lucky.

In 1970 Congressmen stood up in Congress and proclaimed that Amtrak would be "self-sufficient in three years." Yeh. By 9/11/01 taxpayers had thrown about \$30 billion in subsidies down that black hole, but did we have adequate airport security?

In 1863 General Granville Dodge, who was later UPRR's top civil engineer, and who discovered the Sherman Pass over the Continental Divide, was summoned to the White House. He later said that he told the President that the government should own and operate the transcontinental railroad. Lincoln, who as a young member of the Illinois Legislature had seen government owned railroads in Eastern and Midwestern States go bust and shutdown operations in the 1830's and

When will we ever learn?

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development incentives (my words, not his). They did it. And what did taxpayers receive in the deal? They got about \$460 million (measured in 1940 dollars) more than the value of the land granted to the railroad corporations because of Section 22 in the original Interstate Commerce Act (lower freight rates for government shipments).

A hundred years ago the Progressive Movement, led by William Jennings Bryan, sought nationalization of the railroads and other industries, but their passion was rejected by voters.

When the railroads were nationalized in 1917 during the Administration of Woodrow Wilson, government genius so botched-up shipping that rail traffic came to a standstill. That experiment failed, just as Lincoln predicted it would. In the Transportation Act of 1920 the railroads were de-nationalized, and came to be the envy of the world's nations today; the backbone of our nation's commerce.

Instead of making taxpayers pay for Bullet Train, like we pay for County Transit, Caltrain, Amtrak, Lite Rail, etc., etc., while motorists are paying 100% of their own transport costs, seeing our politicians rewarding transit wastefulness, why not use the unlimited power of capitalism? Have you been on I-5 lately to see the uninterrupted 24-7 tonnage flowing North-South in California? I appeared before the Bullet Train commission five times over the last decade and told them that if they put enough UPS, Fedex and Postal Service tonnage on their trains, then they would not need to ask the taxpayers for a dime. Did they listen?

Like Amtrak's promoters, their pie-in-the-sky predictions show that they did not listen, nor did they learn from history, either United States or world history in the last century and one-half. So, hold on for the ride, and warn your children and grandchildren, our leaders will strap taxpayers to the rocket to Hell. We'll be paying unimaginable sums to attempt what Lenin, Trotsky, Stalin and the USSR failed to achieve, despite all their promises to their citizens that socialism could bring utopia. If they fund it with gas taxes, be prepared to see \$10/gallon for gas at the pumps. They'll tax motorists out of their cars, leaving them to ride our Trojan Horses, and bike or walk the rest of the way.

Caveat Viator!

Respectfully yours,
JOSEPH P. THOMPSON, ESQ.

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The **Dispatch**
6400 Monterey Road
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February 18, 2010

Re: MyBulletTrain: Profitable for who?

Dear Editor,

Bullet Train blitzkrieg, multi-million dollar campaign, using taxpayers' money to sell them on the boondoggle claims that it will be profitable. Yeh, but for whom? The planners, consultants, ad men, bond salesmen, foreign equipment manufacturers. The bankruptcy of all State-owned railroads in the USA in 1830's ought to tell us something about the right way to build a railroad. The American experience with nationalization of the railroads in 1918, the collapse of the USSR, and the world-wide privatization revolution of the 1990's should teach us a valuable lesson in railroad building. The insolvency of Amtrak, Caltrain. The bankruptcy last month of the Las Vegas Monorail, etc.—lessons abound from our history, but will we learn from them?

Sustainable rail transport hinges on the bottom line on the balance sheet; do revenues exceed costs? If we use VTA government-style accounting methods, we won't see a sustainable Bullet Train. We have to use the same accounting used by the world's most successful railroads, UP, BNSF, CSX, etc., America's Class One Railroads. If you lose money moving passengers, then you have to make-up your losses by moving freight. Intermodal tonnage on Bullet Trains, moved on separate trains during non-peak commute hours is how I've told the California High Speed Rail Commission, now High Speed Rail Authority, to do it. If the taxpayers purchase the infrastructure for the Bullet Train's owners, it will be like financing the Interstate Highway System, and the State Highways, for the trucking industry.

Transport me as a tourist, and I'll need a 99% fare subsidy. But transport me as a deceased traveller, and my estate, or relatives, have to pay 100% of the cost of moving the dead freight. So, to create a sustainable Bullet Train, you have to think like railroaders, not horizontal elevators in communist nations.

Why do our leaders want to grow bigger government, when common sense people, e.g., Editorial Board of Gilroy Dispatch, say we should be doing just the opposite? Do we have leaders who give a damn about the harm their decisions inflict? Why do we tolerate such hypocrites?

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August 24, 2007

Editor

Email: editor@garlic.com, editor@gilroydispatch.com

The ***Dispatch***

6400 Monterey Road

Gilroy, CA 95020

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When will we ever learn?

Communication: Public Comment Supplement (PUBLIC COMMENT)

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When will we ever learn?

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January 1, 2005

Editor

The *Dispatch*

6400 Monterey Road

Gilroy, CA 95020

Re: Social and Economic Consequences of Nationalized Transportation

Dear Editor,

Your tribute to increased nationalized transport makes me question your sanity, our leaders' sanity, and the voters', too. Where will such policy lead us? What will we nationalize next?

I think that you would serve your readers well to give an in-depth analysis to the scope of the social and economic consequences of our current government-owned transport policy. Having chosen to reject private-sector transport in all modes except pipelines, airlines and marine carriers, why not give a careful examination to the prospects facing our children if we continue this trend. For example, the use of eminent domain by VTA, Bullet Train and other government transport operations, and the rise of uncompensated taking by means of exclusionary zoning and impossible regulations. The decision of Attorney General Bill Lockyer, the pending seminal case at the U.S. Supreme Court (*Kelo v. City of New London*), and the eminent domain strategy of the VTA, all furthering the erosion of our constitutional rights, have not been the subject of your publications. It seems to me that it very well could be. Take a look at the VTA case summary ("Eminent Domain-Unlimited"), which seems to me to say it all. Once we started down the nationalization course, we unleashed a Frankenstein upon ourselves and future generations. Will you please report these social and economic consequences of nationalized transport? Happy New Year it certainly will be for socialists and VTA subsidy recipients, but not for taxpayers and small business owners and property owners.

Very truly yours,

JOSEPH P. THOMPSON

Candidate: American Society of Transportation & Logistics

Member: Legislation Committee, Transportation Lawyers Assn.

Member: Association of Transportation Law, Logistics and Policy

Past-President: Gilroy-Morgan Hill Bar Assn.

Eminent Domain & Nationalized Transport: Unleashing the Sovietization of America by Radical Socialists

Communication: Public Comment Supplement (PUBLIC COMMENT)

JOSEPH P. THOMPSON
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February 18, 2010

Editor and Editorial Board

Email: editor@garlic.com, editor@gilroydispatch.com

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6400 Monterey Road
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Re: MyBulletTrain: Profitable for who?

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October 5, 2011

FAX (831) 636-4160
Honorable Margie Barrios, Chairwoman
San Benito County Board of Supervisors
Hollister, CA 95023

FAX (831) 636-4310
Hon. Jaime DelaCruz, Chairman
San Benito County Council of Government
Hollister, CA 95023

Re: Public Comment BOS Oct. 2011 & COG Meeting Agendas - Volunteering Once Again
to Assist Local Government to Establish Sound, Sustainable Transport Policy to Replace the Failure
of Your Current Regime COG-VTA Insanity

Dear Madam and Sir,

Thank you for inviting public comment on the miasma, mess and Hell Hole that you've dug
for the citizens and taxpayers of our County, you lovers of VTA ultra-radical socialism (see why I
told you not to go to bed with VTA?)?! You've fallen into VTA's "BART-to-San Jose Boondoggle
Trap" with your illegal, unconstitutional "Mobility Partnership," by doing just what that 800-Pound
Gorilla tells you to do. You've earned the condemnation of the taxpayers, again. I warned you time
and again, but you refuse to listen, and we suffer for your arrogance and ignorance in transport
policy.

Please add this to the "public comment" for your next meeting agenda.

1. Author: See previous letters, legal memoranda, lawsuits, emails, etc. I have 48 years of
transport industry (rail and highway) experience on the Central California Coast Region, 31 years
of practice of transportation law, 35 years of doctoral and post-doctoral study of transportation law
and policy, at Santa Clara University School of Law, Norman Y. Mineta International Institute for
Surface Transportation Policy Studies, San Jose State University; Transportation Research Board,
Georgetown University; and at the Library of Congress. I'm a member of the Association for
Transportation Law & Logistics (formerly the Association of Interstate Commerce Commission
Practitioners (charter member of the Santa Clara Valley Chapter), Transportation Lawyers
Association (committees on Legislation (Past-Chair), Freight Claims, Bankruptcy, and Intermodal
Transport), and a candidate for the American Society of Transportation & Logistics. I am licensed
to practice before the California Supreme Court, the United States Supreme Court, the U.S. Court
of Appeals for the Ninth Circuit, and all U.S. District Courts in California.

2. Background Materials: See my hundreds of letters, faxes, legal memoranda and three

**Policy Advisory Committee Application-On One Condition: That You Honor the First
Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of
View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First
Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF** 1

Communication: Public Comment Supplement (PUBLIC COMMENT)

lawsuits I filed on behalf of the taxpayers of our County, all given *pro bono* to you, and to Rail Advisory Committee, Transit Task Force, Technical Advisory Committee, SBCBOS, etc., all of which you've totally ignored to the damage and betrayal of the citizens and taxpayers of our County. Give yourselves another "A" in arrogance and stupidity and ignorance. I respectfully request that you direct your staff to add this application, too, to the formal record of these proceedings. I ask that you adhere to your oath of office, and democratic principles of the Founders.¹

3. One Condition to My Application. I have one condition to this application. You must agree that you will not terminate me from the Policy Committee, as you did from the Citizens Transit Task Force, for voicing my opinion, falsely calling it "harassing." You brought everlasting shame on the government of this County by acting in direct violation of the principle of Freedom of Speech, and showed just how much you've betrayed the citizens of our County by selling us out to your special interests "friends," who are really our enemies. By terminating my membership on the Transit Task Force for having the unacceptable courage to speak truth-in-transportation, which you called "harassment," you showed the people of our County that COG is exacting like the Communist Party was in the Soviet Union, where, as Mr. Justice Douglas said in *The Right of the People* (1953), they had "freedom of speech" so long as nobody questioned communism. On the Citizens Rail Advisory Committee I was out-voted 8-1 on the RAC's final report to COG, but the COG Directors voted 5-0 against RAC's conclusion to extend Caltrain from Gilroy to Hollister. So, hypocrisy reared its ugly head in our County's government: RAC allowed dissent (which became the majority view), while TTF would not tolerate dissent, and we suffer the economic damage here ever since deriving from

1

John Stuart Mill*

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

*Cited in appreciation to your former Chairwoman, Honorable Pat Loe, for defending SBC's residents' First Amendment rights at the COG Meeting when I was terminated from the Transit Task Force. Joseph P. Thompson, Esq., December 8, 2006

Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF 2

Communication: Public Comment Supplement (PUBLIC COMMENT)

their unconstitutional conduct. I won't serve hypocrites in local government, so if you cannot abide this condition, then do not accept my application, and do not appoint me to hypocrisy-filled government. Worse than any other thing, Lincoln held "base hypocrisy" intolerable. I agree with that transportation attorney, our 16th President. Its your base hypocrisy that has brought us to the ruinous position, i.e., 5th worst County (economically) in the USA. Perhaps, if you had listened to me, rather than muzzle me, opened your ears when I brought you the UP's Industrial Development Department's "open check book" for local rail-oriented economic development on the Hollister Branch Line, our County's citizens and taxpayers would not be prostrate, broke, busted, and bankrupt today. But you'll never turn around our local economy if you cling to your Sovietization, VTA-poster child mentality of statist, socialist, communist, Marxist, Stalinist policy of screwing the taxpayers so you can reward your special interest monopolists and public-sector union employees. If you have the same closed-minded hypocrisy today as you did then, I won't waste my time and be subjected to more of your "base hypocrisy." So, if you're still hypocrites, please disregard my application. If you've got an open mind to alternative, pro-business, free enterprise, private-sector transport solutions, like you did when you adopted my dissent on your Caltrain extension vote ten years ago, then please consider my application. There's no middle ground: you either are hypocrites still, or you reject your "base hypocrisy."

4. Abolish COG: With motorists paying 102+% of their transport costs, including all highway and street construction and maintenance, and our elected leaders stealing from those gas tax revenues to give our money away to special interests at COG, VTA, TAMC, etc., to keep their bankrupt transit operations moving, the time is "high noon" to abolish COG. Gas taxes from motorists and truckers are used by COG to subsidize COG's unconstitutional, unsound and unsustainable transit boondoggles, yet COG's Directors refuse to protect the taxpayers from this disrespect, this abuse, and this unconstitutional violation of our rights. In COG's long history of abuse, the level of the damage being inflicted on local motorists and truckers has never been so high is it is now. Like the Bell, California City Council, we need to turn the COG rascals out of office ASAP. The longer we delay, the greater the harm that they will inflict on us, our economy, our lives, our families and our community. The only possible conclusion for the Policy Advisory Committee is to demand real social justice: immediately abolish COG. If appointed, I will work tirelessly, as God grants me the strength, to accomplish the goal of returning us to our American roots in transport policy, as I have tried, unsuccessfully, for ten years of COG, RAC, TAC, & TTF meetings, special meetings, workshops, etc., to convince the unconstitutional COG Directors, kingdom-makers, waste-rewarders, Marxist, Leninist, Stalinist betrayers in our local government. *Caveat viator.*

Very truly yours,
JOSEPH P. THOMPSON

cc: COG Board of Directors
cc: SBCBOS

Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF 3

PUBLIC COMMENT: CAHSRA PUBLIC MEETINGS; ROUTE FOR BULLET TRAIN; UPRR PROHIBITION TO USE OF ITS RIGHT-OF-WAY; PREEMPTION ANALYSIS--SUPREMACY CLAUSE

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: john.lang@morganhill.ca.gov; bholtzclaw@newsvmmedia.com; nmixer@newsvmmedia.com; rich.constantine@morganhill.ca.gov; shawna.freels@ci.gilroy.ca.us; allcouncilmembers@ci.gilroy.ca.us; roland.velasco@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; carol.marques@ci.gilroy.ca.us; dion.bracco@ci.gilroy.ca.us; rtdillon@garlic.com; fred.tovar@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us; askmike@garlic.com; peter.leroe-munoz@ci.gilroy.ca.us; mgr42@charter.net; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; gary@custom-1.com; ehoward1965@gmail.com; president@gilroyedc.org; donpatloe@att.net; carl@reformcalifornia.org; jon@hjta.org

Date: Sunday, July 7, 2019, 10:33 AM PDT

Mr. John Lang, City of Morgan Hill, Economic Development: Upcoming Public Meetings re: Bullet Train Route

Thank you for your notice and invitation for public comment regarding the CAHSRA's route selected for its Bullet Train though this Region.

I repeat what I've said before to the HSR Commission, HSR Authority, and various elected officials at federal, State and local levels.

Their route, and their concept, are bad public policy, unsound and unsustainable transport policy, sure to condemn taxpayers (motorists) to paying higher gas & diesel taxes to subsidize their Supermassive Black Hole, even worse than the taxpayer subsidies that we are forced to pay for existing public sector transit.

UPRR's eminent domain authority granted during the Lincoln Administration trumps inferior State eminent domain authority under the Supremacy Clause in the U.S. Constitution. So, we must conclude that the Bullet Train route will not trespass on UPRR's right-of-way without their consent, which they have refused to give to CAHSRA.

Please include my comment in the official record of these proceedings so that future generations know that our leaders were warned of their insanity.

Caveat viator.

Joseph P. Thompson, Esq.
(408) 848-5506

Past-President, 1999-2001, 2006, Gilroy - Morgan Hill Bar Assn.

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

Post-Doctoral Student, Transportation Law & Policy, Norman Y. Mineta International Institute for Surface Transportation Policy Studies, SJSU; Transportation Research Board, Georgetown U; and Library of Congress

Member, Transportation Lawyers Assn.

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Opinion



'A free lance is a knight in the service of no monarch, answering only to the call of justice.'

Hollister Free Lance: Serving San Benito County for 134 years.

A4 THURSDAY, SEPTEMBER 6, 2007 HOLLISTER FREE LANCE

NEW WEB POLL

Were you pleased with local schools' API test results?

A Yes
B No

Cast your vote at www.free-lancenews.com. The poll will close at 1pm Monday.

Results from last poll:

What do you hope to see at the former Leatherback site?

A More industrial 63.87%
B Commercial 26.88%

B Housing/mixed use 9.25%

Total votes: 346

Editor's note: Web polls are unscientific. They are collective views of readers who choose to take part.

GUEST COLUMN

Do you have something to say about local issues? Contact Editor Kollin Kosmicki to discuss your idea for a guest column. Columns are limited to 750 words.

Bullet Train in Region – Then Get Ready for \$10 per Gallon

The proposal to build the Bullet Train in California is proof that socialists have taken over our government. Based on past cost overruns, the price tag on this extreme



boondoggle is about \$75 billion to \$80 billion in today's dollars. Paid back interest on these bonds will also burden our children and grandchildren with billions, more. Annual operating losses will exceed those of all Lite Rails combined. Fares won't cover 1 percent of operating expenses, estimated at \$1 billion per year. Bond debt will bury us.

Technology exists to build it, but how do we pay the construction costs, and operating costs? It's technologically incompatible with existing railroads, so it will need BART-like right-of-way. Eminent domain power, included in the legislation creating it, ensures that it will plow through Gilroy and Morgan Hill and any other place, regardless of opposition. But it cannot cross the UPRR's tracks because with the Class I railroads, eminent domain trumps the Bullet Train's eminent domain power, according to UP's top commerce counsel on the West Coast.

Tourists will ride it, but

Joe Thompson

enjoy a 99 percent taxpayer subsidy for rides that will cost more than those on the Concorde Supersonic Jets. Local small business owners will pick up the tab, maybe getting 10 percent back from tourist dollars if we're lucky.

We've seen this issue in our nation's history more than once. In 1995 future Transportation Secretary Norm Mineta said that the "crucial question" in transportation is: "What should government do? And what should it leave to others?"

In 1970 congressmen stood up in Congress and proclaimed that Amtrak would be "self-sufficient in three years." Yeah. By 9/11/01 taxpayers had thrown about \$30 billion in subsidies down that black hole, but did we have adequate airport security?

In 1863 General Grenville Dodge, who was later UPRR's top civil engineer, and who discovered the Sherman Pass over the Continental Divide, was summoned to the White House. He later said that he told the president that the government should own and operate the Transcontinental Railroad. Lincoln, who as a young member of the Illinois Legislature had seen government owned railroads in Eastern and Midwestern

Tourists will ride it, but enjoy a 99 percent taxpayer subsidy for rides that will cost more than those on the Concorde Supersonic Jets. Local small business owners will pick up the tab, maybe getting 10 percent back from tourist dollars if we're lucky.

We've seen this issue in our nation's history more than once. In 1995 future Transportation Secretary Norm Mineta said that the "crucial question" in transportation is: "What should government do?

states go bust and shutdown operations in the 1830s and 1840s, said no. He said that private enterprise must do it, although the government would assist with development incentives (my words, not his).

Well, they did it. And what did taxpayers receive in the deal? They got about \$460

million (measured in 1940 dollars) more than the value of the land granted to the railroad corporations because of Section 22 in the original Interstate Commerce Act (lower freight rates for government shipments).

A hundred years ago the Progressive Movement, led by William Jennings Bryan, sought nationalization of the railroads and other industries, but their passion was rejected by voters.

When the railroads were nationalized in 1917 during WWI by the administration of Woodrow Wilson, government "genius" so badly botched-up the nation's rail shipping that rail traffic came to a standstill. That experiment failed, just as Lincoln predicted it would. In the Transportation Act of 1920 the railroads were denationalized, and came to be the envy of the world's nations today, the backbone of our nation's commerce.

Instead of making taxpayers pay for the Bullet Train, like we pay for County Transit, Caltrain, Amtrak, Lite Rail, etc., etc., while motorists are paying 100 percent of their own transport costs, seeing our politicians rewarding transit wastefulness, why not use the unlimited power of capitalism? Have you been on I-5 lately to see the uninterrupted 24-7 tonnage flow-

ing North-South in California?

I appeared before the Bullet Train commission five times over the last decade and told them that if they put enough UPS, Fedex and Postal Service tonnage on their trains, then they would not need to ask the taxpayers for a dime. Did they listen?

Like Amtrak's promoters, their pie-in-the-sky predictions show that they did not listen, nor did they learn from history, either United States or world history in the last century-and-a-half.

So, hold on for the ride, and warn your children and grandchildren, our leaders will strap taxpayers to the rocket to Hell. We'll be paying unimaginable sums to attempt what Lenin, Trotsky, Stalin and the USSR failed to achieve, despite all their promises to their citizens that socialism could bring utopia. If they fund it with gas taxes, be prepared to see \$10 per gallon for gas at the pumps.

They'll tax motorists out of their cars, leaving them to ride our Trojan Horses, and bike or walk the rest of the way. Instead of harnessing the unlimited capability of capitalism, our leaders will tie a dead-weight albatross around taxpayers' necks. Caveat Viator!

Joe Thompson is a Tres Pinos resident.

VTA: CONCEIVED IN...
GET GOVERNMENT OUT OF THE TRANSPORT BUSINESS

Joe

GILROY THE DISPATCH

WEEKEND
4-11-03
www.gilroydispatch.com

VTA on the brink of bankruptcy

► Committee explores a range of solutions, including taxes, to fund struggling transit agency

By JONATHAN JEISEL

Staff Writer

GILROY - The county's transit agency is at a financial crossroads, and Santa Clara County citizens and businesses could potentially face decisions about new taxes - or whether to borrow against existing taxes in the short-term for a new purpose - to help remedy the financial quagmire.



County Supervisor Don Gage

"What it will really boil down to is, 'Do people in the valley really want a transit system, and what do they want it to look like?' "

Officials with the Santa Clara Valley Transportation Authority say they face an estimated \$160 million annual deficit over the next 20 years and warned that the agency will run out of money within two years' time

unless dramatic steps are taken.

That budget hole is forcing officials to consider major changes to how the agency's buses and light-rail trains are funded - and a centerpiece question at the moment is a search

for new revenues.

Nearly 85 percent of the VTA's operating budget is comprised of sales-tax revenues, which tend to be volatile and fluctuate dramatically along with the economy.

With the current downturn, agency revenues have dropped 33 percent in two years after seven consecutive quarters of declining sales taxes. That's a bad drop, stressed VTA spokeswoman Dina Braun.

"It's tough for any organization," she said.

So far, in response the agency has

Please turn to VTA, A10

SOVIET SOLUTIONS DON'T WORK!
COG'S BANKRUPTCY TOO. Joe

Communication: Public Comment Supplement (PUBLIC COMMENT)

A4 WEDNESDAY, MAY 2, 2007 GILROY DISPATCH

COG, Too?

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■ Transportation Agency

VTa Stuck in Spending Gear

It's time for the decade-old Valley Transportation Authority to learn to live within its means. And that means those leading it, its board of directors, its general manager, chief administrative officer and chief financial officer, need to take responsibility for the financial mess the agency is in.

How? By taking a realistic look at its \$340 million annual budget, the very few passengers - 135,000 riders each day - and its projected \$2.8 billion deficit for the next three decades. VTA leaders need to immediately draft a budget that makes sense. It will take real leadership, leadership that has been nonexistent.

The VTA needs to spend only what it has on real transit needs and not wants, like proposed expensive light-rail extensions around the county and the bufoonish \$4.7 billion BART-to-San Jose project.

The critical March independent audit by the Philadelphia-based HayGroup, at a cost of \$500,000, makes the same points. VTA General Manager Michael Burns took the proactive step to get the review. Now what? Will the VTA behave like a private sector company in trouble and cut costs and adopt a realistic budget?

Remember, some of the same concerns raised by the latest audit were pointed out in 2004, when the Santa Clara County's Civil Grand Jury recommended suspending the BART-to-San Jose project and disbanding the VTA's board of directors. The board thumbed their noses at all of the grand jury's recommendations.

Most damaging in the HayGroup audit are the findings related to how the agency has forecasted its 30-

OUR VIEW

year economic outlook, erroneously relying on money generated from the 2000 passage of a half-cent sales tax. The audit found that in light of last year's failed half-cent sales tax proposal and no other incoming revenues, the VTA cannot build and operate the promised transit improvements.

When the agency last year again asked voters for more money - a half-cent instead of a quarter-cent sales tax increase - it failed.

Now Burns has welcomed a transportation-only tax measure in the November 2008 ballot.

Yet even with rising gas prices, ridership is down.

So, while it's a good thing that the agency is questioning the logic behind its bus service, eliminating some routes and consolidating others, the truth is that what's needed is a magnitude 8.0 shake-up that would essentially re-invent the VTA. And despite all the super critical audits and obvious flaws, it's just not happening. Voters should remember that whenever VTA asks you for more money out of your paycheck.

■ HOW TO REACH THE VTA

■ Santa Clara County Supervisor Don Gage, 299-5010, don.gage@bos.co.santa-clara.ca.us

■ Morgan Hill City Councilman Greg Sellers, 779-7259, greg.sellers@morgan-hill.ca.gov

■ VTA General Manager Michael Burns, 321-5559 or michael.burns@vta.org.



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Mariah Dabel, Community Services Supervisor
APPROVED BY: City Manager

APPROVE FEE WAIVER FOR USE OF THE DOWNTOWN AMPHITHEATER BY THE FORD STORE MORGAN HILL

RECOMMENDATION(S)

Authorize the City Manager to waive facility rental fees of \$512 for use of the Downtown Amphitheater by The Ford Store Morgan Hill.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Supporting Our Youth
Seniors
and Entire Community

REPORT NARRATIVE:

Staff recommends that the City Council direct the City Manager to waive facility rental fees of \$512 for use of the Downtown Amphitheater at the Community and Cultural Center. The Ford Store Morgan Hill is exploring a possible celebration of life ceremony the weekend of July 20 at the Downtown Amphitheater. The fee waiver would cover the cost of the facility rental. Supporting this event is in alignment with the Sustainable Morgan Hill Vision of a safe, inclusive, socially responsible community and City Council's ongoing priorities of enhancing public safety and supporting our youth, seniors, and the entire community.

COMMUNITY ENGAGEMENT: Collaborate

This request is an opportunity to support members of our community and a local business following tragedy to strengthen our Morgan Hill community.

ALTERNATIVE ACTIONS:

The Council could elect to not approve the requested fee waiver, or to approve only a portion of the waiver.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On March 6, 2019, the City Council approved facility rental fee waivers for community events in 2019 and 2020 totaling \$6,726 in fiscal year 2019-20.

FISCAL AND RESOURCE IMPACT:

The fiscal impact of the proposed fee waiver is a loss of General Fund revenue of \$512 in fiscal year 2019-20.

CEQA (California Environmental Quality Act):
Categorical Exemption.

Hosting events at the Community and Cultural Center is part of the planned management of City facilities and falls within the CEQA categorical exemption of Class 1, Existing Facilities.



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Anthony Eulo, Program Administrator
APPROVED BY: City Manager

APPROVE RESOLUTION AUTHORIZING GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT-RELATED AGREEMENTS AND DOCUMENTS

RECOMMENDATION(S)

Adopt the resolution approving the following actions:

1. Authorizing staff to prepare and submit a Statewide Park Development and Community Revitalization Program Grant Application to the State of California Department of Parks and Recreation for an amount not to exceed \$8,500,000 for the development of the proposed park at Butterfield Boulevard and Monterey Road; and
2. Authorizing the City Manager to negotiate and execute the Statewide Park Development and Community Revitalization Program Grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community

2019 Strategic Priorities

Economic Development

GUIDING DOCUMENTS

Bikeways
Trails
Parks and Recreation Masterplan

REPORT NARRATIVE:

The purpose of this report is to request the City Council's adoption of a grant resolution relating to the development of the proposed city park at Butterfield Boulevard and Monterey Road.

The State of California Department of Park and Recreation is preparing to accept grant applications for its Statewide Parks Program. This program is the largest park related grant program in California's history and possibly U.S. history, with over \$1 billion in funding between the 2018 Prop. 68 and 2006 Prop. 84 Bond Acts. The City has a good track record in competitive grant programs, but will have some hurdles due to significant grant scoring points being allocated to low income communities. After engaging State of California grant staff and discussing with other communities, City staff concluded that

the best opportunity for Morgan Hill will be to apply for the first round of funding with the August 5, 2019 application deadline. Staff expects there to be less competition in the first round due to the extensive application requirements, including compliance with the California Environmental Qualities Act (CEQA), and the limited timeframe provided to complete the application.

City staff has identified a potential park site that is not within a half mile of any other park site and should, therefore, enable the City to receive the maximum score in the park-deficient community category. This site is City-owned property near the southern end of the City at the Butterfield overpass. The site is approximately 8 acres in size and is currently unused. It would be connected to the area near Barrett School by the soon to be constructed Butterfield Linear Path. It would also have easy bicycle access from the southwest side of the town. The site will meet size requirements for a new Small Community Park as outlined in the recent 2017 Bikeways, Trails, Parks and Recreation Master Plan, but would be slightly south of the location identified in the plan.

The City has engaged potential partners who may be willing to take on significant portions of the park maintenance as the City does not have the funding available to increase park maintenance services on a Citywide basis. Staff believes that there is a good chance that a local baseball group and a local cycling group will be willing to take on substantial maintenance activities and will continue to seek out other partners interested in maintaining other areas of the park. Letters of intent to partner are attached to this report (Attachments 5 - 7).

Part of the grant application process is to engage the Community on the potential new park site location and amenities. Staff has facilitated a number of community meetings at different times, locations, and days of the week in order to maximize participation. The meetings for this process have been outlined below:

Date	Location
Thursday, April 18th @ 6:30 p.m.	West Conference Room
Wednesday, May 8th @ 6:30 p.m.	West Conference Room
Wednesday, May 29 th @ 11:15 a.m.	CRC/Senior Center
Wednesday, May 29th @ 6:30 p.m.	West Conference Room
Saturday, June 1 st @ 11:00 a.m.	Community and Cultural Center
Wednesday, June 12th @ 6:30 p.m.	West Conference Room
Tuesday, June 18th @ 7:00 p.m.	Parks and Recreation Commission
Tuesday, July 16 th @ 7:00 p.m.	Parks and Recreation Commission

In addition to the above meetings, presentations were made at the June 6 Chamber of Commerce breakfast meeting and the June 11 Kiwanis Club meeting. The Silicon Valley Bike Coalition and Infrastructure Ride stopped at the proposed Butterfield Park site on June 22nd and provided input on proposed features. A last input opportunity will be held at the Youth Leadership Morgan Hill training in late July.

The community engagement process guided the conceptual design of the proposed park. Strong support for the baseball field and bike tracks were received. There were

individuals that proposed alternative site locations; however, after evaluation those locations were not believed to be realistic or appropriate based on the grant requirements and the grant timeframe.

The grant application has taken significant staff work to date and will require additional work over the next several weeks to finalize the application and continue to cultivate partners for the ongoing maintenance of the park. However, the potential for an \$8.5 million grant is believed to be too significant of an opportunity to be passed up. It is also important to note there is no match required by the grant and the project could be constructed without reducing the current Capital Improvement Program.

The proposed park would look to implement the Goal P.1 of the Bikeways, Trails, Parks and Recreation Master Plan, “Distribute City-owned neighborhood and community parks throughout the City to fill existing gaps and prevent future gaps, especially where densely populated areas are not well-served by parks.” The park site location is not in the exact area defined by the Plan for a new Small Community Park, but given the large number of projects outlined in the Plan, staff is recommending the application at this site to take advantage of this potentially once in a decade grant opportunity.

Attachment 1 is the resolution required for the grant application package. Attachment 2 is the location map for the proposed park. Attachment 3 is the current conceptual plan that has been developed with community input. Attachment 4 is a sample State grant contract.

COMMUNITY ENGAGEMENT: Collaborate

The grant application process requires extensive outreach to the community. Finding partners to collaborate on ongoing park operations if the grant is received is critical for the success of the project. Currently, the City has received important feedback from the baseball and cycling communities as well as the general public.

ALTERNATIVE ACTIONS:

The City Council could direct staff not to submit the grant application. This will halt work on this project and eliminate the opportunity for grant funding for this cycle. It is unlikely the City of Morgan Hill will be as competitive for grant funds in future grant cycles.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

This grant application represents an extension of long-standing activities authorized by the Council to expand park and recreation opportunities in the community. Specifically, developing new park and recreation facilities is a central tenet of the Bikeways, Trails, Parks and Recreation Master Plan that the Council adopted in July 2017. Most recently, the City Council received a report about this funding opportunity at its May 1st meeting. The Parks and Recreation Commission received an update on the opportunity at its June 18, 2019 meeting and is anticipated to make a final recommendation on the grant opportunity at its July 16, 2019 meeting.

FISCAL AND RESOURCE IMPACT:

To complete the grant application process, significant staff resources from the Community Services Department have been required and lower priority work has been delayed. Additionally, approximately \$120,000 in environmental analysis and site design consultant work has been completed. Funding for the consulting work was available across multiple operating divisions (Park Maintenance, Community Services, and the Sports Facility Development Capital Improvement Project) within the adopted FY 2018-19 and 2019-20 Biennial Budget.

Preliminary cost estimates for the park, including all contingency amounts, exceed \$13 million. While a significant amount of these costs would be covered by the \$8.5 million grant, staff believes that there are real opportunities to significantly reduce the actual construction costs through strategically bidding the project with a contractor-friendly schedule, slightly reducing the project's scope, and engaging in value engineering. In addition, the project can be bid as a smaller core project with bid alternates to provide the City with flexibility when matching the bid results with the project's budget.

Ongoing operational costs to manage and maintain a park this size are estimated at approximately \$160,000 annually, which includes the costs for contributing to a future replacement fund for major elements such as the building and artificial turf fields. It is anticipated that through the construction of revenue producing facilities (meeting rooms, picnic areas) and partnerships (volunteer work, contract management of various areas of the park, and sponsorship), that 80-100% of the costs associated with the park will be offset or recovered through revenue.

CEQA (California Environmental Quality Act):
Project.

An environmental assessment has been prepared for the project by David J. Powers & Associates, Inc. in conformance with the California Environmental Quality Act (CEQA). The Initial Study and Mitigated Negative Declaration are Attachment 8 and the related appendices. (Appendix C is confidential and not posted.) City staff intends to complete the required environmental work, including the filing of a Notice of Determination, before the grant application is submitted on August 5, 2019.

LINKS/ATTACHMENTS:

1. Attachment 1 - Butterfield Blvd. Park Grant App Resolution
2. Attachment 2 - Proposed Park Location
3. Attachment 3 - Butterfield Blvd. Park Conceptual Plan
4. Attachment 4 - Sample Grant Agreement
5. Attachment 5 - Dub Baseball Letter of Support
6. Attachment 6 - Bike Thereapy Letter of Support
7. Attachment 7 - South County Composite Letter Support
8. Attachment 8: CEQA Initial Study
9. Attachment 8: Appendix A - Air Quality Assessment
10. Attachment 8: Appendix B - Biological Resources Assessment
11. Attachment 8: Appendix D - Geotechnical and Foundation Investigation Report
12. Attachment 8: Appendix E - Phase II Environmental Site Assessment

13. Attachment 8: Appendix F - Noise and Vibration Assessment
14. Attachment 8: Appendix G - Transportation Analysis

RESOLUTION NO:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE SUBMITTAL OF A STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT APPLICATION TO THE STATE DEPARTMENT OF PARKS AND RECREATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS REQUIRED TO APPLY AND ACCEPT THE GRANT FOR THE CITY, IF AWARDED, AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Morgan Hill, is a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California (“City”); and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility of the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project; and

WHEREAS, the City desires to apply for the grant funds through the State of California, Department of Parks and Recreation; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY: APPROVES THE FILING OF AN APPLICATION FOR THE BUTTERFIELD AND MONTEREY PARK PROJECT; AND

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and or direct as follows:

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project;
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project;
3. Certifies that the Applicant has reviewed, understands and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide;
4. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of Grant Scope;
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines; and
6. Will consider promoting inclusion per Public Resources Code 80001(b)(8 A-G).

Section 3. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 17th day of July 2019.

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**
ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. XX-XXX, adopted by the City Council at a regular meeting held on July 17, 2019.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

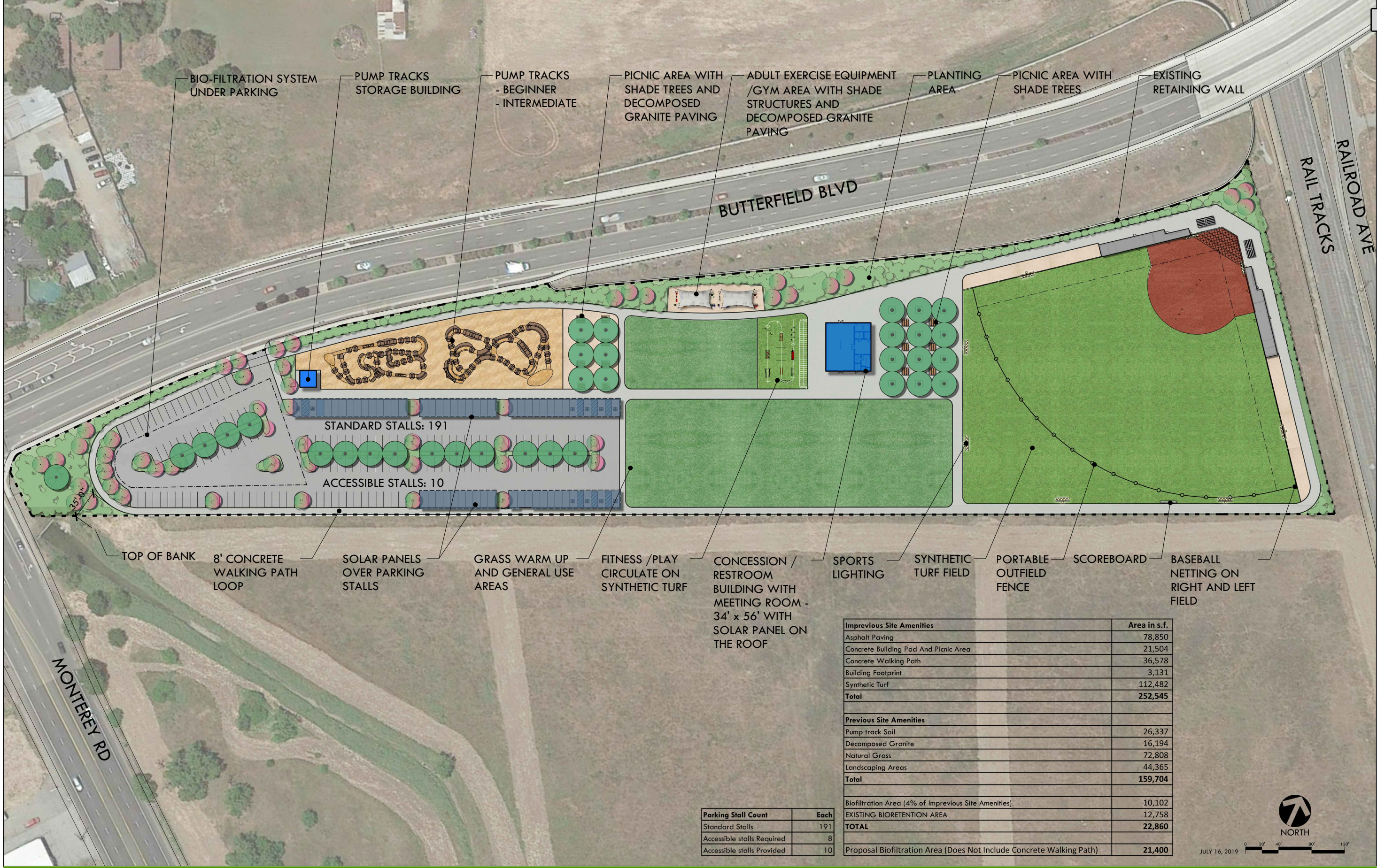
Attachment 1 Potential Park Location



Park Site

8.25 acres

Owned by City



Attachment: Attachment 3 - Butterfield Blvd. Park Conceptual Plan (2382 : Butterfield Boulevard Park Grant)



Preliminary Design Concept
Butterfield Park
Morgan Hill, CA



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
SPORT PLANNING & DESIGN
2455 The Alameda, Ste. 200
Santa Clara, CA 95050
tel: 408.985.7200
fax: 408.985.7201
www.verdedesign.com

Competitive Grant Program Contract



State of California – The Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Sample Grant Contract Competitive Grant Program

Grantee: Grantee

Grant Performance Period is from July 1, 20xx through June 30, 20xx

CONTRACT PERFORMANCE PERIOD is from July 1, 20xx through June 30, 20xx

The GRANTEE agrees to the terms and conditions of this Contract, and the State of California, acting through its Director of the Department of Parks and Recreation, pursuant to the State of California, agrees to fund the total State grant amount indicated below.

The GRANTEE agrees to complete the GRANT SCOPE(s) as defined in the GRANT SCOPE/Cost Estimate Form for the application filed with the State of California.

Total State grant amount not to exceed \$ Grant amount

The General and Special Provisions attached are made a part of and incorporated into the Contract.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

GRANTEE _____

By _____

Date _____

(Typed or printed name of Authorized Representative)

(Signature of AUTHORIZED REPRESENTATIVE)

Title _____

Date _____

CERTIFICATION OF FUNDING (FOR STATE USE ONLY)

AMOUNT OF ESTIMATE \$		CONTRACT NUMBER	FUND		
ADJ. INCREASING ENCUMBRANCE \$		APPROPRIATION			
ADJ. DECREASING ENCUMBRANCE \$		ITEM VENDOR NUMBER			
UNENCUMBERED BALANCE \$		LINE ITEM ALLOTMENT	CHAPTER	STATUTE	FISCAL YEAR
T.B.A. NO.	B.R. NO.	INDEX	Funding Source		OBJ. EXPEND
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.					
SIGNATURE OF ACCOUNTING OFFICER			DATE		

I. RECITALS

This CONTRACT is entered into between the California Department of Parks and Recreation (hereinafter referred to as "GRANTOR," "DEPARTMENT" or "STATE") and [grantee name] (hereinafter referred to as "GRANTEE").

The DEPARTMENT hereby grants to GRANTEE a sum (also referred to as "GRANT MONIES") not to exceed \$grant amount, subject to the terms and conditions of this CONTRACT and the 20xx/xx California State Budget, Chapter xx, statutes of 20xx, Item number – 3790-xxx-xxxx (appropriation chapter and budget item number hereinafter referred to as "COMPETITIVE GRANT PROGRAM GRANT"). These funds shall be used for completion of the GRANT SCOPE(S).

The Grant Performance Period is from July 1, 20xx to June 30, 20xx.

II. GENERAL PROVISIONS

A. Definitions

As used in this CONTRACT, the following words shall have the following meanings:

1. The term "ACT" means the California Drought, Water, Parks Climate, Coastal Protection, and Outdoor Access for All Act of 2018, as referred to in section I of this CONTRACT.
2. The term "APPLICATION" means the individual project APPLICATION packet for a project pursuant to the enabling legislation and/or grant program process guide requirements.
3. The term "DEPARTMENT" or "STATE" means the California Department of Parks and Recreation.
4. The term "DEVELOPMENT" means capital improvements to real property by means of, but not limited to, construction, expansion, and/or renovation, of permanent or fixed features of the property.
5. The term "GRANTEE" means the party described as the GRANTEE in Section I of this CONTRACT.
6. The term "GRANT SCOPE" means the items listed in the GRANT SCOPE/Cost Estimate Form found in each of the APPLICATIONS submitted pursuant to this grant.
7. The term "GUIDES" means (1) the document identified as the "Grant Administration Guide for California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 Competitive Grant Programs Capital Improvement Projects" and (2) The Application Guide that established the competitive procedures and policies for the selection of projects.

B. Project Execution

1. Subject to the availability of GRANT MONIES in the act, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the scope described in the enabling legislation and referenced in the APPLICATION, Section I of this CONTRACT, and under the terms and conditions set forth in this CONTRACT.

The GRANTEE shall assume any obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

The GRANTEE agrees to submit any change or alteration from the original GRANT SCOPE(S) in writing to the STATE for prior approval. This applies to any and all changes that occur after STATE has approved the APPLICATION. Changes in the GRANT SCOPE(S) must be approved in writing by the STATE.

2. The GRANTEE shall complete the GRANT SCOPE(S) in accordance with the time of the Performance Period set forth in Section I of this CONTRACT, and under the terms and conditions of this contract.

To maintain the integrity of the competitive grant program, the GRANTEE agrees that any other project changes or alterations which deviate from the intent of the project selection criteria provided by the GRANTEE in the original competitive APPLICATION must be submitted in writing to the STATE for prior approval.

3. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, §21000, et seq., Title 14, California Code of Regulations, §15000 et seq.).
4. The GRANTEE shall comply with all applicable current laws and regulations affecting DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and the California Unruh Act (California Civil Code §51 et seq.)

C. Procedural Guide

1. GRANTEE agrees to abide by the GUIDES.
2. GRANTEE acknowledges that STATE may make reasonable changes to its procedures as set forth in the GUIDES. If STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

D. Project Administration

1. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account until expended. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If grant monies are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or end of the grant performance period, whichever is earlier.
2. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the STATE a report showing total final project expenditures within 60 days of project completion or the end of the grant performance period, whichever is earlier. The grant performance period is identified in Section I of this CONTRACT.
3. The GRANTEE shall make property or facilities acquired and/or developed pursuant to this contract available for inspection upon request by the STATE.

E. Project Termination

1. Project Termination refers to the non-completion of a GRANT SCOPE. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.
2. The GRANTEE may unilaterally rescind this CONTRACT at any time prior to the commencement of the project. The commencement of the project means the date of the letter notifying GRANTEE of the award or when the funds are appropriated, whichever is later. After project commencement, this CONTRACT may be rescinded, modified or amended only by mutual agreement in writing between the GRANTEE and the STATE, unless the provisions of this contract provide that mutual agreement is not required.
3. Failure by the GRANTEE to comply with the terms of the (a) GUIDES, (b) any legislation applicable to the ACT, (c) this CONTRACT as well as any other grant contracts, specified or general, that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.
4. Any breach of any term, provision, obligation or requirement of this CONTRACT by the GRANTEE shall be a default of this CONTRACT. In the case of any default by GRANTEE, STATE shall be entitled to all remedies available under law and equity, including but not limited to: a) Specific Performance; b) Return of all GRANT MONIES; c) Payment to the STATE of the fair market value of the project property or the actual sales price, whichever is higher; and d) Payment to the STATE of the costs of enforcement of this CONTRACT, including but not limited to court and arbitration costs, fees, expenses of litigation, and reasonable attorney fees.
5. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete and the GRANT PROJECT is open to the public.

F. Budget Contingency Clause

If funding for any fiscal year is reduced or deleted by the budget act for purposes of this program, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT amendment to GRANTEE to reflect the reduced grant amount. This Paragraph shall not require the mutual agreement as addressed in Paragraph E, provision 2, of this CONTRACT.

G. Hold Harmless

1. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.
2. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under

California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.

3. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et seq., the GRANTEE shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the GRANTEE agrees to pay the STATE's litigation costs, expenses, and reasonable attorney fees.
4. The GRANTEE and the STATE agree that in the event of judgment entered against the STATE and the GRANTEE because of the concurrent negligence of the STATE and the GRANTEE, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.
5. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the GRANTEE has certified. The GRANTEE acknowledges that it is solely responsible for compliance with items to which it has certified.

H. Financial Records

1. The GRANTEE shall maintain satisfactory financial accounts, documents, including loan documents, and all other records for the project and to make them available to the STATE for auditing at reasonable times. The GRANTEE also agrees to retain such financial accounts, documents and records for five years following project termination or issuance of final payment, whichever is later.
2. The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of STATE funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records that will facilitate an effective audit.
3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this contract or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this contract. Such accounts, documents, and records shall be retained by the GRANTEE for at least five years following project termination or issuance of final payment, whichever is later.
4. The GRANTEE shall use a generally accepted accounting system.

I. Use of Facilities

1. The GRANTEE agrees that the GRANTEE shall operate and maintain the property acquired or developed with the GRANT MONIES, for the duration of the Contract Performance Period.
2. The GRANTEE agrees that, during the Contract Performance Period, the GRANTEE shall use the property acquired or developed with GRANT MONIES under this contract only for the purposes of this grant and no other use, sale, or other disposition or change of the use of the

property to one not consistent with its purpose shall be permitted except as authorized by the STATE and the property shall be replaced with property of equivalent value and usefulness as determined by the STATE.

3. The property acquired or developed may be transferred to another entity if the successor entity assumes the obligations imposed under this CONTRACT and with the approval of STATE.
4. Any real Property (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under the Grant CONTRACT.
5. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse STATE an amount at least equal to the amount of GRANT MONIES received from STATE or the pro-rated full market value of the real property, including improvements, at the time of sale, whichever is higher.
6. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

J. Nondiscrimination

1. The GRANTEE shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this contract.
2. The GRANTEE shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.
3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this project contract or under provisions of the enabling legislation and/or grant program.

K. Severability

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this CONTRACT are severable.

L. Liability

1. STATE assumes no responsibility for assuring the safety or standards of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of

implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.

2. GRANTEE will secure adequate liability insurance, performance bond, and/or other security necessary to protect the GRANTEE's and STATE'S interest against poor workmanship, fraud, or other potential loss associated with completion of the grant project.

M. Assignability

Without the written consent of the STATE, the GRANTEE'S interest in and responsibilities under this CONTRACT shall not be assignable by the GRANTEE either in whole or in part.

N. Use of Grant Monies

GRANTEE shall not use any grant funds (including any portion thereof) for the purpose of making any leverage loan, pledge, promissory note or similar financial device or transaction, without: 1) the prior written approval of the STATE; and 2) any financial or legal interests created by any such leverage loan, pledge, promissory note or similar financial device or transaction in the project property shall be completely subordinated to this CONTRACT through a Subordination Agreement provided and approved by the STATE, signed by all parties involved in the transaction, and recorded in the County Records against the fee title of the project property.

O. Section Headings

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

P. Waiver

Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

GRANTEE

By: _____
Signature of Authorized Representative

Title: _____

Date: _____

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By: _____

Date: _____

Accounting and Audits

Accounting Requirements

GRANTEES must use accounting practices that:

- Provide accounting data that clearly records costs incurred on the PROJECT and accurately reflects fiscal transactions, with the necessary controls and safeguards.
- Provide good audit trails, especially the source documents (purchase orders, receipts, progress payments, invoices, time cards, cancelled warrants, warrant numbers, etc.) specific to the PROJECT.

Accounting Rules for Employee Services (IN-HOUSE EMPLOYEE SERVICES)

GRANTEES must follow these accounting practices for employee services:

- Maintain time and attendance records as charges are incurred, identifying the employee through a name or other tracking system, and that employee's actual time spent on the PROJECT.
- Time estimates, including percentages, for work performed on the PROJECT are not acceptable.
- Time sheets that do not identify the specific employee's time spent on the PROJECT are not acceptable.
- Costs of the salaries and wages must be calculated according to the GRANTEE'S wage and salary scales, and may include benefit costs such as vacation, health insurance, pension contributions and workers' compensation.
- Overtime costs may be allowed under the GRANTEE'S established policy, provided that the regular work time was devoted to the same PROJECT.
- May not include overhead or cost allocation. These are costs generally associated with supporting an employee, such as rent, personnel support, IT, utilities, etc.

State Audit

Grants are subject to audit by DPR. (See page 33, Audit Checklist). All PROJECT records must be retained for five years after final payment was issued, or PROJECT terminated, whichever is later.

The GRANTEE must provide the following when an audit date and time has been confirmed by DPR:

- All PROJECT records, including the source documents and cancelled warrants, books, papers, accounts, time sheets, or other records listed in the Audit Checklist or requested by DPR.
- An employee having knowledge of the PROJECT and its records to assist the DPR auditor.

Record Keeping Recommendation

GRANTEES are encouraged to keep records of all eligible costs, including those not submitted to OGALS for payment. This provides a potential source of additional eligible costs, should any submitted expenses be deemed ineligible.

Contact the DPR Audits Office at (916) 657-0370 for questions about these requirements.



June 4, 2019

Members of the City of Morgan Hill City Council,

This letter is to declare a desired partnership by Dub Baseball/Softball, LLC and the Dub Baseball/Softball Foundation with the City of Morgan Hill on the proposed ballpark at the Butterfield property. Dub would like to partner with the city on all phases of the project, including; design, maintenance, and use.

Dub is a local club sports program that operates out of a 7,000 square foot indoor training center. Our program includes club/travel teams that play in many of the best tournaments across the nation, a non-profit foundation that helps youth players participate and succeed in sports and life, and individualized training and skill programs. Most of our athletes are baseball and softball players and all parts of our program combine to include over 400 athletes a year. We have a large footprint in the region and have proven to have the acumen to excel in everything that we do.

With our vast experience in all levels of baseball, Dub would be the perfect partner with the City of Morgan Hill on the proposed ballfield/park site adjacent to Butterfield Avenue. If the City decided to construct the park, Dub would like to assume maintenance on the park. We have a vested interest in seeing ballfields constructed in Morgan Hill and would be happy to partner with the City. Along with park maintenance we can provide field/property rentals, host large tournaments, and partner with the city on advertising at the park site. We have extensive experience in all of these areas and feel strongly we would make for a prosperous partner.

With a large membership and strong desire, Dub can ensure the city has a strong partner as it moves ahead with this ballpark project. Dub is immersed in the new era of the club sports boom, and has the progressive mindset and vision needed to stay ahead of the market and constantly progress forward in this and all of its endeavors.

With Honesty and Respect,

Erik Wagle
President/Executive Director
Dub Sports & Dub Foundation

Attachment: Attachment 5 - Dub Baseball Letter of Support (2382 : Butterfield Boulevard Park Grant)



Morgan Hill City Council and Parks and Recreation Commission
Attn: Chris Ghione
17555 Peak Avenue
Morgan Hill, CA 95037

Dear Mr. Ghione,

At Bike Therapy, we believe people who ride bikes, at any age, are healthier, happier, and more energetic. We believe that the more people that ride bikes, the better the environment. We believe that cycling offers riders the chance to see the world at a little slower of a pace, to talk to the people riding next to them, and to breathe in fresh air.

We believe that a bike park like the one you and your team have designed would be a fantastic addition to Morgan Hill, offering a place for bike riders of all ages to come together for fun, making friends, and enjoying the amazing outdoor life we have here. Sitting next to the baseball fields will also provide a place for the different athletes to connect.

Cleaning it and maintaining the bike park will do all the above, and allow all of us in the bike community to give back to the town we love so much.

We at Bike Therapy are committed to helping to support the park facility however you need. We would love to be involved in a non-profit organization effort to support the park, host park maintenance times, garner support from the community, get our employees out there to support the park, and offer events there. We are also willing to join committees dedicated to the park and any future related developments with it.

Please let us know when we can begin!

Thank you,

Jodi and Doug Hall
Owners
Bike Therapy



July 9, 2019

Morgan Hill City Council and Parks and Recreation Commission
 Attn: Chris Ghione
 17555 Peak Avenue
 Morgan Hill, CA 95037

Dear Mr. Ghione,

The South County Composite High School Mountain Bike Team is very excited about the potential for a new bike park in Morgan Hill. It is a much-needed addition to our community and a great opportunity to expand cycling in south Santa Clara Valley. Please know that our cycling team will do everything in our power to help create and maintain this new bike park.

If you are not familiar with the South County Composite High School Mountain Bike Team, we race in the NorCal High School Cycling League, the founding league in the National Interscholastic Cycling Association (NICA). As a composite, the team is comprised of full-time students from more than one school in the area and all qualified riders are invited. This is a no-cut sport, so more students are encouraged to join the team to participate as adventure riders or competitive racing. The South County Composite High School Mountain Bike Team was created to provide student athletes the opportunity for personal growth through mountain bike riding and racing. We want to create lifetime cyclists and build lasting friendships with teammates and build respect for themselves, each other and the environment.

Having this bike park in our backyard will be a huge asset to our team as it will provide an invaluable tool for skills development. The student-athletes of South County MTB are more than willing to assist in maintaining trails at the new bike park. This will also help them fulfill volunteer hours.

Please let us know how we can assist in any way to acquire, design, build and maintain this future bike park. We can't wait to help.

Regards,

Doug Hall
 Team Director

Initial Study

Butterfield Park

Prepared by



CITY OF MORGAN HILL

In Consultation with



DAVID J. POWERS
& ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

July 2019

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☐ Cultural Resources | ☐ <u>Energy</u> |
| ☐ Geology /Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology / Water Quality | ☐ Land Use / Planning | ☐ Mineral Resources |
| ☒ Noise | ☐ Population / Housing | ☒ Public Services |
| ☒ Recreation | ☐ Transportation/Traffic | ☐ Tribal Cultural Resources |
| ☐ Utilities / Service Systems | ☐ <u>Wildfire</u> | ☒ Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

7-12-19
Date

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Appendix F: Noise and Vibration Assessment

Appendix G: Transportation Analysis

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Morgan Hill, as the Lead Agency, has prepared this Initial Study for the Butterfield Park Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Morgan Hill, California.

The project proposes to construct a new public park. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

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

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the Development Services Director of the City of Morgan Hill will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Morgan Hill will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Butterfield Public Park

2.2 LEAD AGENCY CONTACT

Jennifer Carman, Community Development Director
City of Morgan Hill, Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037
Phone: (408) 778-6480

2.3 PROJECT APPLICANT

Anthony Eulo, Program Administrator
City of Morgan Hill, Community Services Department
17575 Peak Avenue
Morgan Hill, CA 95037
Phone: 408-310-4179
Email: anthony.eulo@morganhill.ca.gov

2.4 PROJECT LOCATION

The project site is located on a 9.5-acre site on two parcels (APNs 817-06-064 and 817-06-002) on the south side of Butterfield Boulevard between Monterey Road and the Union Pacific Railroad (UPRR)/CalTrain tracks. Refer to Figure 2.4-1, Figure 2.4-2 and Figure 2.4-3.

2.5 ASSESSOR'S PARCEL NUMBERS

817-06-002, 817-06-064

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

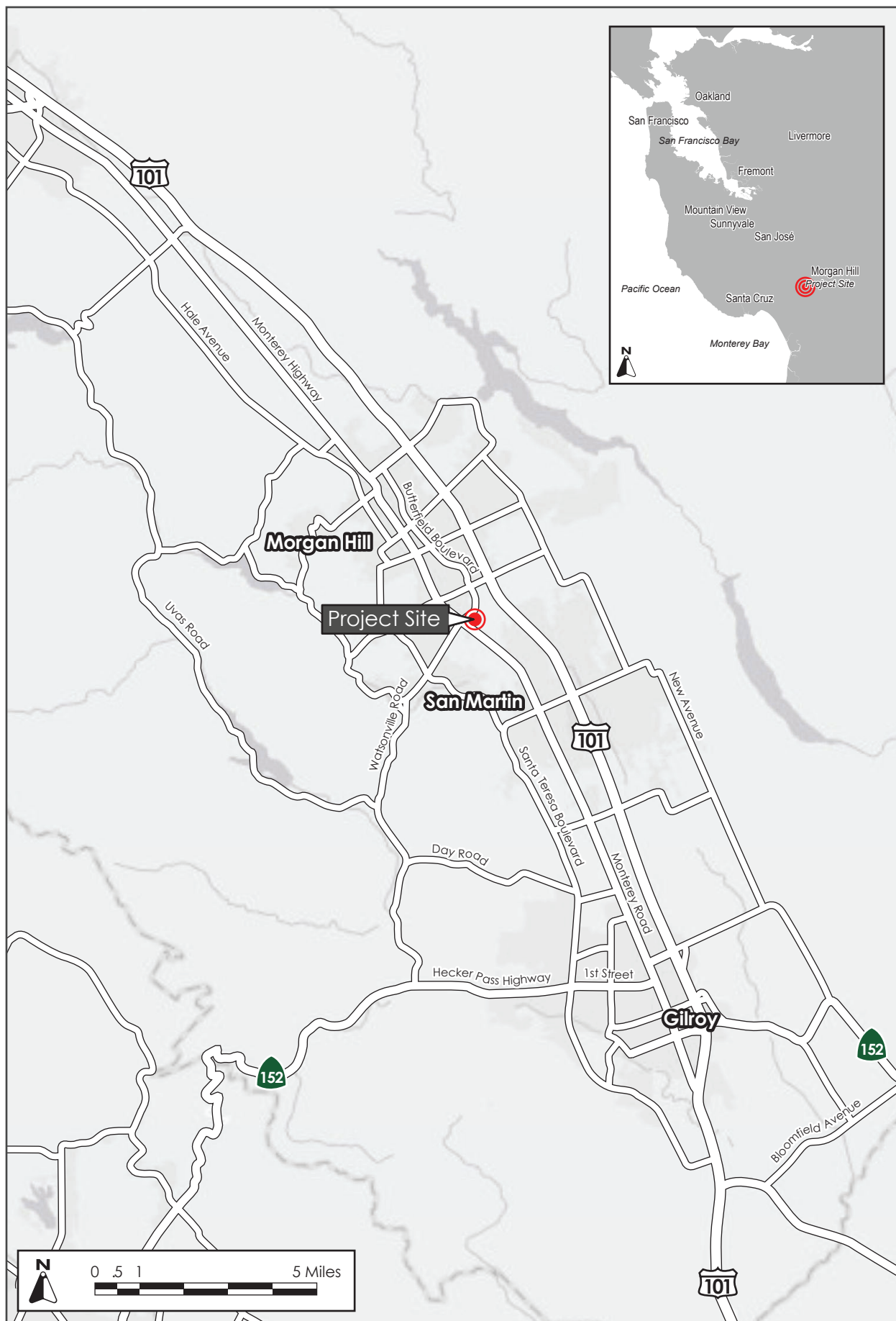
General Plan: Industrial
Zoning: Light Industrial (IL)

2.7 HABITAT PLAN DESIGNATION

Land Cover: Grain, Row-crop, Hay and Pasture, Disked/Shot-term Fallowed
Land Cover Fee Zones: Fee Zone B (Agricultural and Valley Floor Lands)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- General Plan Amendment
- Site and Architectural Review
- Grading Permit



REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2

Attachment: Attachment 8: CEQA Initial Study (2382 : Butterfield Boulevard Park Grant)



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

Attachment: Attachment 8: CEQA Initial Study (2382 : Butterfield Boulevard Park Grant)

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The City of Morgan Hill's Bikeways, Trails, Parks and Recreation Master Plan (Master Plan) guides the improvement and future development of the City's bikeways, trail, parks and recreation system in Morgan Hill.¹ The Master Plan identifies and prioritizes improvements and investments within the City and includes goals and programs to improve connectivity and recreation options.

This Initial Study provides a project-level CEQA analysis for the construction of a new public park on City-owned land on the south side of Butterfield Boulevard east of Monterey Road, consistent with the Master Plan.

3.1 EXISTING SETTING

The proposed site includes a stormwater detention basin and vacant land. The site is surrounded by the Little Llagas Creek culvert and channel, Butterfield Boulevard, railroad tracks, and vacant land. A mix of residential and light industrial uses are located in the project vicinity.

3.2 PROPOSED DEVELOPMENT

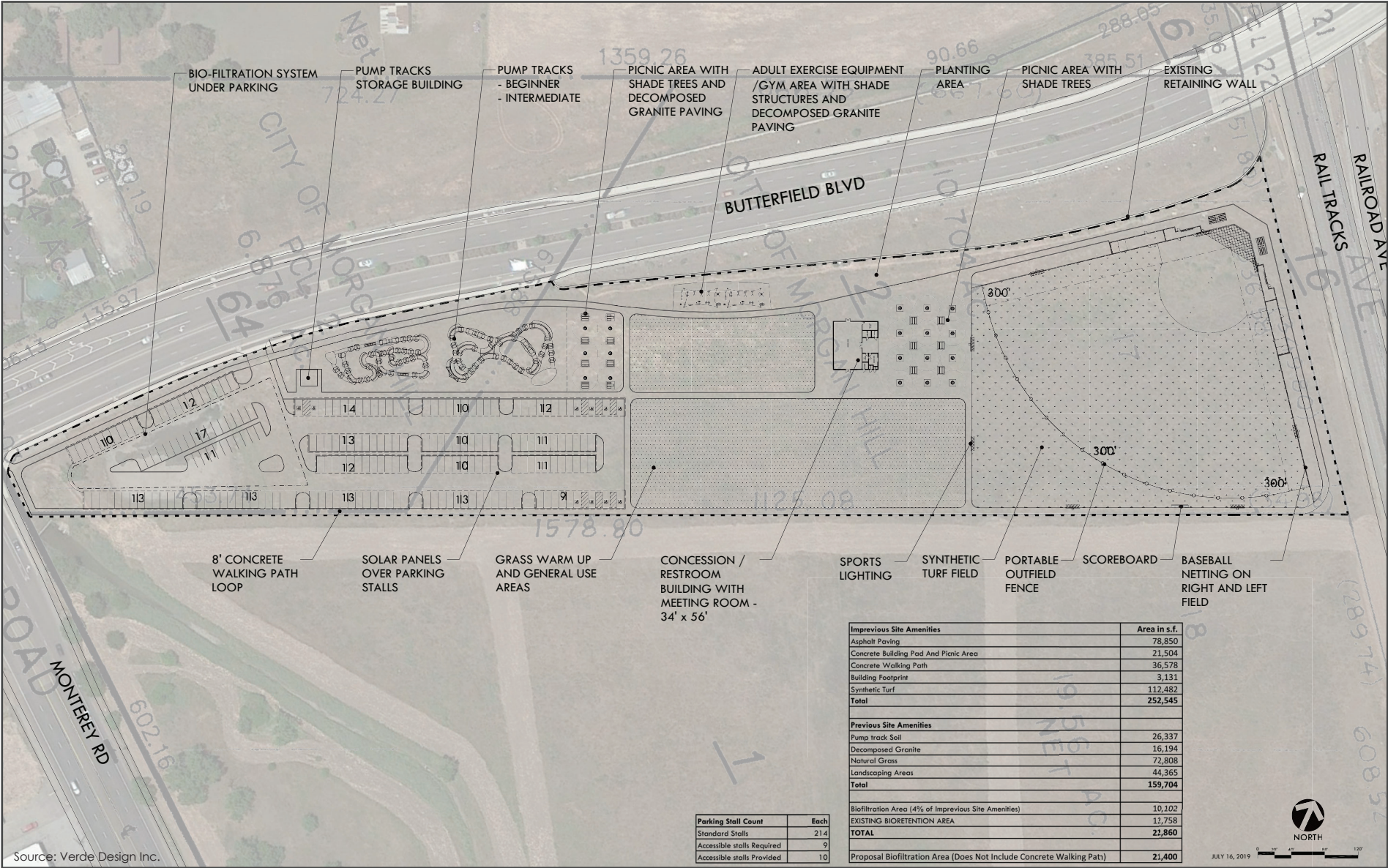
The proposed project is the construction of a new public park on a 9.5-acre site owned by the City of Morgan Hill. The park would be constructed on two parcels south of Butterfield Boulevard between Monterey Road and the UPRR tracks.

The project plans are currently conceptual, as the project is in the early stages of design as it seeks to qualify for state grant funding. The City will complete supplemental environmental review as more project details become available prior to approval of a contract to construct the park. Therefore, this Initial Study discusses the park at the level of detail that currently exists.

The park would include bicycle pump tracks, adult exercise equipment, a baseball field, picnic areas, a building with a public meeting room, concessions and restrooms, grass lawns, a walking path, a surface parking lot and a bio-filtration system installed under the parking lot, as shown in Figure 3.3 1.

The bicycle pump track area would include two pump tracks, one for beginners and one for intermediate skill levels. A small storage building would be located adjacent to the pump track. Picnic tables surrounded by shade trees would be installed adjacent to the pump track area and the restroom/concessions building. The one-story building would be approximately 1,900 square feet in size. In addition to the public meeting room space, concessions and restrooms, the building would include field equipment storage, meeting room storage, a utility room, and a janitor room. Two grass turf fields would be located between the parking lot and the baseball field. The baseball field would utilize synthetic turf and would include baseball netting in the right and left fields. The netting would be 30 feet tall from the backstop along the left and right sidelines. The netting is expected to be galvanized chain link, black clad chain link, or eight foot chain link with black nylon netting to 30 feet, with the City making a selection as part of the approval of a contract to construct the park.

¹ City of Morgan Hill. *Bikeways, Trails, Parks and Recreation Master Plan*. Adopted July 20, 2017.



CONCEPTUAL SITE PLAN

FIGURE 3.2-1

Attachment: Attachment 8: CEQA Initial Study (2382 : Butterfield Boulevard Park Grant)

The lit fields would be available for use until 10:00 pm with field lighting shutoff at 11:00 pm. It is expected that site safety lighting the site would be in place throughout the night hours. An eight-foot wide paved walking path would be installed around the perimeter of the site.

The parking lot would contain 217 surface parking spaces including nine accessible spaces. Solar panels would be installed over most of the parking stalls. Vehicle access would be via a new driveway on Butterfield Boulevard. The driveway would be a right turn in and right turn out onto eastbound Butterfield Boulevard.

Pedestrian access would be from the entrance at the corner of Monterey Road and Butterfield Boulevard and from the Butterfield Boulevard driveway entrance.

There is an existing detention basin located on the western end of the project site. Currently, the detention basin accepts runoff from Butterfield Boulevard. The project proposes to convert this basin to a parking lot. In place of the basin, an underground detention rain tank system would be constructed beneath the parking lot. The underground system would be expected to handle the existing flow, as well as the additional flow from the added impervious surface areas that would go into underground treatment units.

The proposed public park would require approximately 12 months to construct, possibly starting in January 2021 and concluding in December 2021.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise and Vibration
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in Morgan Hill. In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos City Limit.

Local

Morgan Hill 2035 General Plan

CNF-11.28 Creating attractive connections through landscaping, lighting, benches, other amenities to create safe and visually interesting spaces.

4.1.1.2 *Existing Conditions*

The proposed site includes a stormwater detention basin and vacant land. The site is primarily flat and is mostly covered with non-native grasses and invasive weeds (refer to Photo 1). Steel wire fencing surrounds the northern and eastern boundary of the site. A stormwater detention basin is located at the west end of the site (refer to Photo 2). Adjacent to the basin is the culvert for West Little Llagas Creek channel. An undeveloped area with non-native grasses is located to the south of the site.

4.1.1.3 *Surrounding Visual Character*

The project site includes a mix of developed and undeveloped land. Immediately north of the site is Butterfield Boulevard which elevates to an overcrossing of the UPRR tracks. There are four established one-story single-family residences with ancillary structures and surrounding wood fencing to the north of Butterfield Boulevard and east of Monterey Road. Across Monterey Road, two-story townhomes are currently under construction northwest of the project site (refer to Photo 3). West of Monterey Road is a vacant parcel consisting of non-native grasses and scrubs and a small daylighted portion of the West Little Llagas Creek channel. South of the project site is undeveloped land with non-native grasses and further south is the Maple Leaf Recreational Vehicle (RV) Park.



Photo 1: View of the project site from the corner of Monterey Road and Butterfield Boulevard looking southeast.



Photo 2: View of the stormwater detention basin located at the west end of the site looking east.

PHOTOS 1 & 2



Photo 3: View of the two-story townhomes being constructed on the corner of Monterey Road and Butterfield Blvd looking northwest.



Photo 4: View of El Toro Mountain looking northwest from the project site.

PHOTOS 3 & 4

4.1.1.4 Scenic Vistas and Resources

Due to the flat topography, existing development, and landscaping in the project site, views of the project site are limited to the immediate vicinity. The site is not located within a designated scenic view corridor or visible from a designated scenic highway. The nearest state-designated scenic highway is State Route (SR) 9, approximately 27 miles northwest of the site (at the SR 17 interchange).²

There are no state- or City-officially designated scenic vistas or corridors. Hillside views including views of the Diablo Range to the east, Santa Cruz Mountain to the west, and El Toro Mountain (a landmark natural feature), however, are considered important views in the City (refer to Photo 4). Views of hillsides to the northeast, east, and west are partially visible from the project site.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) Substantially degrade the existing visual character or quality of public views ³ of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

² California Department of Transportation. "California Scenic Highway Mapping System: Santa Clara County." Accessed June 4, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

³ Public views are those that are experienced from publicly accessible vantage points.

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. **(No Impact)**

There are no scenic corridors, highways or vistas in Morgan Hill that are designated by the state or the City. The project site would not block views of hillsides, since the project proposes to build a park with low structures that would not block views. Proposed netting would be open grid to allow for filtered views through the material. Views of hillsides, from the residences to the north of the project site, are partially visible to the east and west of the residences. The project would not block views of scenic vistas from the residences. Given the distance of the site and existing development and landscaping that obstructs views, the project would not block any views of scenic vistas. **(No Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

There are no rock outcroppings at the project site. The project site is not be located within or adjacent to a state-designated scenic highway. The nearest state-designated scenic highway is 26.5 miles northwest of the site. Therefore, the project would not impact historic buildings within a scenic highway. For these reasons, the project would not result in substantial damage to scenic resources. **(No Impact)**

Impact AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project is not in an urbanized area. The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

The project would construct a new public park on vacant land changing the existing visual character of the site, however, the project site would not constitute a significant adverse change to the local aesthetic environment. The new play fields, baseball netting, parking lot and public facility would not cause substantial adverse visual effects to the surrounding area. The proposed modifications and park improvements to the site would not conflict with applicable zoning or other regulations and is consistent with the Master Plan and General Plan policies related to scenic resources. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The proposed project would incrementally increase light and glare in the project site, due to the new reflective surfaces and outdoor lighting proposed on the vacant site. As the park design is further refined, building design, landscaping and outdoor lighting would be subject to review by the City of Morgan Hill Design Permit process for conformance with City standards. For these reasons, development on the site under the proposed project would not result in a new source of substantial light or glare that would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project site.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) are used to identify whether forest land, timberland, or timberland production areas that could be effected are located on or adjacent to a project site.⁷

⁴ California Department of Conservation. "Farmland Mapping and Monitoring Program."

<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

⁶ *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

⁷ Cal Fire. "FRAP." <http://frap.fire.ca.gov/>

4.2.1.2 Existing Conditions

The project site is not used for agricultural purposes and is not the subject of a Williamson Act contract.⁸ No land adjacent to the project site is used for agricultural production. The City of Morgan Hill General Plan Land Use Diagram designates the project site as Industrial, and the Zoning Map designates the project site as Light Industrial zoning district. The land in the project vicinity is also designated and zoned for research, warehouse, manufacturing, service commercial, and other job-generating uses. In the Master Plan however, the project site is designated as *New Neighborhood Park Research Area*. The land on and adjacent to the site is not forest land, or zoned for timberland production.

There are four farmland categories in the California Department of Conservation Farmland Mapping Program: *Prime Farmland*, *Farmland of Statewide Importance*, *Unique Farmland* and *Farmland of Local Importance*. According to the Santa Clara County Important Farmland 2016 Map, the project site is *Grazing Land*, which is defined as land in which the existing vegetation is suited to the grazing of livestock.⁹

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

⁸ City of Morgan Hill. *Morgan Hill 2035 DEIR. Figure 4.2-2: Williamson Act Contracts*. January 2016.

⁹ California Department of Conservation. *Santa Clara County Important Farmland 2016 Map*. September 2018.

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project proposes to construct a 9.5-acre public park at the project site. The site is designated by the California Resources Agency Farmland Mapping and Monitoring Program as *Grazing Land*, and therefore, would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to a non-agricultural use. **(No Impact)**

Impact AG-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is within the Light Industrial zoning district and it is not zoned for agricultural use. The project site is not subject to the Williamson Act contract. The project would, therefore, not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site is not zoned for forest land or timberland. For this reason, the project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site is not designated as forest land. For this reason, the project would not result in the loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The project site is not designated agricultural or forest land and is located within a light industrial area with no agricultural or forestry land nearby. As a result, implementation of the proposed project would not result in the conversion of farmland to non-agricultural use or forest land to non-forest uses. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based in part on an air quality assessment prepared by Illingworth & Rodkin, Inc. on June 27, 2019. A copy of this report is included in Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁰ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3.1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
O ₃	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

¹⁰ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹¹ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

¹¹ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹²

¹² BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

City of Morgan Hill 2035 General Plan

Adopted July 27, 2016, the *Morgan Hill 2035 General Plan* includes goals and policies to improve air quality issues facing the City of Morgan Hill.¹³ The following goals, policies, and actions are applicable to the proposed project:

- Goal NRE-11:* Minimized exposure of people to toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
- Policy NRE-11.3:* **Health Risk Assessments.** For proposed development that emits toxic air contaminants, require project proponents to prepare health risk assessments in accordance with Bay Area Air Quality Management District procedures as part of environmental review and implement effective mitigation measures to reduce potential health risks to less-than-significant levels. Alternatively, require these projects to be located an adequate distance from residences and other sensitive receptors to avoid health risks. Consult with the Bay Area Air Quality Management District to identify stationary and mobile toxic air contaminant sources and determine the need for and requirements of a health risk assessment for proposed developments
- Goal NRE-12:* Minimized air pollutant emissions from demolition and construction activities
- Policy NRE-12.1:* **Best Practices.** Requirement that development projects implement best management practices to reduce air pollutant emissions associated with construction and operation of the project.

4.3.1.3 Existing Conditions

The Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their

¹³ City of Morgan Hill. *City of Morgan Hill 2035 General Plan. Chapter 8 Natural Resources and Environment*. Adopted July 27, 2016. Accessed May 21, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts.

The project site is located at the south end of the Santa Clara Valley, within the San Francisco Bay Area Air Basin. The region typically has moderate ventilation and frequent inversions that restrict vertical dilution. The Santa Cruz Mountains and Diablo Range, located on either side of the Santa Clara Valley, restrict horizontal dilution. The surrounding terrain results in a prevailing wind that follows along the valley's northwest-southeast axis. The combined effects of these geographical and meteorological factors make air pollution potential in the Santa Clara Valley quite high. The San Francisco Bay Area, however, is considered to be one of the cleanest metropolitan areas in the country, with respect to air quality.

The vacant project site generates no air pollutant emissions, except for dust from wind blowing across un-vegetated areas of the site. A small number of vehicles traveling to and from the site also emit air pollutants.

Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The single-family residences to the north and residential housing to the east of the site do not produce substantial odors.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4) Result in substantial emissions (such as odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Morgan Hill has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds referenced in this analysis are identified in Table 4.3-2.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	0.3 µg/m ³	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m3 (average)	
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = course particulate matter with a diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter with a diameter of 2.5 µm or less.			

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(No Impact)**

In the BAAQMD 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. Projects that do not exceed the screening size would not generate emission that exceed the BAAQMD significant thresholds for criteria air pollutants. For construction-related impacts, the screening size is identified as 67 acres for city parks. Since the project proposes to develop on 9.5 acres, it is concluded that emissions would be below the BAAQMD significant thresholds for construction criteria air pollutants. For operation-related impacts, the screening size is identified as 2,613 acres for city parks. Since the project proposes to develop on 9.5 acres, it is concluded that emissions would be below the BAAQMD significant thresholds for operational criteria air pollutants. Thus, the project is not

required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(No Impact)**

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

As discussed in Impact AIR-1, the proposed project would generate operational and criteria pollutants below the BAAQMD thresholds. Because the project would have less than significant criteria pollutant impact, the project would not result in a cumulatively considerable contribution to any criteria pollutants for which the region is in non-attainment. **(Less than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and PM_{2.5}.¹⁴

The maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters described in *Appendix A*. Non-cancer health hazards and maximum PM_{2.5} concentrations were also calculated and identified. *Appendix A* includes the emission calculations used for the construction area source modeling and the cancer risk calculations.

Results of this assessment indicated that the residential maximally exposed individuals (MEI) during construction are located at a single-family residence northwest of the project site. Table 4.3-3 summarizes the maximum cancer risks, PM_{2.5} concentrations, and health hazard indexes for project related construction activities affecting the residential MEI. As seen in Table 4.3-3, the construction risk impacts do not exceed the BAAQMD single-source thresholds for cancer risk, PM_{2.5} concentrations, or Hazard Index (HI). **(Less than Significant Impact)**

¹⁴ DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

Table 4.3-3: Project Construction Community Risk at the offsite MEI

Source	Maximum Cancer Risk (per million)	PM _{2.5} concentration (µg/m ³)	Hazard Index
Project Construction	7.2	0.07	0.01
<i>BAAQMD Threshold – Single Source</i>	<i>>10.0</i>	<i>>0.3</i>	<i>>1.0</i>
Exceed Threshold?	No	No	No

Cumulative Impact on Off-Site MEI

Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites. These sources include highways, busy surface streets, and stationary sources identified by BAAQMD. A review of the area shows that Monterey Road and Butterfield Boulevard may have traffic that exceeds 10,000 vehicles per day. All other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source Google Earth map tool identified three sources with the potential to affect the project site. The project is also near a rail line. The three sources are the local roadways (Monterey Road and Butterfield Boulevard), stationary resources were identified as a gas dispensing facility, generator, and unknown generic source with a PM_{2.5} concentration, and railroad emissions from the Union Pacific Rail Road (UPRR) line runs immediately adjacent to the site on the east side and there are also two Amtrak-Coast Starlight daily passenger trains using this line.

However, the calculated cancer risk of the off-site MEI is approximately 900 feet away from the rail line calculating the cancer risk to be less than 10.6 per million. The PM_{2.5} and HI would be less than 0.01 µg/m³ and 0.03.

Cumulative Health Risk Impact at Off-Site MEI

Table 4.3-4 shows both the project and cumulative community risk impacts at the sensitivity receptor most affected by construction. With respect to community risk caused by project construction activities, annual PM_{2.5} concentration, and HI do not exceed their single-source thresholds. The combined annual cancer risk, PM_{2.5} concentration, and Hazard risk values would not exceed the cumulative threshold. **(Less than Significant Impact)**

Table 4.3-4: Impacts from Combined Sources at Off-Site MEI

Source	Maximum Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Construction	7.2	0.07	0.01
UPPR Railroad	<10.6	<0.01	<0.03
Monterey Road (ADT~25,000) at 800 feet east	1.3	0.04	<0.03
Butterfield Boulevard (ADT~10,000)	1.1	0.03	<0.03
Cal Fire Morgan Hill Headquarters (Plant # 2128, generator) at 750 feet	0.01	<0.01	<0.01
CA Department of Forestry & Fire Station (Plant # 100439, Gas Dispensing Facility) at 750 feet	<0.1		<0.01
U.S Technical Ceramics, Inc. (Plant # 15939, generator) at 350 feet	0.5	<0.01	<0.01
Combined Sources	<20.8	<0.17	<0.13
<i>BAAQMD Threshold – Cumulative Source</i>	<i>>100</i>	<i>>0.8</i>	<i>>10.0</i>
Significant?	No	No	No

Impact AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and would not affect people off-site. One fork-lift would be used during project operations. Odors generated by the forklift would be localized and would not affect adjacent residents. For these reasons, implementation of the proposed project would not result in significant long-term or short-term odor impacts, affecting a substantial number of people. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Biological Resources Assessment completed for this project site by WRA Associates, Inc. in July 2019. A copy of this report is included in Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” said species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW listed Species of Special Concern.

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.¹⁵ Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

¹⁵ U.S. Department of the Interior. M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

CDFW Stream/Riparian Habitat

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to biological resources.¹⁶ The following goals and policies related to biological resources are applicable to the proposed project:

Goal NRE-6: *Protection of native plants, animals, and sensitive habitats.*

Policy NRE-6.1: **Natural State of Habitat.** Preserve all fish and wildlife habitats in their natural state whenever possible. Consider development impacts upon wildlife and utilize actions to mitigate those environmental impacts.

Policy NRE-6.4: **Tree Preservation and Protection.** Preserve and protect mature, healthy trees whenever feasible, particularly native trees, historically significant trees, and other trees which are of significant size or of significant aesthetic value to the immediate vicinity or to the community as a whole.

¹⁶ City of Morgan Hill, California (2016). "Chapter 9, Safety, Services, and Infrastructure." *City of Morgan Hill General Plan 2035*. Accessed July 10, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

4.4.1.2 Existing Conditions

Site Habitats

The project site, historically disturbed by agricultural activities and grading, provides grassland habitat that supports a mixture of non-native annual grasses. The approximately 8.80 acres of grassland habitat provided by the site is common in the project site. Based on soil conditions, vegetation composition, and review of historical imagery, disking has occurred historically on the site for agricultural purposes.

There are no sensitive aquatic communities on the project site. A fenced-in excavated stormwater basin occupies approximately 0.30 acre within the western portion of the Project site. The man-made basin receives stormwater flow from local stormwater sewer system along Butterfield Boulevard and was built in ruderal herbaceous grassland uplands in 2012-2013 as part of the Butterfield South Extension Project. The basin appears to be regularly maintained. Open water was present in the stormwater basin during the May site visit and absent during the June site visit.

The nearest waterway to the project site is the Little Llagas Creek Channel east of the project site along Monterey Road. There are two ordinance sized trees, as defined by the City of Morgan Hill, in the Project site. The ordinance sized trees are located west of the stormwater basin and are both California walnut (*Juglans hindsii*) each with an approximate diameter at breast height (DBH) of 40 to 50-inches. No other protected trees, as defined by the City of Morgan Hill occur in the Project site.

Special Status Species

Appendix B of WRA's Biological Assessment lists all plant and wildlife species observed within and around the Project site. Appendix C contains representative photographs of the Project site. Appendix D lists all special-status plant and wildlife species with potential to occur within and around the Project site.

A five-mile radius search resulted in thirty-two (32) plant species being identified as known from around the Project site. No special-status plant species were present or determined to have a moderate or high potential to occur within the Project site. All 32 species were determined to have no potential to occur within the Project site due lack of necessary specific soils, hydrology, or habitats, and due to the site's elevation, competition from non-native species, and regular site disturbance, such as mowing.

Thirty-four (34) special status species of wildlife have been recorded in the vicinity of the Project site. Appendix B of WRA's Biological Assessment summarizes the potential for each of these species to occur in the Project site. No special status wildlife species were observed in the Project site during the site assessment. Two special status wildlife species were determined to have a moderate potential to occur in the Project site. These two special status species are both bird species: the loggerhead shrike (*Lanius ludovicianus*), a CDFW Species of Concern, and the white-tailed kite (*Elanus leucurus*), a CDFW Fully Protected Species.

Other special-status species that have been documented within the vicinity of the Project site, but are unlikely to occur include: burrowing owl, steelhead, San Francisco dusky-footed woodrat, San Joaquin Kit Fox, California Tiger Salamander, and California Red-legged Frog.

A number of locally occurring wildlife species may occur on the project site. Due to development surrounding the site, however, the habitat provided by the site provides limited value for wildlife.

Wildlife Corridors

A review of the California essential connectivity project (CDFW 2019b) showed that the Project site is not located within areas previously identified as an essential connectivity area, core reserve or corridor, landscape block, or general wildlife corridors identified in the BIOS system. While habitat connectivity areas are mapped surrounding the City of Morgan Hill, the Project site does not overlap with any of them.

The Project site is a ruderal agricultural field and is bordered on three sides (east, west and north) by roads, or to the south by urban development (trailer park). Areas surrounding the Project site are also similarly composed of a mixture of developed uplands, and agricultural operations. The presence of man-made features such as roads, housing tracks etc., and lack of intact natural communities or other areas that would provide necessary elements for wildlife to sustain, mean that the Project site does not likely function as a wildlife corridor as it does not connect two core habitats, or provide a linkage between areas commonly used by wildlife for daily activities.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☒	☐	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

Given the history of the project site, disturbance from agricultural uses and grading, and surrounding urban development, no natural sensitive habitats which would support endangered, threatened or special status plant or wildlife species would occur on or adjacent to the site. The entirety of project impacts are proposed within non-sensitive natural communities, including ruderal grassland and stormwater basin. Habitats observed on-site are considered unsuitable for local special status plant species and thus no impacts to special status plant species are anticipated as a result of the proposed project. With the implementation of mitigation measures described below, no significant impacts are expected to occur.

Based on the information provided in Habitat Plan database, the project site is not located within a burrowing owl survey or fee zone.¹⁷ Therefore, the site is not considered burrowing owl habitat and pre-construction surveys for the owls are not required.

All 32 special status plant species documented to occur in the vicinity of the Project site are unlikely or have no potential to occur; the Project site does not have the potential to support any of these species due to the lack of necessary habitat and ruderal grassland habitat. No special-status plant species were observed in the Project site during the assessment and no protocol-level rare plant surveys are recommended.

There are 34 special status wildlife species known to occur in the vicinity of the project site. Of the 34 special status wildlife, there are two special-status species that were determined to have the potential to occur in the Project site; the loggerhead shrike (*Lanius ludovicianus*) and the white-tailed kite (*Elanus leucurus*). These species may forage in the ruderal and agricultural fields on-site, and may find nesting habitat in trees and shrubs within the Project site. Grading and development

¹⁷ Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser*. Accessed July 10, 2019. <http://www.hcpmaps.com/habitat/>.

proposed within the site may reduce nesting and foraging habitat for special status species, or may impact these species through visual and auditory disturbance sufficient to cause nest abandonment. Such impacts would be considered significant under CEQA.

In addition, common avian species may also nest with the project site and may be similarly affected by project activities. Due to the protected status of these species under both the MBTA and CFGC, impacts to common native nesting birds would also be considered a significant impact under CEQA.

Mitigation Measures: The following mitigation measure will reduce impacts from construction at the project site to nesting raptors and migratory birds to a less than significant level:

MM BIO-1.1: If construction activities cannot be scheduled to avoid the breeding season (February through August), pre-construction breeding bird surveys shall be conducted within 14 days of ground disturbance to avoid disturbance to active nests, eggs, and/or young of nesting birds. Additionally, any trees and shrubs in or adjacent to the project site that are proposed for removal and that could be used as avian nesting sites shall be removed during the non-breeding season (September 1 through February 1), otherwise pre-construction breeding bird surveys shall be conducted as noted above.

In the event that an active nest is located, a ‘no disturbance’ buffer shall be established around the nest until all young have fledged or the nest otherwise becomes inactive (e.g. due to predation). Suggested buffer zone distances differ depending on species, location, and placement of nest and will be determined and implemented in the field by a qualified biologist in consultation with CDFW.

With the implementation of the above mitigation measure, the project would not result in a substantial adverse impact on both special-status species and native nesting birds and would reduce impacts to nesting birds to less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-2: Construction activities including grading, addition of impervious surfaces, and associated construction related activities located within the 35-foot stream setback area may adversely affect the riparian vegetation and associated character of Little Llagas Creek. **(Significant Impact)**

The Project site is located approximately 5 feet above the top of bank and within the 100-year floodplain (FEMA, 2019) of Little Llagas Creek. Little Llagas Creek is a Category 2 Stream feature under Chapter 18.92.110 of the Morgan Hill Municipal Code because it is intermittent stream that dries up during the summer months. The Muni Code therefore requires an associated 35-foot setback for all development adjacent to the creek. The 100-year floodplain for Little Llagas extends throughout 90% of the Project site and is defined at 319 feet NAVD88 with a defined base flood elevation. Proposed activities (grading, installation of impervious surfaces for parking), as currently shown in the conceptual site plan, are proposed within the 35-foot setback and within the 100-year floodplain.

Impact BIO-2: Activities including grading, addition of impervious surfaces, associated construction related activities located within the 35-foot stream setback area may adversely affect the riparian vegetation and associated character of Little Llagas Creek. **(Significant Impact)**

Mitigation Measures: The following mitigation measures will be implemented as part of the further refined plans, prior to issuance of a contract to construct the park, to maintain a healthy riparian zone, maintain water quality, provide habitat, maintain connectivity, and a variety of other physical and biological functions, to reduce impacts from construction at the project site by to a less than significant level:

MM BIO-2.1: BMPs including silt fencing, fiber rolls, and/or wattles, will be implemented throughout the duration of construction activities to minimize the potential for sediment movement offsite. Vegetation along the boundary of the Project site will be preserved to the extent feasible to maintain temporary soil stabilization. Areas graded during construction activities will be hydroseeded or mulched to stabilize exposed surfaces post construction. Implementation of these measures will reduce impacts to stream features.

MM BIO-2.2: The project proponent will comply with the Flood Damage Prevention requirements in Chapter 15.80 of the City of Morgan Hill Municipal Code and submit permit applications with the City's Floodplain Administrator. Though the Project complies with Chapter 15.80.220 of the City Municipal Code, which allows open space uses such as outdoor recreation in floodplain setback areas, measures identified by the Floodplain Administrator shall be incorporated into the project design to avoid flood-related erosion hazards.

Additionally, as described in MM BIO-6 below, to the extent feasible, all non-compatible activities will avoid encroachment into the 35-foot stream setback to protect the stream corridor. With the implementation of the above mitigation measures, the project would not result in a substantial adverse impact to the character of Little Llagas Creek. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

There are no wetlands or sensitive aquatic communities on the project site. The project site is a ruderal agricultural field and is bordered on three sides (east, west and north) by roads, or to the south by urban development (trailer park). There is a man-made stormwater detention basin also present on site that occupies approximately 0.30 acre within the western portion of the Project site. The man-made basin receives stormwater flow from local stormwater sewer system along Butterfield Boulevard and was built in ruderal herbaceous grassland uplands in 2012-2013 as part of the Butterfield South Extension Project. The project would not result in the direct removal, filling, or hydrological interruption of a protected wetland. **(No Impact)**

Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

The project site is a ruderal agricultural field and is bordered on three sides (east, west and north) by roads, or to the south by urban development (trailer park). Areas surrounding the Project site are also similarly composed of a mixture of developed uplands, and agricultural operations. The presence of man-made features such as roads, housing tracks etc., and lack of intact natural communities or other areas that would provide necessary elements for wildlife to sustain, mean that the project site does not likely function as a wildlife corridor as it does not connect two core habitats, or provide a linkage between areas commonly used by wildlife for daily activities.

Little Llagas Creek runs through an adjacent field to the Project site, approximately 5 feet outside of the Project site. The creek is intermittent and thus does not provide a year-round migration corridor for fish species of any kind, including steelhead. The creek will not be affected by any Project activities. The stormwater detention basin that will be covered or converted as part of the Project does not connect directly to the creek as the culvert connecting the detention basin and Little Llagas Creek is capped with an upturned flume and only allows water to flow from the basin to the creek at high levels. Flows into this detention basin originate from a submerged culvert that channels drainage from the nearby roadway and the basin is designed to draw down within 48-hours after large runoff events. Therefore, the location of the Project in relation to the creek will prevent any impacts to the creek and because the basin is functionally isolated, and naturally dries down after rain events, it is not suitable for or accessible by steelhead.

The project would, therefore, not interfere with the movement of fish or wildlife species, nor interfere with established corridors or wildlife nursery sites. **(Less than Significant Impact)**

Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact with Mitigation Incorporated)**

There are two ordinance sized trees, as defined by the City of Morgan Hill, in the Project site. The ordinance sized trees are located west of the stormwater basin and are both California walnut (*Juglans hindsii*) each with an approximate diameter at breast height (DBH) of 40 to 50-inches.

No other protected trees, as defined by the City of Morgan Hill, occur In the Project site. There are numerous protected trees, as defined by the City Ordinance on the outer perimeter, outside the project site. Proposed activities will directly impact ordinance-sized trees on the site. Access to the site may also directly or indirectly impact ordinance sized trees.

Mitigation Measures: The following mitigation measures will assure that impacts to ordinance sized trees are less than significantly impacted. Implementation of the following measures will reduce impacts on protected trees to a less-than-significant level by bringing the project into compliance with all local ordinances:

MM BIO-5.1: To the extent feasible, activities will avoid impacts to protected trees. Avoidance is considered to be completely avoiding any work or staging under the dripline of trees. The boundary of the designated avoidance buffer will be flagged or fenced prior to initial ground disturbance. If complete avoidance is not feasible, MM BIO 5.2 will be implemented.

MM BIO-5.2: The City will comply with its own applicable local ordinances for removal, trimming, damage, or relocation of all trees. Any trees to be removed will require replacement according to the City's normal practice. This will include requiring replacement of any and all trees on a comparable ratio of size or quantity. The replacement trees will be planted on site to the extent feasible.

With the implementation of the above mitigation measures, project construction would not result in a significant impact to trees designated for preservation nor would it conflict with a tree preservation policy. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact with Mitigation Incorporated)**

The project site is located in the Santa Clara Valley Habitat Plan area (ICFI 2012). The entirety of the mapped Project site is non-native annual grassland located within the Land Cover Fee Zone B (Agriculture and Valley Floor Lands) of the Habitat Plan. A Land Cover development fee applies to the Project within this Fee Zone. The project site is located outside of Burrowing Owl Fee Zones, Wetland Fee Zones, Serpentine Fee Zones and does not require plant or wildlife surveys for designated species.

The Project site is located 5 feet beyond top of bank of Little Llagas Creek and is entirely outside of the Habitat Plan's Geobrowser mapped Category 1 stream buffer setback areas. With intermittent flows, Little Llagas Creek is considered a Category 2 stream. This stream type has a 35 feet setback requirement, per Condition 11 of the Santa Clara Valley Habitat Plan. Exemptions to Condition 11 setback are provided for recreational trails, however, additional Project components of the Preliminary Design Concept such as parking lot uses are not exempt from the setback. Encroachment with impervious surfaces and parking areas into the 35-foot stream setback would conflict with the Santa Clara Valley Habitat Plan and be considered a significant impact.

Mitigation Measures: The future refined park design shall implement the following mitigation measure to ensure the project will comply with Condition 11 of the Santa Clara Valley Habitat Plan 35-foot stream setback and implementation of BIO MM 2.1 will reduce potential for impacts to occur the stream setback. Implementation of Condition 11 will reduce impacts to the stream setback to a less than significant level:

MM BIO-6.1: To the extent feasible, all non-compatible activities will avoid encroachment into the 35-foot stream setback to protect the stream corridor. Avoidance is considered to be completely avoiding any work, staging inside the setback, or development of the setback that is not compatible with setback uses. The boundary of the designated avoidance buffer will be flagged or fenced prior to initial ground disturbance.

With the implementation of the above mitigation measure identified by the Santa Clara Valley Habitat Agency to project design would avoid impacts to the stream setback corridor would not result in a significant impact and would maintain a healthy riparian zone which is critical for maintaining water quality, providing habitat, maintaining connectivity, and a variety of other physical and biological functions. **(Less than Significant Impact with Mitigation Incorporated)**

4.5 CULTURAL RESOURCES

This discussion is based in part on an archaeological survey and Native American consultation completed by Holman & Associates on May 29, 2019. This report contains sensitive information and is on file at Morgan Hill City Hall for review by qualified personnel.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act (NHPA) of 1966 and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁸

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

¹⁸ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” March 14, 2006.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to loss of cultural resources.¹⁹ The following goal and policy related to cultural resources are applicable to the proposed project:

Healthy Community:

Goal HC-8: Historic identity and cultural resources that are preserved for future generations.

*Policy HC-8.5: **Mitigation.** Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.*

¹⁹ City of Morgan Hill, California (2016). "Chapter 6, Healthy Community." *City of Morgan Hill General Plan 2035*. Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

4.5.1.2 Existing Conditions

The City of Morgan Hill's Archaeological Sensitivity Map identifies a portion of the project site to be within a potentially archaeologically sensitive area due to the site's proximity to Little Llagas Creek.²⁰ Additionally, based on initial discussion with the Amah Mutsun Tribal Band, the creek is a sensitive waterway that could contain pre-historic cultural resources.²¹

The project site includes a stormwater detention basin and vacant land. Based on the historic properties listed in the City's General Plan EIR (Table 4.5-1), no historic properties are adjacent to the site, and the nearest historic site (the 21 Mile House) is located within a quarter mile of the site.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐
Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (No Impact)				

The project site includes a stormwater detention basin and vacant land and does not contain any buildings or structures. As a result, there are no structures listed, determined eligible, or pending on the California Register of Historical Resources located on the project site; and no significant or potentially significant local, state, or federal cultural resources/historic properties (e.g., landmarks, points of interest, etc.) are located on the project site. Based on the historic properties listing in the City's General Plan, the project site is not adjacent to any historic properties, and the nearest historic property is within a quarter mile of the site, located at intersection of Edmundson Avenue and Monterey Road.²² Given the distance of the site from the nearest historic property, the project would have no impact on historic resources. **(No Impact)**

²⁰ City of Morgan Hill. *Archaeological Sensitivity Map*. April 2009.

²¹ Holman & Associates. *Results of a CEQA Archaeological Survey and Native American Consultation for the Butterfield Park Project at Butterfield Boulevard and Monterey Road*. June 2019.

²² This is a plaque marking a historic site. No historic structures remain at this site.

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
(Less than Significant Impact)

No archaeological sites are recorded within or adjacent to the project site, nor are any resources listed on state or federal inventories.²³ No cultural materials or archaeological deposits were observed during the field survey by the archaeologist, and Holman & Associates does not recommend any additional archaeological study or the need for monitoring during ground-disturbing construction activities. Nevertheless, the project shall implement the following standard condition in the event that an undiscovered archaeological resource is encountered during project construction activities:

Standard Condition CUL-1.1:

In the event of the unintentional discovery of undocumented human remains or significant historic or archaeological materials during construction, the following policies and procedures for treatment and disposition measures shall be implemented:

- If human remains are encountered, they shall be treated with dignity and respect as due to them. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped.²⁴ Ground-disturbing project activities may continue in other areas that are outside the discovery location.
- An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25 to 50 foot buffer for a single burial or archaeological find).
- The discovery location shall be secured as directed by the City if considered prudent to avoid further disturbances.

²³ Ibid.

²⁴ Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits.

- The Contractor Foreman or authorized representative, or party who made the discovery shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Community Development Director
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found)
 - The Native American Heritage Commission (NAHC) in Sacramento
 - The Amah Mutsun Tribal Band
- The Coroner will have two working days to examine the human remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Community Development Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
- If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

With the implementation of the above standard conditions, the project would have a less than significant impact on archaeological resources. **(Less than Significant Impact)**

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

As explained in Section 4.5.1.2, the project site is partially located within a potentially archaeologically sensitive area due to its proximity to Little Llagas Creek. According to the City's Archaeological Sensitivity Map, and input from the Amah Mutsun Tribal Band, the creek is a sensitive waterway that could potentially contain cultural resources.^{25,26} In the unlikely event that human remains are discovered during construction activities, implementation of **Standard Condition CUL-1.1** would reduce the project's impact on human remains to a less than significant level. **(Less than Significant Impact)**

²⁵ City of Morgan Hill. *Archaeological Sensitivity Map*. April 2009.

²⁶ Holman & Associates. *Results of a CEQA Archaeological Survey and Native American Consultation for the Butterfield Park Project at Butterfield Boulevard and Monterey Road*. May 2019.

4.6 ENERGY

The following discussion is based in part on CalEEMod results completed by Illingworth & Rodkin, Inc. on June 27, 2019. A copy of this report is included in Appendix A.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.²⁷ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.²⁸

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

²⁷ California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed July 2, 2019. <http://www.bsc.ca.gov/>.

²⁸ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards." Accessed July 2, 2019. <http://www.energy.ca.gov/title24/2016standards/index.html>.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.²⁹

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to energy usage.³⁰ The following goal and policy related to energy resources are applicable to the proposed project:

Natural Resources and Environment:

Goal NRE-16 *Conservation of energy resources.*

Policy NRE-16.1: **Energy Standards for New Development.** New development, including public buildings, should be designed to exceed State standards for the use of energy.

Policy NRE-16.5 **Energy Efficiency.** Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that promote energy efficiency.

Policy NRE-16.6: **Landscaping for Energy Conservation.** Encourage landscaping plans for new development to address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.

Policy NRE-16.7: **Renewable Energy.** Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

²⁹ California Air Resources Board. "The Advanced Clean Cars Program." Accessed July 3, 2018.

<https://www.arb.ca.gov/msprog/acc/acc.htm>.

³⁰ City of Morgan Hill, California (2016). "Chapter 8, Natural Resources and Environment." *City of Morgan Hill General Plan 2035*. Accessed July 3, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,830 trillion Btu in the year 2016, the most recent year for which this data was available. Out of the 50 states, California is ranked 2nd in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,853 trillion Btu) for industrial uses, and 40 percent (3,116 trillion Btu) for transportation.³¹ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Energy usage is typically quantified using the British thermal unit (Btu). PG&E provides natural gas services within the City of Morgan Hill. In 2017, approximately 1.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.³² In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.³³

Overall natural gas demand in California is anticipated to decrease slightly through 2028. This decline is due to on-site residential, commercial, and industrial electricity generation; aggressive energy efficiency programs; and a decrease in demand for electrical power generation as a result of state-mandated RPS targets (as the state moves to power generation resources that result in less GHG emissions than natural gas).³⁴

Electricity

Electricity in Santa Clara County in 2017 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2017, a total of approximately 17,190 GWh of electricity was consumed in Santa Clara County.³⁵

The community-owned Silicon Valley Clean Energy (SVCE) is the electricity provider for the City of Morgan Hill.³⁶ SVCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. Customers are automatically enrolled in the GreenStart plan, which generates its electricity from 100 percent carbon free sources; with 50 percent from solar and wind sources, and 50 percent from hydroelectric. Customers have the option to enroll in the

³¹ United States Energy Information Administration. *State Profile and Energy Estimates, 2016*. Accessed July 3, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³² California Gas and Electric Utilities. 2018 California Gas Report. Accessed July 3, 2019. https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf.

³³ CEC. "Natural Gas Consumption by County". Accessed July 3, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

³⁴ California Gas and Electric Utilities. 2017 Natural Gas Market Trends and Outlook. Accessed July 3, 2019. http://docketpublic.energy.ca.gov/PublicDocuments/17-IEPR-04/TN222400_20180131T074538_STAFF_FINAL_REPORT_2017_Natural_Gas_Market_Trends_and_Outlook.pdf.

³⁵ CEC. Energy Consumption Data Management System. "Electricity Consumption by County". Accessed July 3, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

³⁶ SVCE. "Frequently Asked Questions". Accessed July 9, 2019. <https://www.svcleanenergy.org/faqs>.

GreenPrime plan, which generates its electricity from 100 percent renewable sources, such as wind and solar.

Pacific Gas and Electric Company (PG&E) is the City of Morgan Hill energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.³⁷

Natural Gas

PG&E provides natural gas services within the City of Morgan Hill. In 2017, approximately 1.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.³⁸ In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.³⁹

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.⁴⁰ The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2016.⁴¹ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.^{42,43}

³⁷ PG&E. "Exploring Clean Energy Solutions". Accessed July 3, 2019. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page.

³⁸ California Gas and Electric Utilities. 2018 California Gas Report. Accessed July 3, 2019. https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf.

³⁹ CEC. "Natural Gas Consumption by County". Accessed July 3, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

⁴⁰ California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed July 3, 2019. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

⁴¹ U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed July 3, 2019. <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles>.

⁴² U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed July 3, 2019. <http://www.afdc.energy.gov/laws/eisa>.

⁴³ Public Law 110-140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed July 3, 2019. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐
Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. (Less than Significant Impact)				

New automobiles purchased by future occupants of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. **(Less than Significant Impact)**

Energy Efficiency during Construction

The anticipated construction schedule assumes that the project will be built over a period of approximately 12 months, starting in January 2021 and ending in December 2021. The project would require site preparation, grading and excavation, trenching, paving, and building of interior and exterior public restroom. Energy would not be wasted or used inefficiently by construction equipment, as the proposed project would include several measures to improve efficiency of the construction process. For example, during construction, construction waste management methods and processes will be employed to reduce the amount of and track construction waste. **(Less than Significant Impact)**

Energy Efficiency during Operation

The project would not use energy or fuel in a wasteful manner, given the project features that reduce energy use, including the following:

- Bicycle parking will be provided on-site.
- Parking for clean air vehicles will be provided.
- The proposed public restroom will include water conserving water fixtures.
- During construction, construction waste management methods and processes will be employed to reduce the amount of construction waste.

(Less than Significant Impact)

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

Electricity for the outdoor lighting proposed on the vacant site would be provided by Pacific Gas & Electric Company. The proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. For these reasons, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based in part on a geotechnical report prepared by Pacific Geotechnical Engineering on March 8, 2011 for the Butterfield Boulevard Extension Project, which was constructed on a portion of the project site. A copy of this report is included as Appendix D.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

City of Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to due to geological conditions and seismicity.⁴⁴ The following goal and policy related to geology and soils is applicable to the proposed project:

Safety, Services, and Infrastructure:

Goal SSI-1: Development that avoids or minimizes risk from environmental hazards.

Policy SSI-1.2: **Hazard Reporting.** Known or potential geologic, fire, and flood hazards shall be disclosed as part of every real estate transaction and recorded on documents to be reported for building permits, subdivisions, and land development reports. Mitigation of hazards shall be noted in the same manner.

Goal SSI-2: Reduction of potential harm to persons or property from geologic/seismic hazards.

Policy SSI-2.1: **Land Use and Geologic Hazards.** Limit uses on lands with geologic hazards but allow uses on previously urbanized lands with proper mitigation. Keep development in hazardous areas to a minimum by encouraging low-density, low-intensity uses and the types of uses least disruptive to the soil and vegetative cover.

4.7.1.2 Existing Conditions

Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Hamilton/Diablo Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by the continued tectonic uplift and regression of the

⁴⁴ City of Morgan Hill, California (2016). "Chapter 9, Safety, Services, and Infrastructure." *City of Morgan Hill General Plan 2035*. Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

inland sea that had previously inundated this area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Late Jurassic to Cretaceous age (70-140 million years old). Sediments of the Santa Clara Valley are composed of water-bearing Plio-Pleistocene and Upper Quaternary sediments, which are underlain by older non-water bearing rocks. The Upper Quaternary sediments consist of up to 1,000 feet of poorly sorted gravel, sand and clay, which were deposited in alluvial fan (triangular-shaped deposits of water-transported material) and deltaic (delta) depositional environments.

Site Geology

Seismicity

The project site is located within the San Francisco Bay Area, the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. The U.S. Geological Survey (USGS) estimates that there is a 72 percent chance of at least one magnitude 6.7 earthquake occurring in the Bay Area between 2014 and 2043.⁴⁵

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone⁴⁶ or in a Santa Clara County Fault Hazard Zone⁴⁷ and no active faults have been mapped on-site. Therefore, the risk of fault rupture at the site is low. Faults in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. The distance between the site and nearby active faults (faults in which historic displacement has occurred within the last 200 years) near the project site are shown in Table 4.7-1.⁴⁸

Table 4.7-1: Active Faults Near the Project Site	
Fault	Approximate Distance from Site
Calaveras	4 miles northeast
San Andreas	9 miles southwest
Hayward	13 miles northwest

⁴⁵ United States Geological Survey. "Earthquake Outlook for the San Francisco Bay Region 2014 – 2043." August 2016. Accessed May 20, 2019. <https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf>.

⁴⁶ California Geological Survey. "Earthquake Zones of Required Investigation." Accessed May 16, 2019. <https://maps.conservation.ca.gov/cgs/EQZApp/>

⁴⁷ Santa Clara County Geologic Hazard Zones Map, Map 53. Accessed May 17, 2019.

⁴⁸ Pacific Geotechnical Engineering. *Geotechnical and Foundation Investigation Proposed Butterfield Boulevard Extension*. March 8, 2011.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within the soil voids, resulting in liquefaction. The project site has low liquefaction susceptibility and is not located in a State of California designated Seismic Hazard Zone.^{49,50}

Lateral Spreading

Lateral spreading is a failure within a nearly horizontal soil zone (possibly due to liquefaction) that causes the overlying soil mass to move toward a free face (such as an open body of water, channel or excavation) or down a gentle slope. The project site is relatively flat, but its proximity to Little Llagas Creek increases the potential for lateral spreading.

Paleontological Resources

Paleontological resources or fossils are the remains of prehistoric plant and animal life. Paleontological resources do not include human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in geologic formations. Paleontological resources are limited, non-renewable, sensitive scientific and educational resources. The potential for fossil remains at a location can be predicted based on whether or not previous fossil finds have been made in the vicinity, as well as based on the age of the geologic formations. Based on the findings in the General Plan EIR, no paleontological resources have been identified in the City of Morgan Hill.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
- Strong seismic ground shaking?	☐	☐	☒	☐
- Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

⁴⁹ Association of Bay Area Governments. Earthquake and Hazard Zones Program. Liquefaction. <http://quake.abag.ca.gov/earthquakes/>. Accessed May 17, 2019.

⁵⁰ Pacific Geotechnical Engineering. *Geotechnical and Foundation Investigation Proposed Butterfield Boulevard Extension*. March 8, 2011.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.
(Less than Significant Impact)

The project site is located within the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. The project site would experience intense ground shaking in the event of a large earthquake. No known faults occur beneath the project site. The project site is not located within an earthquake fault zone on an Alquist-Priolo Earthquake Fault Zoning Map and, therefore, the potential for fault rupture at the site is low.

The project site is not located within a state-designated liquefaction hazard zone; thus, liquefaction susceptibility is very low, and no liquefiable soils are present on-site.^{51,52,53} Since the soils on site are

⁵¹ Santa Clara County Geologic Hazard Zones Map, Map 53. Accessed May 17, 2019.

⁵² Association of Bay Area Governments Resilience Program. Liquefaction Susceptibility Map. Accessed May 17, 2019.

⁵³ Pacific Geotechnical Engineering. *Geotechnical and Foundation Investigation Proposed Butterfield Boulevard Extension*. March 8, 2011.

not prone to liquefaction, the probability of lateral spreading is low. However, Little Llagas Creek is located adjacent to the project site. The proposed project's proximity to the creek could create the potential for lateral spreading. The project site and area are flat and are not located in a landslide hazard zone. Therefore, there is no potential for landslides to occur on-site.

A site-specific, design-level geotechnical report would be prepared prior to construction in order to ensure project safety and compliance with local and state policies. Additionally, the project would implement the following standard condition.

Standard Condition GEO-1.1:

- To avoid or minimize potential damage from seismic shaking, the proposed development shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings will be required to meet the requirements of applicable Building and Fire Codes, including the 2017 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project will be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

By conforming to standard engineering and seismic safety design techniques outlined in the City of Morgan Hill's Building Division and California Building Code, the proposed project would not expose people or structures to substantial adverse effects; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions. **(Less than Significant Impact)**

Impact GEO-2: The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

Grading, trenching, and construction of the proposed project would result in ground disturbance at the site. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete. The City has developed standard conditions to avoid significant soil erosion impacts during construction. The following conditions would be included as part of the project:

Standard Condition GEO-2.1: (Storm Drain System): Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

1. Storm drain calculations to determine detention pond sizing and operations.
2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.

3. Water Pollution Control Drawings for Sediment and Erosion Control.

Standard Condition GEO-2.2: (NPDES Permit Conformance):

- As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the SWRCB receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans.

Through implementation of **Standard Conditions GEO-2 and GEO-3**, the proposed project would avoid substantial soil erosion and would not cause a significant loss of topsoil. **(Less than Significant Impact)**

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

With the implementation of the standard engineering and seismic safety design techniques outlined in the City of Morgan Hill's Building Division and California Building Code (refer to **Standard Condition GEO-1.1**), the project site would not be located on an unstable geological unit that would result in subsidence or collapse of the proposed infrastructure. The project site and area are not subject to landslides and have a low potential for liquefaction or lateral spreading. Therefore, compliance with **Standard Condition GEO-1.1** would ensure that the project would not exacerbate existing geological hazards on the site such that it would impact off-site geological and soil conditions. **(Less than Significant Impact)**

Impact GEO-4: The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

Native soils on the project site include Arbuckle loam, Pleasanton loam, and San Ysidro loam.⁵⁴ These soils have a moderate to high shrink-swell potential and low to moderate permeability.⁵⁵ The project would comply with **Standard Condition GEO-1.1**, discussed in Impact GEO-1. Standard engineering practices, including the standard permit condition outlined above, would ensure that the future site improvements are designed properly to account for soils-related hazards on the site. With implementation of the standard permit condition, expansive soils on-site would not exacerbate risks to life and property, and the project would result in a less than significant impact. **(Less than Significant Impact)**

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. **(No Impact)**

The project site is located within an urbanized area of Morgan Hill where sewers are available to dispose of wastewater from the project site. The site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(No Impact)**

No paleontological resources have been identified in the City of Morgan Hill. The proposed project would excavate to a maximum depth of approximately six feet below ground surface to install utilities. Given that the proposed project would not require excavation below six feet below ground surface and surface soils are relatively young deposits typically devoid of paleontological resources, paleontological resources would not likely be discovered during construction. The project would, therefore, not result in a significant impact to paleontological resources. **(No Impact)**

⁵⁴ United States Department of Agriculture. Web Soil Survey.
<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

⁵⁵ City of Morgan Hill. *Butterfield Boulevard South Extension Initial Study*. June 2010.

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and sulfur hexafluoride emissions are commonly created by industries such as aluminum production and semi-conductor manufacturing.

Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with CO₂ being assigned a value of 1 and sulfur hexafluoride being several orders of magnitude stronger. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO₂ equivalents (CO₂e).

An expanding body of scientific research supports the theory that global climate change is currently affecting changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solutions Act, also known as Assembly Bill (AB) 32, the California Air Resources Board (CARB) established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.⁵⁶

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

⁵⁶ CARB. "The Advanced Clean Cars Program". Accessed July 5, 2019.
<https://www.arb.ca.gov/msprog/acc/acc.htm>.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to greenhouse gas emissions.⁵⁷ The following goals and policies related to greenhouse gas emissions are applicable to the proposed project:

Natural Resources and Environment:

Goal NRE-15 *An adaptive and resilient community that responds to climate change.*

Policy NRE-15.1 **Greenhouse Gas Emission Reduction Targets.** Maintain a greenhouse gas reduction trajectory that is consistent with the greenhouse gas reduction targets of Executive Orders B-30-15 (40 percent below 1990 levels by 2030) and S-03-05 (80 percent below 1990 levels by 2050) to ensure the City is consistent with statewide efforts to reduce greenhouse gas emissions.

Policy NRE-15.4 **Sustainable Land Use.** Promote land use patterns that reduce the number and length of motor vehicle trips.

4.8.1.2 Existing Conditions

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The proposed site includes a stormwater detention basin and vacant land. Minimal GHG emissions are generated by a small number of vehicles traveling to and from the site related to maintenance.

⁵⁷ City of Morgan Hill, California (2016). "Chapter 8, Natural Resources and Environment." *City of Morgan Hill General Plan 2035*. Accessed July 5, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy, and water usage, and solid waste disposal.

The operational screening size for public parks is 600 acres, while the proposed park would only occupy 9.5 acres. Since the project's scale is substantially below the screening level for operational GHG emissions, the project's operational GHG emissions would have a less than significant impact on the environment. **(Less than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

The proposed project's operational emissions would be below the BAAQMD screening levels, and therefore, would be consistent with state and local plans and policies pertaining to GHG emission reductions. The project would be consistent with the greenhouse gas reduction targets of Executive Orders B-30-15. As a result, the project does not conflict with policies adopted at the state and local levels for the purpose of reducing GHG emissions. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase II Shallow Soil Sampling Program prepared by Weber, Hayes & Associates on July 7, 2019. A copy of this report is included in Appendix E.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Local

Morgan Hill 2035 General Plan

The following goal and policy to reduce the effects of hazardous materials are applicable to the proposed project:

Goal SSI-4: Avoidance and exposure to hazardous substances.

*Policy SSI-4.16 **Contaminated Site Mitigation.** Require new or expanding development projects in areas contaminated from previous discharges to mitigate their environmental effects.*

4.9.1.2 Existing Conditions

The project site is open space and its general use has been for grazing. The project site is relatively flat with open grassy areas. The project is surrounded by developed and undeveloped parcels. Adjacent to the project site on Monterey Road is vacant land and the Maple Leaf RV Park. There is a single-family residence to the north of the project across Butterfield Blvd., which is a one-story single-family home. Across from the single-family home there is new residential development taking place.

A review of regulatory environmental databases was completed for the project site and surrounding properties within one mile of the site. Based the review of the search, the site is not listed in any regulatory databases. Based on the distance, direction, and/or nature of the remaining listings in the vicinity of the site, none of the surrounding properties are an environmental concern for the project site. Phase II Testing was conducted on the project site and the results indicate that the trace concentrations of past agricultural pesticides detected at the site do not pose an unacceptable risk to human health or the environment for land use transition to recreational.⁵⁸

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐

⁵⁸ Weber, Hayes & Associates. Phase II Shallow Soil Sampling Program. July 7, 2019. Page 4.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project site?	☐	☐	☐	☒
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

The project does not propose any on-site use of hazardous materials. The use, storage, transportation, and disposal of maintenance chemicals would be managed in accordance with existing laws and regulations (including California Code of Regulations, Division 6, Chapter 3, Subchapter 2, Article 4 Storage, Transportation and Disposal) that ensure herbicide and pesticide storage, transportation and disposal would result in a less than significant impact. No other routine use, storage, transportation, or disposal of hazardous materials is anticipated as part of the project. **(Less than Significant Impact)**

Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

As discussed in Section 4.9.1.2, the project site does not have any recorded contamination on-site as reported on the Phase II Shallow Soil Sampling Program. The project, therefore, would not create a hazard to the public or the environment involving the release of hazardous materials. **(Less than Significant Impact)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

There are no public schools near the project site; however, there are private schools nearby. The Oakwood School and Morgan Hill Bible church are located approximately 0.6 miles southeast of the site. The project does not propose the use of substantial hazardous materials on-site as discussed under Impact HAZ-1 and the project site does not have any known contamination on-site as discussed under Impact HAZ-2. For these reasons, the project would not emit hazardous emissions or handle hazardous materials that would impact the nearby schools. **(Less than Significant Impact)**

Impact HAZ-4: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(No Impact)**

The project is not listed on a hazardous materials database or on the Cortese List.⁵⁹ **(No Impact)**

Impact HAZ-5: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project site. **(No Impact)**

The project site is approximately four miles from the South County Airport. The project is not located within an Airport Influence Area or Federal Aviation Administration Height Restriction Area; therefore, the project would not result in an airport safety hazard. Since the site is not within the airport influence area (AIA), the site is not subject to Santa Clara County Airport Land Use Commission (ALUC) evaluation. **(No Impact)**

⁵⁹ CalEPA. *Cortese List Data Resources*. Accessed May 28, 2019. <https://calepa.ca.gov/sitecleanup/corteselist>.

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The project would be constructed in accordance with current building and fire codes to ensure structural stability and safety in the event of a seismic or seismic-related hazard. In addition, Morgan Hill Fire Department would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would not impair implementation of or physically interfere with the City of Morgan Hill Emergency Operations and Evacuation Plans. **(Less than Significant Impact)**

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

The project site is within the City limits and is not within a State of California Very High Fire Hazard Severity Zone or the City's wildland and urban interface.⁶⁰ Therefore, the project would not expose people or structures to wildfire hazards. **(No Impact)**

⁶⁰ California Department of Forestry and Fire Protection (CalFire). *California Fire Hazard Severity Zone Map Update Project: Fire Hazard Severity Zone Maps*. Accessed May 28, 2019.
http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the RWQCBs. The project site is within the jurisdiction of the Central Coast RWQCB.

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

Phase II Small MS4 General Permit

Gilroy, Morgan Hill, and the portion of Santa Clara County that drains to the Pajaro River-Monterey Bay watershed, the City of Morgan Hill are traditional permittees under the state's Phase II Small MS4 General Permit. Since these regions are located in RWQCB Region 3 (Central Coast Region), they are subject to the Central Coast Post-Construction Requirements per Provision E.12.k of the Phase II Permit. The Central Coast Post-Construction Requirements became effective in 2014 and are specific to the Central Coast Region. Post-construction controls are permanent features of a new development or redevelopment project designed to reduce pollutants in stormwater and/or erosive

flows during the life of the project. Types of post-construction controls include low impact development (LID) site design, pollutant source control, stormwater treatment, and hydromodification management measures. The LID approach reduces stormwater runoff impacts by minimizing disturbed areas and impervious surfaces, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses).⁶¹

Water Resources Protection Ordinance and District Well Ordinance

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Local

Morgan Hill 2035 General Plan

The following goal and policies to reduce impacts to hydrology and water quality are applicable to the proposed project:

- Goal SSI-16:** Minimized adverse effects on property, natural resources, and ground and surface water quality from stormwater runoff.
- Policy SSI-16.2: Drainage System Capacity.** Ensure that the level of detention or retention provided on the site of any new development is compatible with the capacity of the regional storm drainage system.
- Policy SSI-16.3: Stormwater Management Plans.** Require a stormwater management plan for each proposed development, to be presented early in the development process and describe the design, implementation, and maintenance of the local drainage facilities.

⁶¹ City of Gilroy, City of Morgan Hill, and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.

4.10.1.2 Existing Conditions

Hydrology and Drainage

The City of Morgan Hill is divided into several hydrologically distinct drainage areas. Each of these areas consist of conveyance facilities, pumps, and detention basins to collect and dispose of the runoff. The storm runoff from these areas is discharged into creeks or ponds that flow through the City and that are tributaries to Monterey Bay or San Francisco Bay. The project site has a detention basin located on the western end of the site, where runoff from Butterfield Boulevard is collected. The project site is also located in the Little Llagas Creek storm drainage basin.⁶² Little Llagas Creek flows to Llagas Creek and eventually drains into Monterey Bay.

The project site has 456,509 square feet of pervious surfaces consisting of non-native grasses.

Water Quality

The water quality of ponds, creeks, streams, and other surface waterbodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Grading and excavation activities during construction of a project could increase the amount of surface water runoff (i.e., particles of fill or excavated soil) from the site, or could erode soil downgradient, if the flows are not controlled. Deposition of eroded material in water features could increase turbidity, thereby endangering aquatic life, and reducing wildlife habitat. Excessive precipitation can carry these non-point pollutants downstream. Under existing conditions, stormwater runoff from Butterfield Boulevard is collected in the basin located on the project site.

Groundwater

The site is located in the Llagas Subbasin of the Santa Clara Valley Groundwater Basin. The site is within the Upper Llagas Area designated by the SCVWD.⁶³

Flooding and Other Hazards

The project site is located within a 100-year flood hazard area. According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within Zone AE, is an area within the 100 year flood (1% annual flood), that has a 1% chance of being equaled or exceeded in any given year. A small portion of the project site is in Zone X which is an area within a 500-year flood, within a 100-year flood with average depths of less than one foot or drainage areas less than one square mile, or areas protected by levees from a 100-year flood.⁶⁴

⁶² City of Morgan Hill. *2018 Storm Drainage System Master Plan*. September 2018.

⁶³ Santa Clara Valley Water District. *Groundwater Management Plan*. Adopted November 22, 2016. Accessed June 6, 2019. <https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater>.

Groundwater recharge area = Area that supplies water to an aquifer in a groundwater basin.

⁶⁴ Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel #06085C0607H*. May 18, 2009.

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that in the event of a seiche would affect the site.

A tsunami is a series of water waves caused by the displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. The project site does not lie within a tsunami inundation hazard area.⁶⁵

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

⁶⁵ California Emergency Management Agency. *California Official Tsunami Inundation Map*. Accessed June 6, 2019. <https://www.conservation.ca.gov/cgs/tsunami/maps>.

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Water Quality Impacts

There is the potential for water quality impacts to occur during project construction. In addition to generating dust, litter, oil, and other pollutants that could contaminate runoff from the site, construction activities would increase the potential for erosion and sedimentation by disturbing and exposing underlying soil to the erosive forces of water and wind. Since construction of the proposed project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities.

In accordance with the City of Morgan Hill Standard Conditions of Approval and the NPDES General Permit for Construction Activities, Standard Condition HYD-1 and Standard Measure HYD-1 are included in the project to reduce construction-related water quality impacts to a less than significant level.

Standard Condition HYD-1.1: - The City shall implement the following standard condition prior to construction:

- As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002).

Standard Condition HYD-1.2: In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following measures are included in the project to reduce construction-related water quality impacts to a less than significant level:

The following BMPs shall be implemented during project construction:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- All exposed or disturbed soil surfaces will be watered at least twice daily to control dust.
- Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site will be swept daily (with water sweepers).
- Vegetation in disturbed areas will be replanted as quickly as possible.

With the implementation of the above BMPs, the project would not violate any water quality standards during construction. **(Less than Significant Impact)**

Post-Construction Water Quality

Redevelopment and new projects that create or replace 2,500 square feet or more of impervious surface area are required to implement site design and runoff reduction measures where feasible. The project would add approximately 252,545 square feet of new impervious surface area. The project would conform to the City's Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. In place of the existing detention basin at the western edge of the site, an underground detention rain tank system would be constructed beneath the parking lot. The underground system would be expected to handle the existing flow, as well as the additional flow from the added impervious surface areas that would go into underground treatment units.

Water enters the underground detention rain tank system through an open stormdrain catch basin located at the ground surface. Once inside the system, water is diverted first to the Isolator Row which filters out sediment and trash from the rainwater. As the rain event intensifies the Isolator Row fills up until the water crests a weir and enters a header pipe that carries the water to the other adjacent rows. All of the stormwater chambers are open on the bottom to allow water to infiltrate into the ground. This would ensure that increases in stormwater runoff pollutant loads, rates and volumes generated by the project's increase in impervious surface area on the site would be controlled through the implementation of pollutant source controls and low impact development (LID)-based treatment controls (see response to Impact HYD-3 for a further description of LID-based treatment controls).⁶⁶

Conformance with the City's Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements for implementing pollutant source controls and LID-based treatment controls would reduce impacts to post-construction water quality to a less than significant level. **(Less than Significant Impact)**

⁶⁶ City of Gilroy, City of Morgan Hill and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements*. June 2015.

Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(No Impact)**

The groundwater should be deep enough such that ground disturbance during construction would not interfere with groundwater flow or expose any aquifers. The project site is not an aquifer recharge facility (i.e., streams or ponds); therefore, development of the project site would not substantially interfere with aquifer recharge. **(No Impact)**

Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

The project site contains 348,480 square feet of pervious surfaces. The proposed development would add approximately 174,240 square feet of impervious surface area, consisting of the proposed walkways, water fountains, bike fix-it stations, restrooms, picnic areas, and the asphalt paved parking lot.

According to the City's Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements, projects that create or replace 22,500 square feet or more of impervious surface area require the applicant to incorporate post-construction controls into the design of the project and to manage post-development peak flows discharged from the site (hydromodification management). Post-construction controls are permanent features designed to reduce pollutants in stormwater and/or erosive flows during the life of the project. Types of post-construction controls include LID site design, pollutant source control, stormwater treatment, and hydromodification management measures. The LID approach reduces stormwater runoff impacts by minimizing disturbed areas and impervious surfaces, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses).⁶⁷

There are waterways adjacent to the project site, however, the project would not alter the course of a stream or river causing substantial flooding, erosion, or siltation on- or off-site. With the implementation of BMPs, the project would not result in substantial erosion during construction. For these reasons, the project would not have a significant impact on the City's drainage systems or water quality. **(Less Than Significant Impact)**

⁶⁷ City of Gilroy, City of Morgan Hill and Santa Clara County. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

The project site is located in Zone AE and a small portion of the project site is located in Zone X designated by FEMA, the area in Zone AE is in the 100-year flood hazard area. The project site is a flat parcel on the valley floor and is not in proximity to a large body of water. Additionally, the project site is not located within a designated tsunami inundation zone. The proposed project would, therefore, not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(No Impact)**

The project would comply with the City's Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. The project would not impact groundwater recharge and would not conflict with the SCVWD's 2016 Groundwater Management Plan. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(No Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional

South County Airport Comprehensive Land Use Plan

A small portion of Morgan Hill extends into the Airport Influence Area (AIA) of the South County Airport, which is located in the unincorporated community of San Martin between Morgan Hill and Gilroy. The airport is operated by Santa Clara County and is used for general aviation, which includes all aviation activities other than commercial passenger flights, commuter/air taxi, and military uses.

The AIA includes all areas surrounding the airport that are affected by noise, height, and safety considerations. All development projects within the AIA must be reviewed by the Santa Clara County Airport Land Use Commission (ALUC) to ensure consistency with the Comprehensive Land Use Plan (CLUP). The Morgan Hill City limits are located outside of the airport's noise contours and safety zones.

The CLUP also establishes height restrictions for structures, and the area subject to these height restrictions is slightly greater than the AIA. Per Figure 6, FAR Part 77 Surfaces, of the CLUP, structures in the southern portion of the Morgan Hill City limits should not exceed the height limits of between 481 feet and 631 feet above mean sea level depending on the location of the structure.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts.⁶⁸ The following goal and policies related to land use and planning are applicable to the proposed project:

City and Neighborhood Form:

Goal CNF-17: Adequate land for maintaining and focusing industrial development in economically and geographically strategic locations.

*Policy CNF-17.4: **Property between Monterey Road and UPRR Tracks.** Allow a mix of uses on the property located on the east side of Monterey Road south of the Union Pacific train trestle. Require designs for new development to recognize the significance of this portion of Monterey Road as the northerly entrance to*

⁶⁸ City of Morgan Hill, California (2016). "Chapter 3, City and Neighborhood Form." *City of Morgan Hill General Plan 2035*. Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

downtown and the necessary limitations on use due to its single point of access.

4.11.1.2 *Existing Conditions*

The 9.5-acre project site is located south of Butterfield Boulevard between Monterey Road and the UPRR. The site has a General Plan land use designation of Light Industrial, which is intended for research, warehouse, manufacturing, service commercial, and other job-generating uses. The site is vacant and undeveloped and is surrounded by open space and a single-family residential development to the west. Surrounding sites are zoned as Industrial. There are mixed use and commercial developments to the southwest, on the opposite side of Monterey Road.

The nearest airport is the South County Airport, located approximately three miles southeast of the project site. The project site is not located within the AIA shown in the South County Airport Comprehensive Land Use Plan.⁶⁹

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☐	☒
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
Impact LU-1:	The project would not physically divide an established community. (No Impact)			

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes to construct a neighborhood park, which would introduce a new use to the area, but would not include the construction of dividing infrastructure. Thus, development of the park would not physically divide an established community. **(No Impact)**

⁶⁹ Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Santa Clara County: South County Airport*. Amended November 16, 2016. Accessed May 17, 2019.

https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_E16_CLUP.pdf.

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

Land use conflicts can arise from a new development or land use that would cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.

As described in Section 4.11.1.2, the Light Industrial land use designation allows research, warehouse, and a variety of other job-generating uses. Since the proposed development is a public park, the City would, upon implementing the park, amend the site's land use designation to Public Park in order to maintain consistency with the General Plan. However, this would not create a significant environmental impact or create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

The project site is located in an urban area within the City of Morgan Hill. Mineral resource recovery activities do not occur on or near the project site, nor does the site contain any known mineral resources.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Impact MIN-1: The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Based on the United States Geological Survey (USGS) map of mines and mineral resources, the project site is not comprised of known mineral resources or mineral resource production areas.⁷⁰ The General Plan does not identify the project site or area as a mineral resource recovery site. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the residents in the state or region. **(No Impact)**

Impact MIN-2: The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

See discussion for Impact MIN-1. **(No Impact)**

⁷⁰ United States Geological Survey. *Mineral Resources Online Spatial Data: Interactive maps and downloadable data for regional and global Geology, Geochemistry, Geophysics, and Mineral Resources*. Available at <<https://mrdata.usgs.gov/general/map-us.html#home>>. Accessed May 10, 2019.

4.13 NOISE AND VIBRATION

The following discussion is based in part on a noise assessment prepared by Illingworth & Rodkin, Inc. on June 25, 2019. A copy of this report is included in Appendix F.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , DNL, or CNEL.⁷¹ Using one of these descriptors is a way for a location’s overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

4.13.1.2 *Vibration Overview*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

⁷¹ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.13.1.3 Regulatory Background

Federal

Federal Transit Administration (FTA) Vibration Limits

The US Department of Transportation (DOT) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1, below. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

Table 4.13-1: Groundborne Vibration Impact Criteria			
Land Use Category	Groundborne Vibration Impact Levels (VdB re 1 pinch/sec, RMS)		
	Frequent Events¹	Occasional Events²	Infrequent Events³
Category 1: Buildings where vibration would interfere with interior operations	65 VdB ⁴	65 VdB ⁴	65 VdB ⁴
Category 2: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category 3: Institutional land uses with primarily daytime use	75 VdB	78 VdB	83 VdB
1. Frequent Events - More than 70 vibration events from the same source per day, most rapid transit projects fall into this category 2. Occasional Events - Between 30 and 70 vibration events from the same source per day, most commuter trunk lines have this many operations 3. Infrequent Events – Fewer than 30 vibration events of the same kind per day, includes most commuter rail branch lines. 4. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Vibration sensitive manufacturing or research requires evaluation to define acceptable vibration levels.			

Local

Morgan Hill 2035 General Plan

The following goals and policies related to noise are applicable to the proposed project:

Goal SSI-8: An adaptive and resilient community that responds to climate change.

- Policy SSI-8.1:* **Exterior Noise Level Standards.** Require new development projects to be designed and constructed to meet acceptable exterior noise level standards (as shown in Table SSI-1) as follows:
- o Apply a maximum exterior noise level of 60 dBA L_{dn} in residential areas where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). Where the City determines that providing a L_{dn} of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, a L_{dn} of 65 dBA may be permitted.
- Policy SSI-8.2:* **Impact Evaluation.** The impact of proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.
- Policy SSI-8.5:* **Traffic Noise Level Standards.** Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
- Policy SSI-8.6:* **Stationary Noise Level Standards.** Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.
- Policy SSI-8.7:* **Other Noise Sources.** Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.
- Policy SSI-8.9:* **Site Planning and Design.** Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver; c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas; d) orienting buildings to shield outdoor spaces from the noise source; and e) minimizing the noise at its source.

Morgan Hill Municipal Code

The City of Morgan Hill's Municipal Code Chapter 8.28 states that "It is unlawful and a misdemeanor for any person to make or continue, or cause to be made or continued, any loud, disturbing, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, health, repose, peace or safety of other persons within the city." The following sections of the code would be applicable to the project:

- C. Blowers, Fans, and Combustion Engines. The operation of any noise-creating blower, power fan or internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device to deaden such noise;
- D. 1. Construction activities as limited below. "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of 7:00 AM and 8:00 PM, Monday through Friday and between the hours of 9:00 AM to 6:00 PM on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision. Construction activities may occur in the following cases without violation of this provision:
- In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the chief building official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.
 - If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of 8:00 PM and 7:00 AM, and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.
 - The city council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine a.m. to six p.m., provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.
 - Public work projects are exempt from this section and the public works director shall determine the hours of construction for public works projects.
 - Until November 30, 1998, construction activities shall be permitted between the hours of 10:00 AM to 6:00 PM on Sundays, subject to the following conditions. No power-driven vehicles, equipment or tools may be used during construction activities, except on the interior of a building or other structure which is enclosed by exterior siding (including windows and doors) and roofing, and which windows

and doors are closed during construction activities. Construction activities must be situated at least one hundred fifty feet from the nearest occupied dwelling. No delivery or removal of construction material to a site, or movement of construction materials on a site, is permitted. No activity, including but not limited to the playing of radios, tape players, compact disc players or other devices, which creates a loud or unusual noise which offends, disturbs or harasses the peace and quiet of the persons of ordinary sensibilities beyond the confines of the property from which the sound emanates is allowed.

2. If it is determined necessary in order to ensure compliance with this section, the chief building official may require fences, gates or other barriers prohibiting access to a construction site by construction crews during hours in which construction is prohibited by this subsection. The project manager of each project shall be responsible for ensuring the fences, gates or barriers are locked and/or in place during hours in which no construction is allowed. This subsection shall apply to construction sites other than public works projects or single dwelling units which are not a part of larger projects.
- G. Loading or Unloading Vehicles and Opening Boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- J. Pile Drivers, Hammers and Similar Equipment. The operation, between the hours of eight p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

Chapter 18.76.090 of the Municipal Code establishes quantitative noise performance standards:

- No land use or activity may produce a noise level in excess of the standards shown in Table 4.13-2.

Table 4.13-2: Maximum Noise Levels at Adjacent Land Uses	
Receiving Land Use	Maximum Noise Level at Lot Line of Receiving Use
Industrial and Wholesale	70 dBA
Commercial	65 dBA
Residential or Public/Quasi Public	60 dBA
Note: Above noise standards do not apply to noise generated by vehicle traffic in the public right-of-way or from temporary construction, demolition, and vehicles that enter and leave the site of the noise generating use (e.g., construction equipment, trains, trucks).	

4.13.1.4 Existing Conditions

The site is undeveloped and is surrounded by open space directly to the south and across Butterfield Boulevard to the north. Sensitive land uses in the vicinity include residences approximately 130 feet to the northwest across Butterfield Boulevard, 260 feet to the west across the intersection of

Butterfield Boulevard and Monterey Road, 430 feet to the south across Monterey Road, 450 feet to the east across the UPRR tracks and Railroad Avenue, and 540 feet to the southeast across open space. The noise environment at the site results primarily from vehicle traffic along Butterfield Boulevard and Monterey Road and intermittent train activity along the UPRR tracks.

Existing Noise Environment

A noise monitoring survey was performed at the site and included one long-term measurement and three short-term noise measurements, as shown in Figure 4.13-1. An additional short-term measurement was taken at a BMX pump track in Novato, California to characterize and quantify noise levels associated with the use of pump track facilities.

Long-term noise measurement LT-1 was made from a light post on the north side of Butterfield Boulevard, approximately 215 feet from the center of the intersection of Butterfield Boulevard and Monterey Road, and 45 feet from the centerline of Butterfield Boulevard. This site was chosen to quantify noise levels along Butterfield Boulevard and to characterize ambient noise levels at the nearest residential receptor to the west. Hourly average noise levels at LT-1 ranged from 65 to 72 dBA Leq during the day and from 55 to 75 dBA Leq at night. The day-night average noise level measured from Tuesday through Friday was 72 dBA Ldn.

Long-term noise measurement LT-2 was made from a utility pole near the junction of Railroad Avenue and Maple Avenue, approximately 30 feet from the center of UPRR tracks. This measurement was made from Tuesday, April 9, 2019 to Thursday, April 11, 2019, and was included in this analysis to quantify noise levels from freight trains along UPRR tracks and to characterize ambient noise levels at residential receptors to the east and southeast of the project site. Hourly average noise levels at LT-2 ranged from 57 to 74 dBA Leq during the day and from 45 to 71 dBA Leq at night. The day-night average noise level measured was 70 dBA Ldn. Noise levels at this site were heavily influenced by passenger and freight trains, and the hourly Leq was considerably higher during hours of the day when trains passed. Therefore, ambient noise levels for the majority of the day near these residences are likely considerably lower than the given Leq and Ldn and are better represented by the L90 noise levels.

Short-term noise measurements ST-1 and ST-2 were made on Tuesday, June 11, 2019 and ST-3 and ST-4 were made on Friday, June 14, 2019. The intent of these short-term measurements was to quantify ambient noise levels at the project site and at land uses in the vicinity. ST-1 was made from the south side of Monterey Road, approximately 45 feet from the centerline of Monterey Road and 5 feet from the residential property line. This site was chosen to capture ambient noise levels at the residential receptors to the southwest and to quantify noise levels along Monterey Road. ST-2 was made approximately 420 feet south of the project site, about 90 feet from the property line of the single-family residences. Mechanical equipment was operating in the yard of one of the residences, so this setback was chosen to quantify ambient noise levels near the backyards of the residences without the influence of the mechanical equipment. ST-3 was made to the east of the project site, approximately 16 feet from the centerline of Railroad Avenue and 55 feet from the center of the UPRR track. This site was chosen to quantify ambient noise levels at land uses to the east of the project site when trains are not passing by. ST-4 was made near the center of the project, approximately 280 feet from the centerline of Butterfield Boulevard. This site was chosen to quantify

ambient noise levels near the track and field area at the project site. Table 4 summarizes the results of short-term measurements ST-1 through ST-4 as shown in Table 4.13-3.



PROJECT SITE NOISE MEASUREMENT LOCATIONS

FIGURE 4.13-1

Attachment: Attachment 8: CEQA Initial Study (2382 : Butterfield Boulevard Park Grant)

Table 4.13-3: Noise Measurement Locations at the Project Site

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L _{max}	L ₍₁₎	L ₍₁₀₎	L ₍₅₀₎	L ₍₉₀₎	L _{eq(10-min)}
ST-1: 45 feet from Monterey Rd centerline	6/11/2019, 11:30-11:40	89	80	75	65	53	71
ST-2: 420 feet south of project site	6/11/2019, 11:00-11:10	65	54	n/a	46	43	48
ST-3: 16 feet from Railroad Ave centerline	6/14/2019, 9:30-9:40	81	77	59	52	51	63
ST-4: Near center of project site	6/14/2019, 9:50-10:00	60	57	54	51	49	52

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project site to excessive noise levels?	☐	☐	☒	☐

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

Temporary Noise Increases

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. The proposed project would not require pile driving, which can cause excessive noise.

Chapter 8.28 of the City of Morgan Hill's Municipal Code establishes allowable hours of construction between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. Construction for the proposed project is anticipated to take place during these allowable hours.

While noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code, a threshold of 45 dBA for speech interference indoors is commonly used. Assuming a 15 dBA exterior-to-interior reduction for standard residential construction, this would correlate to an exterior threshold of 60 dBA Leq at residential land uses. Additionally, temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA Leq for an extended period of time. Therefore, the temporary construction noise impact would be considered significant if project construction activities produced noise levels exceeding 60 dBA Leq at residential land uses and the ambient noise environment by 5 dBA Leq or more for a period longer than one year.

For the residences located to the west and southwest of the project site, opposite Butterfield Boulevard and/or Monterey Road, daytime ambient noise levels would be represented by ST-1, which was 71 dBA Leq (10-min). The ambient noise environment for the existing residences to the south of the site, across the open space area, would be represented by measurements made at ST-2, which was 48 dBA Leq (10-min) at a distance of 320 feet from the centerline of Monterey Road. The ambient noise environment for the existing residence to the east of the site, across UPRR tracks and Railroad Avenue, would be represented by measurements made at ST-3, which was 63 dBA Leq (10-min) without any trains passing by at a distance of 55 feet from the center of UPRR tracks. The typical range of maximum instantaneous noise levels for the proposed project would be 71 to 90 dBA Lmax at a distance of 50 feet. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

The typical range of average noise levels for the proposed project would be 71 to 83 dBA Leq at a distance of 50 feet.

When construction activities occur near surrounding land uses, construction noise levels would exceed the 60 dBA Leq threshold, and potentially exceed the ambient noise levels at residences to the south of the project by 5 dBA Leq or more. However, major noise-generating construction activity is not anticipated to last longer than one year, and incorporation of the controls outlined below would reduce construction noise levels at nearby land uses.

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Construction activities will be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work to between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. to 6:00 p.m. on Saturday.

Construction is prohibited on Sundays and federal holidays. Further, the City shall require the construction crew to adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Mitigation Measures: The following mitigation measures shall be implemented to reduce construction noise impacts to nearby noise-sensitive receptors to less than significant.

- MM NOI-1.1:** *Construction Best Management Practices* - The project shall develop a construction noise control plan, including, but not limited to, the following construction best management controls:
- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
 - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
 - Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - Unnecessary idling of internal combustion engines should be strictly prohibited.
 - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as

maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 lbs/ft² (e.g., such as ¾" plywood).
- Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The implementation of the reasonable and feasible controls outlined above would reduce construction noise levels emanating from the site, minimizing disruption and annoyance. With the implementation of these controls, as well as the Municipal Code limits on allowable construction hours, and considering that construction is temporary. **(Less than Significant Impact with Mitigation Incorporated)**

Permanent Noise Increases

Circulation Noise

The traffic data counts from a study conducted in the surrounding area, between May and June 2015, show over 13,000 average daily trips along the segment of Butterfield Boulevard adjacent to the project site⁷². In order to increase ambient noise levels by 1 dBA Ldn, the project would need to generate an average daily traffic volume of 3,300 trips. Based on the site plans and size of the park in relation to similar projects, it is anticipated that the project would generate an average daily traffic volume well below 3,300 daily trips. The traffic study predicted the project would generate approximately 144 trips during the busiest Saturday peak hour of use. Therefore, the proposed project would not cause a substantial permanent noise level increase at noise-sensitive receptors in the project vicinity. **(Less than Significant Impact)**

On-Site Parking

Parking areas will be located along the western portion of the project site. Noise associated with the use of the parking lots would include vehicular circulation, loud engines, door slams, and human voices. The maximum noise level of a passing car at 15 mph typically ranges from 45 dBA to 55 dBA Lmax at a distance of 100 feet. The noise generated during an engine start is similar. Door slams cause slightly lower noise levels. The noise of car stereos is variable, potentially disturbing, and unnecessary. The hourly average noise levels resulting from all of these noise-generating activities in a busy parking lot typically ranges from 40 dBA to 50 dBA Leq at a distance of 100 feet from the parking area. Noise levels decrease at a rate of 6 dB per doubling of distance. Noise levels resulting from parking activities at the nearest residences would range from 38 to 48 dBA Leq and maximum noise levels would range from about 43 to 53 dBA Lmax. Noise levels associated with normal parking lot activities would typically be below the range of ambient traffic noise levels and would be below the residential Zoning Code limits established by the City.

The proposed project would not result in a substantial permanent noise level increase due to project-generated traffic at the existing noise-sensitive land uses in the project vicinity. **(Less than Significant Impact)**

Noise Level in Excess of Standards

The City of Morgan Hill limits noise from non-transportation related sources to 60 dBA at the property line of residences. For the pump track and ballfield area the Zoning Code does not define the acoustical time descriptor such as Leq (the average noise level) or Lmax (the maximum instantaneous noise level) that is associated with the above limit. A conservative interpretation of the Zoning Code would identify the Lmax as the noise limit at nearby residential property lines. The conceptual site plan, dated June 11, 2019, indicates one baseball field and one grass general use area, and two pump tracks. Other project amenities could include a picnic area, a walking path around the perimeter of the track and field area, and a concession building. The lit fields would be available for use until 10:00 pm with field lighting shutoff at 11:00 pm.

⁷² Hatch Mott MacDonald, "Exhibit 1 Average Daily Traffic Volumes." City of Morgan Hill Public Works Department. August 21, 2015.

Little League baseball games typically generate noise levels of about 57 dBA Leq at a distance of 100 feet from the center of the infield. Maximum noise levels of about 65 dBA Lmax typically result from baseballs being hit and shouting from players and spectators. Noise levels generated by softball games would be anticipated to be lower than baseball games.

Measurements at an existing pump track facility in Novato, California indicate that noise levels associated with biking would be lower than those during baseball and softball games. At a distance of 100 feet from the center of the pump tracks, maximum noise levels would be about 63 dBA Lmax as a result of shouting and cheering. Noise levels associated with the bicycles on the pump track are generally lower than talking and shouting from spectators and participants. Therefore, the noise levels generated by the pump tracks are anticipated to be lower than those generated during softball and baseball games.

Assuming a standard attenuation rate of 6 dBA per doubling of distance, the noise resulting from activities at the center of the proposed track and field area would generate a noise level of about 39 to 41 dBA Leq at the nearest sensitive receptors to the west. Maximum noise levels at these receptors would range from approximately 47 to 49 dBA Lmax. Receptors to the south and east could potentially be as close to noise-generating sources from the track and field area as the receptors to the west. Noise levels generated by the baseball fields would be below existing ambient noise levels measured at nearby residences and would not measurably increase the 24-hour average noise level (Ldn) at these residences. As described above, the noise levels generated by the activities at the baseball fields would be below the regulatory threshold at the nearest residential property lines, therefore, meeting the residential Zoning Code noise limits established by the City of Morgan Hill. **(Less than Significant Impact)**

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. While equipment and phasing information was not available at the time of this study, the proposed project is not expected to require pile driving, which can cause excessive vibration.

The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. Conservative vibration limits of 0.3 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historical buildings or buildings that are documented to be structurally weakened, a cautious limit of 0.08 in/sec PPV is often used to provide the highest level of protection. No historical buildings or buildings that are documented to be structurally weakened adjoin the project site. For the purposes of this study, groundborne vibration levels exceeding the conservative 0.3 in/sec PPV limit at the existing residential and buildings surrounding the site would have the potential to result in a significant vibration impact.

Typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or

vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. However, construction-related vibration is not expected to exceed 0.3 in/sec PPV at existing buildings surrounding the project site or at future on-site receptors. **(Less than Significant Impact)**

Impact NOI-3: The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project site to excessive noise levels. **(Less than Significant Impact)**

The San Martin Airport is a public non-towered airport located about 2.25 miles southeast of the project site. According to the Santa Clara County Airport Land Use Commission (ALUC)'s Comprehensive Land Use Plan for this airport, the project site lies outside of the 2022 55 dBA CNEL noise contour. While aircraft flyovers would at times be audible at project site, noise levels due to aircraft would not result in future exterior noise levels of 60 dBA L_{dn} or more and noise levels resulting from aircraft would be compatible with the proposed project.

The project site is located more than two miles from a public airport or private-use airport and would not expose people residing or working in the project site to excessive noise levels. **(Less than Significant Impact)**

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁷³ The City of Morgan Hill Housing Element and related land use policies were last updated in February 2015.

Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA.⁷⁴

Local

Morgan Hill 2035 General Plan

The following goal and policy to reduce the effects of population and housing are applicable to the proposed project:

- | | |
|-------------------------|--|
| <i>Policy CNF-3.4:</i> | Population Limit. Plan for a January 1, 2035 population of 58,200 residents. |
| <i>Policy CNF-11.10</i> | Open Space. Require new subdivisions to feature integrated common open spaces, parks, and community facilities that serve as social and design focal |

⁷³ "Regional Housing Needs Allocation and Housing Elements" Accessed May 16, 2019. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁷⁴ ABAG, Metropolitan Transportation Commission. Project Mapper. <http://projectmapper.planbayarea.org/>.

points. Open spaces should be a close walking distance from all residents and should be large enough to be useful for residents.

4.14.1.2 Existing Conditions

The population of Morgan Hill was estimated to be approximately 44,513 in January of 2018 and the average persons per household was an estimated 3.15.⁷⁵ The City grew in population by 1.9 percent from January 2017 to January 2018. The City's total population is projected to grow to approximately 46,100 by 2030.⁷⁶ The city has a population cap of 58,200 by the year 2035. By 2035 the existing and net new non-residential development would be 3.26 million square feet of retail space, 2.14 million square feet of office space, 12.13 million square feet of industrial space, 1.55 million square feet of service space, and approximately 774,000 square feet of total public facilities space.⁷⁷ There are no housing units on the project site and it is in an area with no infrastructure and no access roads but the main streets along the project site.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

⁷⁵ California Department of Finance. *E-1: City/County Population Estimates with Annual Percent Change - January 2017 and 2018*. May 2018. Accessed March 29, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>.

--. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018*. May 2018. Accessed March 29, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁷⁶ City of Morgan Hill. *Morgan Hill General Plan: City of Morgan Hill Housing Element*. Adopted February 2015.

⁷⁷ City of Morgan Hill, Addendum to the Morgan Hill 2035 Environmental Impact Report for Zoning Code Update page 2-7, <https://www.morgan-hill.ca.gov/DocumentCenter/View/22813/Addendum-to-Morgan-Hill-2035-EIR?bidId=>

Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
(No Impact)

The project would not induce population growth in the City. The proposed park would serve the City's existing and planned population growth. The construction of an additional park does not remove an existing constraint on growth and development in the area. As a result, the project would not induce substantial population growth in the project site. **(No Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project site does not include residents or housing units and, therefore, the project would not displace existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Morgan Hill 2035 General Plan

The City's 2035 General Plan includes policies that call for adequate staffing and timely response for police and fire services. The General Plan also contains policies that contribute to the preservation and continued establishment of park land for the benefit of the community. The policies below are specific to public services and are applicable to the proposed project.

Healthy Community:

Goal HC-3: Usable, complete, well-maintained, safe, and high-quality activities and amenities, including active and passive parks and recreational facilities,

community gardens, and trails that are accessible to all ages, functional abilities, and socio-economic groups.

Policy HC-3.20: **Safety.** Incorporate fire and police services into the design review process for new parks, recreation facilities, and trails.

Policy HC-3.29: **Development Requirements.** Continue to require park acquisition and development fees and/or land dedication to support the acquisition and development of parks, trails and other recreation facilities.

Safety, Services, and Infrastructure:

Goal SSI-11: *Efficient police, fire, and emergency medical response and services, and access to local medical facilities.*

Policy SSI-11.2: **Prevention through Design.** Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.

Goal SSI-12: *Reduce risk to life and property associated with emergencies and natural and manmade disasters.*

Policy SSI-12.4: **Maintenance of Emergency Access Routes.** Require that emergency access routes be kept free of traffic impediments.

City Bikeways, Trails, Parks and Recreation Master Plan

The City of Morgan Hill Bikeways, Trails, Parks and Recreation Master Plan puts into action the General Plan's policies for usable, well-maintained, safe, and high-quality parks and amenities. The Master Plan identifies existing parks and recreation conditions and contains guidelines for future development that would benefit the community. According to the Master Plan, the project site is located within the New Neighborhood Park Search Area.

4.15.1.2 Existing Conditions

Fire Protection

The City of Morgan Hill contracts with the California Department of Forestry and Fire Protection (CalFire) for fire and emergency medical services. The City is served by three stations at the following locations: 1) El Toro Fire Station, located at 18300 Old Monterey Road (approximately 3.0 miles northwest of the site), 2) Dunne Hill Fire Station, located at 2100 East Dunne Avenue (approximately 4.0 miles northeast of the project site), and 3) 15670 Monterey Street (approximately 0.5 miles northwest of the project site). In general, the response time meets the current standard of eight minutes 95 percent of the time. Based on estimated driving times provided by Google Maps, the project site is located within eight minutes driving distance of the 15670 Monterey Street Fire Station.

Police Protection

Police service is provided to the project site by the City of Morgan Hill Police Department (MHPD). The MHPD facility is located at 16200 Vineyard Boulevard, approximately 1.5 miles northwest of the project site. The department employs 39 sworn police officers.⁷⁸ The Police Department's goal is to respond to Priority One calls within five minutes and Priority Two calls within eight minutes.⁷⁹ Priority One calls are reports of a crime in progress or where an injury has occurred and Priority Two calls are reports of felonies and other major calls. Based on estimated driving times provided by Google Maps, the project site is located within five minutes driving distance of the MHPD.

Schools

The project site is located within the Morgan Hill Unified School District. The District has eight elementary schools, two middle schools, two comprehensive high schools, one continuation high school, and a community adult school, as well as a home-schooling program. The nearest schools to the site, Oakwood Preparatory School and Barrett Elementary School, are approximately 0.6 miles southeast and 1.5 miles north, respectively, from the site.

Parks

The City owns 64 acres of developed park land and 57 acres of recreation facilities.⁸⁰ The City maintains two community parks, five neighborhood parks, and 14 mini-parks, in addition to its public trail system and open space. There is also a substantial amount of recreational land and open space in the City that is privately owned and maintained. The nearest park to the project site is Morgan Hill Community Park, approximately one mile northwest.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, Centennial Recreation Center, the 38-acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools. The nearest recreational facility to the project site is the Centennial Recreation Center, one mile northwest from the project site.

⁷⁸ City of Morgan Hill. *FY 2018-2019 and 2019-2020 Operating and CIP Budget. Police Administration*. Accessed May 16, 2019. <http://www.morgan-hill.ca.gov/DocumentCenter/View/24920/FY-18-19-and-19-20-Adopted-Budget?bidId=>

⁷⁹ City of Morgan Hill. *Operating and CIP Budget, FY 13-14. Police Field Operations, Performance Measures*. Accessed May 16, 2019. <http://www.morgan-hill.ca.gov/DocumentCenter/View/11173/FY-2013-14-Adopted-Operating-Budget?bidId=>

⁸⁰ City of Morgan Hill. *Bikeways, Trails, Parks and Recreation Master Plan*. Accessed May 15, 2019. http://www.morgan-hill.ca.gov/DocumentCenter/View/21711/CityMorganHill_Plan-COMBINED-CHAPTERS_07062017?bidId=

4.15.1.3 Existing Conditions

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☐	☒
4) Parks?	☐	☒	☐	☐
5) Other Public Facilities?	☐	☐	☐	☒

Impact PS-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. **(Less than Significant Impact)**

The project proposes to construct a neighborhood park designed to serve the existing and planned City population. Since the project would not lead to an increase in population, the project would not substantially increase the demand for fire protection or otherwise require construction or expansion of fire facilities, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. In addition, the MHFD would review the site design to ensure fire protection features are incorporated and adequate emergency access is provided. **(Less than Significant Impact)**

Impact PS-2: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. **(Less than Significant Impact)**

The project site would be served by MHPD. As discussed in 4.15.1.2, the project site is located five minutes from MHPD, which is within the eight minute response time requirement. As with fire protection services, the proposed project is not expected to substantially increase the demand for

police protection, therefore it would not require new or expanded police protection facilities. Additionally, MHPD would review the site design to ensure the project provides adequate safety measures. **(Less than Significant Impact)**

Impact PS-3: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. **(No Impact)**

The project proposes new park facilities that are intended to serve the existing and planned population in the City. The project does not propose to develop residential units that would lead to an increase in the student population of the City. Therefore, the proposed project would not increase demand on or require additional construction of school facilities. **(No Impact)**

Impact PS-4: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. **(Less than Significant Impact with Mitigation)**

The project proposes new park facilities that are intended to serve the existing and planned population in the City. The park would be open from 6 AM to 10 PM, consistent with park operational hours at all City parks⁸¹. The lit fields would be available for use until 10:00 pm with field lighting shutoff at 11:00 pm. As discussed throughout this Initial Study, the construction and eventual use of the public park could result in substantial adverse physical impacts, however those environmental effects will be reduced to less than significant levels through implementation of various Standard Measures and Mitigation Measures presented in this Initial Study. **(Less than Significant Impact with Mitigation)**

Impact PS-5: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. **(No Impact)**

The proposed project would not generate new residents; thus, it would not generate demand for other public facilities such as libraries. The project, therefore, would not require new or physically altered facilities, and no impact would occur. **(No Impact)**

⁸¹ City of Morgan Hill. "Parks and Fields". Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/244/Parks-Fields>

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Morgan Hill 2035 General Plan

The City's 2035 General Plan includes policies that call for adequate park and recreation services. The General Plan also contains policies that contribute to the preservation and continued establishment of park land for the benefit of the community. The policies below are specific to parks, recreation, and trails applicable to the proposed project.

Parks, Recreation, and Trails:

- Goal HC-3:* *Usable, complete, well-maintained, safe, and high-quality activities and amenities, including active and passive parks and recreational facilities, community gardens, and trails that are accessible to all ages, functional abilities, and socio-economic groups.*
- Policy HC-3.4:* New Facilities. Continue to develop and expand the recreational facilities identified within updates to the Bikeways, Trails, Parks, and Recreation Master Plan. These include, but are not limited to, softball/baseball fields and basketball, tennis, and sand volleyball courts.
- Policy HC-3.13:* Sports Fields. Locate sports fields and courts for efficiency and convenience. Group some fields and courts together at centers or complexes for league and tournament use, and others at neighborhood parks for neighborhood use.

4.16.1.2 *Existing Conditions*

The City owns 70 acres of developed park land (including the Civic Center, assessment district parks and city owned trails) and 59 acres of recreation facilities. Included within this inventory, the City maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly owned park land, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38-acre Outdoor Sports Center, and Skateboard/BMX parks. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools. The nearest parks and recreational facilities to the project site is the Morgan Hill Community Park approximately 2 miles northeast, Diana Park approximately 2 miles southwest, and the Centennial Recreation Center approximately 1 mile north of the site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☒	☐	☐

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(No Impact)**

The project proposes new park facilities that are intended to serve the existing and planned population in the City. The project would not induce population growth that would increase demand on parks. The proposed park would increase the City's parkland per capita service ratio, reducing existing demand on parks in the project site. For these reasons, the proposed project would not result in a recreation impact. **(No Impact)**

Impact REC-2: The project consists of the construction of recreational facilities which could have an adverse physical effect on the environment, however those effects are capable of being reduced to acceptable levels through implementation of mitigation measures and other conditions of approval, as discussed throughout this Initial Study. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed throughout this Initial Study, the construction and eventual use of the public park could result in substantial adverse physical impacts, however those environmental effects will be reduced to less than significant levels through implementation of various Standard Measures and Mitigation Measures presented in this Initial Study. **(Less than Significant Impact with Mitigation Incorporated)**

4.17 TRANSPORTATION

The following discussion is based in part on a Trip Generation and Operations Analysis prepared by Hexagon on July 5, 2019. A copy of this report is included as Appendix G.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor’s Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions are required to implement a VMT policy by July 1, 2020.

Regional and Local

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county’s share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

City of Morgan Hill 2035 General Plan

The following transportation goals and policies are applicable to the proposed project:

Goal TR-3: A coordinated, continuous network of streets and roads.

*Policy TR-3.2: **Safe and Complete Improvements.** Avoid creating incomplete public improvements that create public safety hazards.*

*Policy TR-3.4: **Level of Service Standards.** As the Level of Service (LOS) policy and design criteria for roadway improvements, use a Tiered LOS Standard as follows:*

- LOS F in the Downtown at Main/Monterey, along Monterey Road between Main and Fifth Street, and along Depot Street at First through Fifth Streets. This LOS standard in the Downtown recognizes the unique nature of and goals for Downtown Morgan Hill as the transit hub of the City and as a center for shopping, business, entertainment, civic and cultural events, and higher-density, mixed-use living opportunities. This standard does not preclude the City, developers, and property owners from voluntarily implementing improvements and employing operational strategies to improve level of service, especially at the Main/Monterey intersection, if and when land uses redevelop.
- LOS D for intersections and segments elsewhere; except:
 - Allow LOS E for identified freeway ramps/zones, road segments and intersections that (1) provide a transition to and are located on the periphery of downtown; (2) are freeway zone intersections; and/or (3) where achieving LOS D could result in interim intersection improvements which would be “over-built” once the City’s circulation network has been completed, and/or would involve unacceptable impacts on existing buildings or existing or planned transportation facilities, including roads, sidewalks, bicycle and transit facilities; and/or would involve extraordinary costs to acquire land and existing buildings, and build the improvement in relation to benefits achieved; and/or the facility would be widened beyond requirements to serve local traffic, in that the facility accommodates a significant component of peak-hour sub-regional and regional through-traffic.
- In order to reduce the incentive for regional travel to be drawn off the freeway and onto local neighborhood streets, protect neighborhoods, avoid overbuilding intersections, and to create an incentive for using alternate modes of travel, LOS E during peak hours of travel is acceptable for the following identified freeway ramps, road segments, and intersections:

- o Main Avenue and Del Monte Avenue
- o Main Avenue and Depot Street
- o Dunne Avenue and Del Monte Avenue
- o Dunne Avenue and Monterey Avenue
- o Dunne Avenue and Church Street; also, until closed: Dunne Avenue and Depot Street
- o Cochrane Road and Monterey Road
- o Tennant Avenue and Monterey Road
- o Tennant Avenue and Butterfield Boulevard
- o Cochrane Road Freeway Zone: from Madrone Parkway/Cochrane Plaza to Cochrane/DePaul Drive
- o Dunne Avenue Freeway Zone: from Walnut Grove/East Dunne to Condit/East Dunne
- o Tennant Avenue Freeway Zone: from Butterfield/Tennant to Condit/Tennant Freeway Ramps

Projects shall pay the City's standard traffic impact fees imposed on new developments in accordance with the adopted impact fee schedule.

Morgan Hill LOS Guidelines and Methodology

The City of Morgan Hill level of service methodology is TRAFFIX, which is based on the 2000 Highway Capacity Manual (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersections operations based on average delay time for all vehicles at the intersection. Since TRAFFIX is also the Congestion Management Plan (CMP)-designated intersections level of service methodology, the City of Morgan Hill methodology employs the CMP defaults values for the analysis parameters, which include adjusted saturation flow rates to reflect conditions in Santa Clara County. All intersections within the City of Morgan Hill are required to meet the City's LOS standard of LOS D, with the exception of intersections and freeway zones listed in General Plan Policy TR-3.4.

According to the City of Morgan Hill level of service guidelines, a development would create an adverse effect on traffic conditions at a signalized intersection if for either peak hour:

- The level of service at the intersection degrades from an acceptable level (LOS D or LOS E as identified above) under existing conditions to an unacceptable level (LOS E or F) under project conditions, or
- The level of service at the intersection is an unacceptable level (LOS E or F as identified above) under existing conditions and the addition of project trips causes the average critical delay to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by 0.01.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by 0.01 or more.

4.17.1.2 Existing Conditions

Roadway Network

Local Access

Monterey Road is classified in the City of Morgan Hill General Plan as a four-lane major arterial that runs directly through Morgan Hill. It extends from Market Street, in downtown San Jose, to US 101 south of the City of Gilroy. Monterey Road has a posted speed limit of 45 miles per hour (mph) in the vicinity of the project site.

Butterfield Boulevard is a north-south four-lane divided arterial roadway that begins in the north part of town at its intersection with Cochrane Road and extends southward to its intersection with Monterey Road where it changes designation to Watsonville Road. Butterfield Boulevard has a posted speed limit of 45 mph and, along with Monterey Road, serves as a primary north-south route within the City of Morgan Hill. Butterfield Boulevard would provide direct access to the site via one driveway.

Tennant Avenue is classified in the City of Morgan Hill General Plan as a 4- to 6-lane major arterial. Tennant Avenue extends from Monterey Road eastward over US 101 to Carey Avenue where it terminates. West of Monterey Road, Tennant Avenue changes designation to Edmundson Avenue. With a full interchange at US 101, Tennant Avenue provides regional access to the project site.

Existing Bicycle, Pedestrian and Transit Facilities

Pedestrian facilities in the vicinity of the project site include sidewalks along Butterfield Boulevard and marked crosswalks and pedestrian push buttons and signal heads along all approaches of the Monterey Road and Butterfield Boulevard intersection. Additionally, Americans with Disabilities Act (ADA)-compatible wheelchair ramps are installed at all four corners of the Monterey Road and Butterfield Boulevard intersection. Marked crosswalks and pedestrian push buttons and signal heads also are found along all legs of both the intersections of Monterey Road/Tennant Avenue and Butterfield Boulevard/Tennant Avenue.

There are existing bicycle networks along Monterey Road and Butterfield Boulevard that would provide an alternative mode of transportation, besides the automobile. Class II bike lanes (defined by the VTA as striped bike lanes on street) are currently provided along the following roadways in the vicinity of the project site:

Butterfield Boulevard, along its entire length (including the project frontage)
 Watsonville Road, between Monterey Road and Santa Teresa Boulevard/Sunnyside Avenue
 Monterey Road, nearly its entire length within the City of Morgan Hill (including the project frontage), with the exception the Downtown area (between Dunne and Main Avenues)
 Tennant Avenue, west of Monterey Road to east of US 101

Additionally, the Llagas Creek Trail, a Class I bikeway (off-street path which is shared with pedestrians and excludes motor vehicles), runs north/south west of Monterey Road between Watsonville Road and Spring Avenue. The trailhead along Watsonville Road is located approximately ¼-mile west of the project site.

Existing transit services to the study area are provided by VTA. The nearest bus stops to the project site are located on Monterey Road just north and south of Butterfield Boulevard/Watsonville Road. These bus stops are served by Local Route 68. Local Route 68 operates on Monterey Road and Hale Avenue on its route between the Gilroy Transit Center and the Diridon Transit Center in San Jose with 15-20 minute headways on weekdays during the commute hours between the hours of 4:00 AM and 1:30 AM. On weekends, Route 68 operates with approximately 20-minute headways between the hours of 5:45 AM and 1:30 AM.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☒	☐
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☐	☒

Impact TRN-1: The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. **(Less than Significant Impact)**

The City of Morgan Hill does not currently have an adopted vehicle miles traveled (VMT) policy. The City's adopted transportation policy utilizes level of service (LOS) as the metric by which the City determines the functionality of the roadway system and the effect of new development on the roadway network. The following discussion of LOS is provided as it pertains to consistency with the City's adopted transportation policy.

General Plan Level of Service Policy Evaluation

The proposed Butterfield Park would consist of a City park that would mainly serve City of Morgan Hill residents. It is not anticipated that regional events, or events that would result in a significant amount of traffic being generated from outside of Morgan Hill, would be held at the park. In

addition, it is not anticipated that the proposed park would generate a significant amount of traffic during the standard weekday AM (7:00 to 9:00 AM) and PM (4:00 to 6:00 PM) peak hours. The park is anticipated to generate the most visitors on Saturdays.

Because it is not anticipated that the proposed project would generate a significant amount of traffic during the standard weekday AM and PM peak hours, the trip generation and operations analysis focuses on the proposed project's effect during the Saturday peak-hour at the following signalized intersections:

1. Monterey Road and Watsonville Road/Butterfield Boulevard
2. Butterfield Boulevard and Tennant Avenue
3. Monterey Road and Tennant Avenue/Edmundson Avenue

Existing Saturday peak-hour traffic volumes were obtained from new manual turning-movement counts conducted on Saturday June 22 and 29, 2019 at the study intersections. Traffic count data was collected for a six-hour period in order to identify the Saturday peak-hour in the vicinity of the project site. Based on the traffic data collection, the Saturday peak-hour at the study intersections occurred between the hours of 12:00 PM and 2:00 PM. The LOS at the study intersections is identified in Table 4.17-2 and they are shown in Figure 4.17-1.

The following scenarios were studied to determine if the LOS of the local intersections in the project site would be adversely affected by project generated traffic:

1. **Scenario 1:** Existing Conditions – Existing traffic volumes were obtained from peak-hour turning movement counts conducted in June 2019.
2. **Scenario 2:** Existing Plus Project Conditions– Existing plus project peak-hour traffic volumes were estimated by adding to the existing traffic volumes the additional traffic that would be generated by the proposed project.

Trip Generation Estimates

It is estimated that the proposed project will generate 144 trips (73 inbound and 71 outbound) during Saturday peak hours (12:00-2:00 PM). The trip generation estimates for proposed project are shown in Table 4.17-1.

Table 4.17-1: Project Trip Generation Estimates

Land Use	Saturday Peak Hour ¹		
	In	Out	Total
Land Use			
Proposed Baseball Field ²	38	38	76
Pump Track (Soccer Field) ³	20	21	41
Public Park ⁴	15	12	27
Total	73	71	144

Notes:

Source: ITE *Trip Generation Manual*, 10th Edition 2017

1. It is not anticipated that the proposed park would generate a significant amount of traffic during the standard weekday AM (7:00 to 9:00 AM) and PM (4:00 to 6:00 PM) peak hours. The park is anticipated to generate the most visitors on Saturdays.

2. The ITE *Trip Generation Manual* does not provide trip generation rates for baseball field land use. Thus, the trip generation for the baseball field was estimated assuming 12 players per team/2 teams (24 inbound trips), spectators for half the players (12 inbound trips), and 2 officials (2 inbound trips) per game. In addition, during the Saturday peak-hour, one game would end and a second one would begin, resulting in the same number of outbound trips.

3. The ITE *Trip Generation Manual* does not provide trip generation rates for bike pump track land use. Thus, it is assumed that the proposed two bike pump tracks would generate trips equivalent to one soccer field (ITE Land Use 488).

4. Trip generation for the remaining park land use and supporting amenities was estimated using ITE trip generation rates for Public Park land use (ITE Land Use 411).

Intersection Level of Service Analysis

The results of the intersection level of service analysis under existing plus project conditions are summarized in Table 4.17-2.

Table 4.17-2 : Study Intersections Level of Service – Existing Plus Project Conditions

No.	Intersection	Peak Hour	Existing		Existing Plus Project		
			Average Delay	LOS	Average Delay	LOS	Increase in Critical V/C
1	Monterey Road and Watsonville Road/Butterfield Boulevard	SAT	43.6	D	43.9	D	0.002
2	Butterfield Boulevard and Tennant Avenue	SAT	38.3	D	38.2	D	0.051
3	Monterey Road and Tennant Avenue/Edmundson Avenue	SAT	37.8	D	38.6	D	0.024

The results show that, measured against the City of Morgan Hill LOS policy, all of the study intersections currently operate and would continue to operate at acceptable LOS D under existing plus project conditions. Therefore, the addition of project traffic would not result in a LOS deficiency, and, therefore, would not warrant improvements that require physical changes to the environment. The project would comply with the City's LOS policy. **(No Impact)**

Impacts to Pedestrian, Bicycle and Transit Facilities

Transit Facilities

The transit ridership demands of the proposed project are expected to be minimal, on the order of a handful of riders per day, and can be accommodated by the existing transit facilities. The increase in ridership, therefore, would not require the expansion of transit facilities nor would it result in a significant environmental impact on existing facilities. **(Less than Significant Impact)**

Pedestrian Facilities

As discussed previously, there are currently segments of Watsonville Road and Monterey Road (along undeveloped parcels) with missing sidewalks in the vicinity of the project site. Due to the missing sidewalks, pedestrian access to the project site from adjacent neighborhoods would be discontinuous and would require pedestrians along these segments of Watsonville and Monterey Roads to walk along undeveloped roadway shoulders or dirt pathways. The project should be required to install sidewalks along its Monterey Road frontage to contribute to the development of a complete pedestrian network in the vicinity of the project site. However, constructing sidewalks along other undeveloped properties is beyond the project's right-of-way and responsibility. Each of the undeveloped parcels will have to install the missing sidewalks along its frontage as they develop, closing existing sidewalk gaps. Until a complete sidewalk network is available, pedestrians will need to rely on the available pedestrian network (sidewalks along Butterfield Boulevard, most of the north side of Watsonville Road, and most of Monterey Road, north of Butterfield Boulevard, in addition to bike lanes along all adjacent roadways) to access the project site.

The project proposes to construct a pedestrian walking path that would run along the perimeter of the site. The proposed pedestrian pathway would connect to all areas within the site, including the parking lot area, sports fields, and park amenities. In additions, the pathway would connect directly to existing sidewalks along Butterfield Boulevard (at the project site driveway) and to the intersection of Monterey Road/Butterfield Boulevard (at the southeast corner of the intersection). This pathway would provide a connection between the project site and existing pedestrian and bicycle facilities along Monterey Road and Butterfield Boulevard. These walkways would facility pedestrian movement between the parking lot and the park areas.

Pedestrian connectivity within the project site, parking lot, and adjacent pedestrian/bicycle facilities would adequately serve the estimated project demand. Pedestrian access to the project site from the adjacent neighborhoods, however, would need to rely on the available pedestrian network until a complete sidewalk network is available as other undeveloped parcels develop. **(Less than Significant Impact)**

Bicycle Facilities

Bicycle lanes are provided along the entire lengths of Monterey Road, Butterfield Boulevard, Watsonville Road, and Tennant Avenue. The number of bicyclists riding to the proposed project is expected to be minimal (e.g. those coming to use the bike pump tracks are assumed to drive to the site transporting their bikes), on the order of a handful of riders per day, and can be accommodated by the existing bicycle facilities in the vicinity of the project site. The project would not result in a

significant impact to existing or planned bicycle facilities described in the Bikeways, Trails, Parks and Recreation Master Plan.⁸² **(Less than Significant Impact)**

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(No Impact)**

VTM is identified in CEQA Guidelines Section 15064.3 as the most appropriate measure of transportation impacts. However, per the CEQA Guidelines Section 15064.3, agencies have until July 1, 2020 to adopt a VTM-based threshold. The City has not yet adopted a standard approach or guidelines to evaluate a project's VTM impact. Therefore, the proposed project is not in conflict with CEQA Guidelines Section 15064.3, Subdivision (b). **(No Impact)**

Impact TRN-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The proposed development would be accessed via a single right-in and out access driveway along Butterfield Boulevard. The preliminary conceptual site plan shows the proposed driveway to be located approximately 320 feet east of the Monterey Road and Butterfield Boulevard intersection. The site driveway would provide direct access to the proposed on-site parking area. The eastbound direction of Butterfield Boulevard adjacent to the proposed project site driveway consists of two 12-foot travel lanes and an 8-foot bike lane, for a total right-of-way of 32 feet. In order to avoid potential inbound vehicular queues from blocking eastbound through traffic on Butterfield Boulevard, Hexagon recommended that Butterfield Boulevard be widened an additional 2-4 feet at the project site entrance, for a distance of approximately 150 feet, in order to provide a total of 34 feet of right-of-way in the eastbound direction to continue to provide two 12-foot through lane and a 10-foot bike lane/right-turn lane. The 150-foot long 10-foot wide bike/right-turn lane at the project site driveway (shown on Figure 6 of the Traffic Operations Study, Appendix G of this Initial Study) would provide storage capacity for six inbound vehicles and avoid site access activity from interfering with eastbound through traffic on Butterfield Boulevard.

The preliminary conceptual site plan shows the project driveway on Butterfield Boulevard to be just over 20 feet wide. According to Section 18.72.060 (Parking design and development standards) of the City of Morgan Hill Municipal Code, the minimum required driveway width at the street entrance should be 35 feet for a two-way commercial driveway. As the project plans are further advanced, and prior to approval of a contract to construct the park, the project site access driveway would be designed to the satisfaction of City of Morgan Hill design standard and guidelines, including the minimum width and turn-radii requirements for site access. The project does not include sharp curves or incompatible uses. Therefore, the project would not increase hazards due to its geometric design. **(Less than Significant Impact)**

⁸² City of Morgan Hill. Bikeways, Trails, Parks and Recreation Master Plan. Adopted July 20, 2017. Accessed July 8, 2019. <http://www.morganhill.ca.gov/1429/Master-Plan-for-Parks-Trails-and-Bikeway>.

Impact TRN-4: The project would not result in inadequate emergency access. **(No Impact)**

The proposed project site driveway would provide access to larger vehicles, such as emergency vehicles and garbage collector trucks. For this reason, the design of the project site and parking lot, including driveway and drive aisle widths and on-site turn radii, must be adequate to ensure larger vehicles can maneuver through the site without a problem. By adhering to the City of Morgan Hill's standards and requirements for emergency access, the proposed site access points and layout of the surface parking areas would be adequate to accommodate circulation of both passenger and emergency vehicles. **(No Impact)**

4.18 TRIBAL CULTURAL RESOURCES

This discussion is based in part on an archaeological survey and Native American consultation conducted by Holman & Associates on May 29, 2019. This report contains sensitive information and is on file at Morgan Hill City Hall for review by qualified personnel.

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources⁸³
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

⁸³ See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR “shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Local

Morgan Hill 2035 General Plan

The *Morgan Hill 2035 General Plan* includes goals, policies, and actions to avoid significant impacts due to loss of cultural resources.⁸⁴ The following goal and policy related to tribal cultural resources is applicable to the proposed project:

Healthy Community:

Goal HC-8: Historic identity and cultural resources that are preserved for future generations.

Policy HC-8.4: Tribal Consultation. Consult with Native American tribes that have ancestral ties to Morgan Hill regarding proposed new development projects and land use policy changes.

Policy HC-8.5: Mitigation. Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

4.18.1.2 Existing Conditions

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts as a result of a project. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. The City of Morgan Hill has not been contacted for AB 52 notification and consultation by a tribe. The City of Morgan Hill has been contacted by the Ohlone Indian Tribe and the Amah Mutsun Tribal Band, who request to be contacted in the event any cultural resources are unearthed.

As mentioned in Section 4.5.1.2, a portion of the project site is located within a potentially archaeologically sensitive area due to its proximity to Little Llagas Creek, and the Amah Mutsun Tribal Band has stated that the Little Llagas Creek is a sensitive waterway that could contain cultural resources.^{85,86}

⁸⁴ City of Morgan Hill, California (2016). "Chapter 6, Healthy Community." *City of Morgan Hill General Plan 2035*. Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

⁸⁵ City of Morgan Hill. *Archaeological Sensitivity Map*. April 2000.

⁸⁶ Holman & Associates. *Results of a CEQA Archaeological Survey and Native American Consultation for the Butterfield Park Project at Butterfield Boulevard and Monterey Road*. May 2019.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐
Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (Less than Significant Impact)				

No known tribal cultural resources are present on-site. For this reason, the project would not cause an adverse change in the significance of TCRs listed on the California Register or City of Morgan Hill historic properties inventory. In the event that any cultural resources are unearthed, both the Ohlone Indian Tribe and the Amah Mutsun Tribal Band would be contacted. As discussed in Section 4.5 Cultural Resources, in the unlikely event that human remains or other TCRs are discovered during construction activities, implementation of **Standard Condition CUL-1.1** would reduce the project's impact to a less than significant level. **(Less than Significant Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.
(Less than Significant Impact)

There are no known tribal cultural resources on-site; however, as mentioned, the project site has the potential to contain TCRs given its proximity to a local waterway. If any TCRs are found, the Ohlone Indian Tribe and Amah Mutsun Tribal Band would be contacted. As discussed in Section 4.5 Cultural Resources, in the unlikely event that human remains or other TCRs are discovered during construction activities, implementation of **Standard Condition CUL-1.1** would reduce the project's impact to a less than significant level. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

The following discussion is based in part on the City of Morgan Hill's Water System Master Plan, Sewer System Master Plan, and Storm Drainage System Master Plan.

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Morgan Hill adopted its most recent UWMP in August 2016.⁸⁷

Wastewater

The City of Morgan Hill's wastewater is treated at the South County Regional Wastewater Authority (SCRWA) facility, which is permitted by the Central Coast Regional Water Quality Control Board (Central Coast RWQCB). The SCRWA manages the treatment of wastewater from the Cities of Gilroy and Morgan Hill.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

⁸⁷ City of Morgan Hill. *2015 Urban Water Management Plan*. August 2016.

Local

Morgan Hill 2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigation impacts from planned development in the City. The policies below are specific to utilities and service systems and are applicable to the proposed project.

Safety, Services, and Infrastructure:

Goal SSI-14: *High quality water resources, managed effectively.*

Policy SSI-14.1: **Efficient Water Management.** Manage the supply and use of water more efficiently through appropriate means, such as watershed protection, percolation, conservation, and reclamation.

Policy SSI-14.3: **SB-X7-7.** Implement water conservation policies contained within Morgan Hill's Urban Water Management Plan to achieve 20 percent per capita water reductions by 2020.

Policy SSI-14.4: **Drought Planning.** Encourage water agencies to develop and maintain drought contingency plans, including emergency water connections and relate measures to ensure adequate water during drought.

Policy SSI-14.5: **Water Supply.** Routinely evaluate the impact of new development proposals in Morgan Hill and require appropriate measures to ensure long-term water supplies are available.

Policy SSI-14.8: **Sufficient Supply.** Ensure that new development does not exceed the water supply.

Policy SSI-14.13: **Use of Recycled Water.** Increase use of recycled water in development projects and landscaping; implement best practices to expand recycled water use when safe, practical, and available.

4.19.1.2 *Existing Conditions*

Water Service

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 17 groundwater wells, 12 potable water storage tanks, 10 booster stations, and over 180 miles of pressured pipes ranging from two to 14 inches in diameter. The City's water distribution system meets the needs of existing customers. In anticipation of future growth, the City has planned and constructed water projects in conjunction with new street construction.

The City of Morgan Hill relies on groundwater as its sole source of supply. The City relies on water imports from the State Water Project and the federal Central Valley Project for the purpose of

groundwater recharge of the sub-basins that supply water to the City (Coyote Valley sub-area of the Santa Clara sub-basin and the Llagas sub-basin). The City's 2015 Urban Water Management Plan (UWMP) identified potential shortages which may occur during prolonged years of drought, however, upon implementation of water shortage contingency actions these shortages in supply can be mitigated in dry-year and multiple dry-year scenarios.⁸⁸

The project site is vacant and does not currently place any demands on the City's water supply. There are existing 12-inch water pipes that run through Butterfield Boulevard, directly adjacent to the project site.⁸⁹

Sanitary Sewer/Wastewater Treatment

The City of Morgan Hill sewer collection system consists of approximately 160 miles of four-inch through 30-inch diameter sewers, three miles of force mains, and 14 sewage lift stations. The "backbone" of the system consists of the trunk sewers, generally 12-inches in diameter and larger, that convey the collected wastewater flows south to the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant.^{90,91} The treatment plant provides service to the cities of Morgan Hill and Gilroy. The treatment plant has capacity to treat an average dry weather flow (ADWF) of 8.5 million gallons per day (mgd) and is currently permitted by the Central Coast RWQCB to treat up to 8.5 mgd.⁹² Currently, Morgan Hill is allocated 42 percent of the treatment plant's 8.5 mgd capacity, amounting to 3.6 mgd. In 2016, the ADFW in the City was 2.35 mgd, leaving approximately 1.2 mgd of allowable growth within the City's General Plan before capacity at the plant is reached.

Using data through 2016, the SCRWA estimated in 2017 that the Wastewater Treatment Plant would reach capacity in 2025, using anticipated permit issuances/associated wastewater allocations and projected population data for the cities of Morgan Hill and Gilroy.⁹³ The SCRWA recommends that a fully commissioned plant expansion be completed by 2024 to ensure that the treatment plant has adequate capacity to service both cities. Following completion of the design process, appropriate project-level CEQA review would be completed by SCRWA.

Two sewer lines cross at the Watsonville/Monterey intersection of the project site: a 21-inch line parallel to Monterey Road known as the Railroad-Monterey Trunk and a 10-inch line parallel to Watsonville Road terminating at the Butterfield/Monterey intersection project site.

⁸⁸ Ibid.

⁸⁹ City of Morgan Hill. *2017 Water System Master Plan*. October 2017.

⁹⁰ City of Morgan Hill. *Sewer System Master Plan*. October 2017.

⁹¹ City of Morgan Hill. *City Council State Report 2163: Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. May 18, 2019.

⁹² Santa Clara Valley Water District. *US Bureau of Reclamation WaterSMART Title XVI Water Reclamation and Reuse Program Funding FY 2017, FOA BOR-DO-17-F002. South Santa Clara County Recycled Water Project (Phases 1B and 2A)*. December 15, 2016. Accessed May 18, 2019.

<https://www.usbr.gov/watersmart/title/docs/applications/authorized/2017/F002-007santaclara.pdf>

⁹³ California Regional Water Quality Control Board. *Waste Discharge Requirements for the South County Wastewater Authority South County Regional Wastewater Treatment and Reclamation*. Order No. R3-2017-0028, NPDES No. CA0049964. Accessed May 18, 2019.

https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2017/2017_0028_permit.pdf.

Storm Drainage System

The City of Morgan Hill owns and maintains the storm drainage system which services the project site. The City's storm drainage system consists of a combination of curb and gutter facilities, curb inlets, underground pipelines, and bubblers. Stormwater runoff discharges to retention basins, the Fisher Creek, West Little Llagas Creek and Llagas Creek, and channels that transect the City.⁹⁴ The project site is within the Little Llagas Drainage Basin.

The detention basin on the project site currently accepts runoff from Butterfield Boulevard. As discussed in Section 3.2 Proposed Development and Section 4.10 Hydrology, the basin would be converted to a parking lot, with an underground bio-filtration system that would continue to accept runoff from Butterfield Boulevard as well as additional flow from the new impervious surfaces proposed on the site.

Adjacent to the project site is Little Llagas Creek, which contains a culvert that controls the flow of water. The closest existing storm drain runs through Concord Circle, Vineyard Boulevard, and La Crosse Drive. Existing storm drains are also located along Tennant Avenue. An existing storage basin and pump station is located on Concord Circle (adjacent to and north of the project site). Stormwater from the project site would be conveyed to the Little Llagas Creek.

Solid Waste

Recology South Valley provides solid waste and recycling services to the residents and businesses of the City. Recology South Valley is contracted with the Salinas Valley Solid Waste Authority for the disposal of municipal solid waste at Johnson Canyon Sanitary Landfill. Johnson Canyon Sanitary Landfill is expected to reach capacity in 2055.⁹⁵ No solid waste is currently generated at the project site.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

⁹⁴ City of Morgan Hill. *Storm Drainage Master Plan*. September 2018.

⁹⁵ CalRecycle. *SWIS Facility Detail: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Accessed May 18, 2019. <https://www2.calrecycle.ca.gov/swfacilities/Directory/27-AA-0005>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(No Impact)**

The proposed project would utilize existing utility infrastructure to connect to the City's stormwater, electric, telecommunications, waste, and wastewater systems. The proposed project would incrementally increase the demand on existing facilities in the City of Morgan Hill. Based on the analysis below, no relocation of existing or construction of new facilities is needed to serve the proposed project; therefore, there would be no impact. **(No Impact)**

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

The project would require water to irrigate all turf and landscaped areas, which adds up to 229,655 square feet, or approximately 5 acres. Using CalEEMod estimates of water use, the proposed park would create a water demand of approximately 23,830 gpd, consistent with City water conservation policies, listed in Section 4.19.1.1.^{96,97} As a result, the proposed project would use more water compared to existing conditions, but there would be adequate water supplies to meet the project's demand. **(Less than Significant Impact)**

⁹⁶ CalEEMod Default Data Tables. September 2016.

⁹⁷ 229,655 square feet = 5 acres x 1,191,481 gallons/acre/year = 5,957,405 gallons/year = 23,830 gpd, based on a work-year of 250 days per year

Impact UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant impact)**

The park restrooms would generate a small amount of wastewater per year. As discussed in Section 4.19.1.2, the ADFW in the City is approximately 2.35 mgd, leaving approximately 1.2 mgd of allowable growth within the City's General Plan before capacity at the plant is reached. The project's wastewater flow would not cause the Plant to exceed capacity. The City's General Plan determined that build-out of the General Plan would not result in significant impacts to the SCRWA Treatment Plant. The project would not adversely affect the functionality or the capacity of the existing wastewater treatment system. **(Less than Significant Impact)**

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The City of Morgan Hill has contracted with Recology South Valley to provide solid waste disposal and recycling service within the City. Recology South Valley would dispose of solid waste from the City at Johnson Canyon Sanitary Landfill which has a projected permitted capacity of approximately 13,830,000 cubic yards and is expected to remain open through 2055.⁹⁸ The proposed project would generate approximately five pounds of solid waste per day.⁹⁹ Therefore, the proposed development would be served by a landfill with adequate capacity to serve the project site. **(Less than Significant Impact)**

Impact UTL-5: The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

The proposed project would not negatively impact the provision of solid waste services and would comply with the state's 75 percent solid waste reduction goal. The park staff managing the future park would be required to direct and recycle waste consistent with federal, state, and local requirements. Thus, the project would not impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

⁹⁸ CalRecycle. *SWIS Facility Detail: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Accessed May 18, 2019. <https://www2.calrecycle.ca.gov/swfacilities/Directory/27-AA-0005>.

⁹⁹ 9.5 acres x 0.09 tons/acre/year = 0.855 tons/year = 1710 pounds/year = 4.68 pounds/day

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The California Department of Forestry and Fire Protection (Cal Fire) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is not located in a FHSZ.¹⁰⁰

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

¹⁰⁰ California Board of Forestry and Fire Protection. *Fire Hazard Severity Zones Maps*. Accessed April 8, 2019. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Impact MFS-1: The project, with implementation of identified mitigation measures, does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 3.4, Biological Resources, with implementation of the identified mitigation measures (**MM BIO-1.1, and MM BIO-2.1, MMBIO-2.2, and MM BIO-5.1-MM BIO-5.7, and MM BIO-6.1 and MM BIO-6.2**), the project would not significantly impact sensitive habitats or species. As discussed in Section 3.5, Cultural Resources, with implementation of the identified standard measures, the project would result in a less than significant impact on archaeological resources. The project would have no impact on historic or tribal cultural resources. **(Less than Significant Impact with Mitigation)**

Impact MFS-2: The project, with implementation of identified mitigation measures, does not have impacts that are individually limited, but cumulatively considerable.
(Less than Significant Impact with Mitigation Incorporated)

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” This Initial Study evaluates the environmental impacts of the proposed carpenters training center project. This Initial Study also takes into account other past, pending, and probable future projects whose impacts could combine to produce cumulative impacts.

The nearest projects to the site include several residential developments on the west side of Monterey Road, both north and south of Watsonville Road, as well as residential development on Watsonville Road west of Monterey Road. Additionally, the Santa Clara Valley Water District is undertaking the Upper Llagas Creek Flood Protection Project, which will provide 100-year level of flood protection to urban areas of Morgan Hill. The stretch of Upper Llagas Creek near the Butterfield Park site is known as Reach 7a, and that reach is included as part of Phase 1 of the flood control project. Work for this phase consists of channel widening and deepening, instream improvements for wildlife and habitat, and revegetation.

Resource Topics not Impacted by the Project

The project would result in no wildfire hazards and would have no impact on agricultural resources, mineral resources, recreational facilities, historic resources or tribal cultural resources; therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources. **(No Cumulative Impact)**

Cumulative Air Quality Impacts

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. The project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level thresholds identified by BAAQMD (which the project’s impacts were compared to in Section 4.3, Air Quality) are the basis for determining whether a project has a cumulatively considerable contribution to the existing cumulatively significant air quality impact. The project’s construction and operational criteria air pollutant emissions would be below BAAQMD screening criteria and thresholds for these pollutants; therefore, the project would result in a less than cumulatively considerable contribution to significant regional air quality impact. Additionally, modeling of construction TACs (refer to Table 4.3-4 in Section 4.3 Air Quality) confirmed that cumulative impacts from all sources within 1,000 feet of the site would be less than significant. **(Less Than Cumulatively Considerable Contribution to a Significant Cumulative Impact)**

Cumulative GHG Impacts

The proposed project and past, present, present and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in Section 4.8, Greenhouse Gas Emissions, the project's operational emissions would be below applicable thresholds for 2030; the project would, therefore, not result in significant GHG impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact. **(Less Than Cumulatively Considerable Contribution to a Significant Cumulative Impact)**

Cumulative Cultural Resources and Geology Impacts

The geographic area for cumulative archaeological resources and human remains impacts are locations with approximately 1,000 feet of the site. The project site is partially located within a potentially archaeologically sensitive area due to its proximity to Little Llagas Creek. According to the City's Archaeological Sensitivity Map, and input from the Amah Mutsun Tribal Band, the creek is a sensitive waterway that could potentially contain cultural resources. In the unlikely event that human remains are discovered during construction would implement standard permit conditions to reduce potential impacts to archaeological resources and human remains during construction to less than significant. In the event that other development projects encounter unanticipated archaeological resources, they would also be required to implement standard permit conditions to reduce potential impacts to archaeological resources and human remains. The project would, therefore, have a less than significant cumulative impact on archaeological resources and human remains. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative geological impacts would be locations adjacent to the site, since geological impacts are limited to the project site and adjacent properties. There are no other current or future projects immediately adjacent to the project site. Therefore, the project has no potential to combine impacts to geological resources or soils with other projects. **(No Cumulative Impact)**

Cumulative Hydrology and Utilities Impacts

The geographic area for cumulative hydrology and water quality impacts is the Upper Llagas Creek watershed. Cumulative developments near the project would be subject to similar hydrological and urban runoff conditions. All projects occurring within Morgan Hill would be required to implement the same standard conditions and measures related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance if greater than one acre). In addition, all current and probable future projects that would disturb more than one acre of soil or replace/add more at least 2,500 square feet of impervious surfaces would be required to meet applicable site design and runoff reduction measures where feasible and the City's Storm Drainage Manual requirements on a project-specific basis. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative utility and service systems is the City boundaries. The project would incrementally contribute to cumulative demands on utilities and service systems (water, sewer,

solid waste, storm drainage). Implementation of the proposed project and cumulative projects in Morgan Hill would not cause the City to exceed water demand projections, which are primarily based on population and employment growth disclosed in the City's most recent Urban Water Management Plan.

The City's share of the South County Regional Wastewater Authority Wastewater Treatment Plant's treatment capacity is 3.6 mgd. The ADFW in the City is approximately 2.35 mgd, leaving approximately 1.2 mgd of allowable growth within the City before capacity at the plant is reached. The proposed project and identified current and probable projects are consistent with the growth assumptions in the Sewer System Master Plan.

As discussed in the Section 4.19, Utilities and Service Systems, the landfills serving the project site and the City as a whole, have remaining capacity to serve the region through 2055. Based on the above reasons, the combined projects would not result in significant cumulative impacts to the City's water, sewer, solid waste and storm drainage facilities. **(Less than Significant Cumulative Impact)**

The project would not relocate natural gas, electricity or telecommunications lines. The project would not combine impacts to these utility lines with other projects, therefore, no cumulative impacts to these utilities would result from the combined projects. **(No Cumulative Impact)**

Cumulative Biological Resources Impacts

The geographic area for cumulative impacts to trees includes the project site and adjacent parcels. There are no current or reasonably foreseeable projects adjacent to the project site. Therefore, the project would not have the potential to result in combined cumulative impacts to trees. **(No Cumulative Impact)**

The project would have no impacts to sensitive habitats such as wetlands and serpentine habitats, and therefore would not contribute to cumulative impacts to these habitats with other projects elsewhere. The project could have an indirect impact on riparian habitat along the adjacent reach of Upper Llagas Creek by not observing a 35 foot setback, however that impact would be mitigated in the refined project plans prior to issuance of a contract to construct the park by adhering to the riparian setback established in the Municipal Code and required as part of the Santa Clara Valley HCP to avoid paying encroachment fees, as detailed in **MM BIO-2.1** through **-2.2**, and **MM BIO-6.1** and **-6.2**. For this reason, the project would not contribute to significant cumulative impacts to riparian habitat. The Santa Clara Valley Water District is undertaking a flood control project along the adjacent reach of Upper Llagas Creek, and will be required to offset any impacts to riparian habitat through mitigation measures and obtaining regulatory permits from CDFW and USACE, as necessary. **(Less Than Significant Cumulative Impact with Mitigation)**

The project applicant will pay applicable Habitat Plan fees to offset the cumulative effects of nitrogen deposition from new vehicle trips to serpentine habitats protected by the Habitat Plan. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative impacts to migratory wildlife would be Santa Clara County. Construction of projects throughout the County, including the proposed project, could result in a significant cumulative impact on nesting birds. Each project is subject to federal, state, and local regulations (including the MBTA, Fish and Game Code, and CEQA), which would avoid and/or minimize impacts to nesting birds. The project, with the implementation of mitigation measure **MM BIO-1.1** and **MM BIO-1.2** to comply with the MBTA and Fish and Game Code, would not result in a cumulatively considerable contribution to a significant cumulative impact to nesting birds. **(Less Than Cumulatively Considerable Contribution to Significant Cumulative Impact)**

Cumulative Population and Housing Impacts

The geographic area for cumulative population and housing impacts is defined as the City of Morgan Hill. The project would not induce population growth in the City. The proposed park would serve the City's existing and planned population growth. The construction of an additional park does not remove an existing constraint on growth and development in the area. As a result, the project would not induce substantial population growth in the project site and would not result in significant cumulative population impacts. **(Less than Significant Cumulative Impact)**

The project site is vacant with no existing residences. Therefore, the project would not result in combined impacts to the displacement of people housing. **(No Cumulative Impact)**

Cumulative Public Services Impacts

The geographic area for cumulative public services and recreation facilities is the City's boundaries. The proposed project would be a neighborhood park that would serve the existing and planned City population. The project would not result in an incremental demand for fire protection and police services. The project would be built to applicable fire code standards. The City would review plans and conduct construction inspections to ensure that new development complies with existing building and fire code requirements and public safety requirements for all of the cumulative projects. The cumulative projects would comply with General Plan policies pertaining to public safety. **(Less than Significant Cumulative Impact)**

The project does not propose construction of residences, and therefore, would have no impacts on parks or schools. Therefore, the project has no potential to combine with other projects to result in cumulative impacts to these facilities. **(No Cumulative Impact)**

Cumulative Land Use Impacts

The proposed project would conform to applicable land use plans, policies, and regulations for the purpose of avoiding or mitigating environmental impacts and would not have land use impacts that could combine with other nearby projects. A public park use is considered compatible with surrounding urban development. For these reasons, the combined projects would result in a less than significant cumulative land use impact. **(Less than Significant Cumulative Impact)**

Cumulative Hazards and Hazardous Materials and Impacts

The geographic area for cumulative hazardous materials impacts would be within 1,000 feet of the project. The use, storage, transportation, and disposal of maintenance chemicals would be managed in accordance with existing laws and regulations that ensure herbicide and pesticide storage, and transportation to and from the cumulative sites would not result in a significant cumulative impact related to hazardous materials. **(Less than Significant Cumulative Impact)**

The project would not result in an aircraft hazard given the project site is not located within an AIA of a Comprehensive Land Use Plan and is not located within an FAA height restriction area for new structures. The project would, therefore, not result in cumulative impacts due to aircraft hazards when combined with the impacts of other projects. **(No Cumulative Impact)**

Cumulative Noise Impacts

The geographic area for cumulative noise impacts is approximately a 1,000 feet radius from the site.

Construction

While the cumulative proposed project would result in a temporary construction noise increase, the project would be required to implement mitigation measures as discussed in Section 4.13, Noise. Construction of the proposed project would be approximately 12 months. Therefore, the project would have a less than significant cumulative construction noise impact on noise sensitive receptors on the site. **(Less than Significant Cumulative Impact)**

Operation

As discussed in Section 4.13 Noise and Vibration, project vehicles traveling on surrounding roadways would not, in combination with other growth in the area, lead to substantial increases in roadway noise. Roadway volumes on Monterey Road, Butterfield Boulevard, and Watsonville Road are already high, and would not double as a result of cumulative development, the amount of increased vehicular traffic necessary to cause a noticeable 3 dBA increase in roadway noise.

For recreational activities planned in the proposed park, there are no nearby facilities generating substantial noise that could combine with the park to produce cumulative noise impacts. Hour's restrictions on proposed park activities will serve to limit the potential for substantial noise affecting surrounding land use. **(Less than Significant Cumulative Impact)**

Cumulative Traffic Impacts

The geographic area for cumulative transportation resource impacts includes the project site and its surrounding area as defined by the study intersections as shown in Figure 4.17-1. The proposed project would be consistent with applicable General Plan policies regarding circulation and, therefore, would not result in a cumulative conflict with those policies. The cumulative projects would comply with current building and fire codes and be reviewed by the Fire Department to ensure adequate emergency access. For these reasons, the cumulative projects would not result in a significant cumulative impact to emergency access. **(Less than Significant Cumulative Impact)**

Impact MFS-3: The project, with implementation of identified mitigation measures, does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Pursuant to this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality and noise. Implementation of the best management practices, standard permit conditions, mitigation measures, and adherence to General Plan, City Code, and state and federal regulations described in these sections of the report, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact with Mitigation Incorporated)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

2017 CAP	Bay Area 2017 Clean Air Plan
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADFW	Average Dry Weather Flow
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
BAAQMD	Bay Area Air Quality Management District
Btu	British Thermal Unit
CalEPA	California Environmental Protection Agency
CalFire	California Department of Forestry and Fire Protection
CalGreen	California Green Building Standards Code
Cal/OSHA	California Division of Occupational Safety and Health
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CFCs	Chlorofluorocarbons
CH ₄	Methane
CLUP	Comprehensive Land Use Plan
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
DOT	United States Department of Transportation
DPM	Diesel Particulate Matter
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency

FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment Program
FTA	Federal Transit Administration
GHGs	Greenhouse Gases
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HFCs	Hydrofluorocarbons
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MHFD	Morgan Hill Fire Department
MHPD	Morgan Hill Police Department
MLD	Most Likely Descendant
MMTCO _{2e}	Million Metro Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Commission
N ₂ O	Nitrous Oxide
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NO _x	Nitrogen Oxides
NOD	Notice of Determination
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O ₃	Ground-Level Ozone
PDA	Priority Development Areas
PFCs	Perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM _{2.5}	Fine Particulate Matter
PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
RPS	Renewables Portfolio Standard

RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SF ₆	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SVCE	Silicon Valley Clean Energy
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board
TACs	Toxic Air Contaminants
TCRs	Tribal Cultural Resources
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority

BUTTERFIELD PARK CONSTRUCTION HEALTH RISK ASSESSMENT

Morgan Hill, California

June 27, 2019

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Introduction

The purpose of this report is to address the potential construction health risk impacts associated with the construction of the Butterfield Park in Morgan Hill, California. The analysis was conducted following guidance provided by the Bay Area Air Quality Management District (BAAQMD).¹ The BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new source of toxic air contaminants (TACs).

Project Description

The project site is in the City of Morgan Hill, located south of Butterfield Boulevard between the UPRR tracks and Monterey Road. The 9.5-acre site is rectangle-shaped and consists of two parcels (APNs 817-06-002 and 817-06-064). The site is currently undeveloped and surrounded by open space and a single-family residential development to the west. Land uses immediately surrounding the project site are zoned as Industrial.

The project proposes to develop a new neighborhood park that totals approximately 9.5 acres. Approximately 2.5-acres would consist of a surface parking lot that would provide 217 parking spaces. The remaining seven acres would be for the city park. The park would include bicycle pump tracks, adult exercise equipment, a baseball field, picnic areas, a building with a public meeting room, concessions and restrooms, grass lawns, a walking path, a surface parking lot and a bio-filtration system installed under the parking lot.

Setting

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).

Toxic Air Contaminants

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a

¹ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2017.

complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

Regulatory Agencies

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles.² The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The BAAQMD is the regional agency tasked with managing air quality in the region. At the State level, the CARB (a part of the California Environmental Protection Agency [EPA]) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects.³ The detailed community risk modeling methodology used in this assessment is contained in *Attachment 1*.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are residences of single-family townhomes to the northwest of the project site. There are additional residences at farther distances from the project site.

Significance Thresholds

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the District's 2011 *CEQA Air Quality Guidelines*. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds were challenged through a series of court challenges and were mostly upheld. BAAQMD updated the *CEQA Air Quality Guidelines* in 2017 to include the latest significance thresholds that were used in this analysis are summarized in Table 1.

² Available online: <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>. Accessed: November 21, 2014.

³ Bay Area Air Quality Management District. 2017. *BAAQMD CEQA Air Quality Guidelines*. May.

Table 1. Community Risk Significance Thresholds

Health Risks and Hazards	Single Sources Within 1,000-foot Zone of Influence	Combined Sources (Cumulative from all sources within 1,000-foot zone of influence)
Excess Cancer Risk	>10.0 per one million	>100 per one million
Hazard Index	>1.0	>10.0
Incremental annual PM _{2.5}	>0.3 µg/m ³	>0.8 µg/m ³
Note: PM ₁₀ = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.		

Construction Health Risk Impacts and Mitigation Measures

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The project would not introduce new residents that are sensitive receptors. Temporary project construction activity, though, would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. A construction health risk assessment was prepared to address project construction impacts on the surrounding off-site sensitive receptors. Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual PM_{2.5} concentrations, and computing the Hazard Index (HI) for non-cancer health risks. The methodology for computing community risks impacts is contained in *Attachment 1*.

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and PM_{2.5}.⁴ This assessment included dispersion modeling to predict the offsite and onsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

CalEEMod Modeling

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction of the site assuming full build-out of the project. The project land

⁴ DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included as *Attachment 2*.

CalEEMod provided annual emissions for construction and estimates emissions for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule, was based CalEEMod default information. The project applicant did note that construction would begin January 2021.

The proposed project land uses are as follows: seven acres entered as “City Park” and 217 parking spaces entered as “Parking Lot” over 2.5 acres. Since the project site is currently vacant, the demolition phase was removed from the construction phasing. A trenching phase was also included, and it was assumed it would coincide with the grading phase. Construction of the whole project would begin January 2021 and last about 14 months based on CalEEMod defaults. There were an estimated 300 workdays.

The CalEEMod model also provided total annual PM₁₀ exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages as 0.1411 tons (282 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used for vehicle travel while at or near the construction site to represent localized air emissions. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive PM_{2.5} dust emissions were calculated by CalEEMod as 0.0893 tons (179 pounds) for the overall construction period.

Construction Criteria Air Pollutants

In the BAAQMD 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. Projects that do not exceed the screening size would not generate emission that exceed the BAAQMD significant thresholds for criteria air pollutants. For construction-related impacts, the screening size is identified as 67 acres for city parks. Since the project proposes to develop 9.5 acres of city park, it is concluded that emissions would be below the BAAQMD significant thresholds for construction criteria air pollutants.

Dispersion Modeling

The U.S. EPA ISCST3 dispersion model was used to predict DPM and PM_{2.5} concentrations at existing sensitive receptors (residences) in the vicinity of the project construction area. The ISCST3 dispersion model is a BAAQMD-recommended model for use in modeling these types of emission activities for CEQA projects.⁵ The ISCST3 modeling utilized four area sources to represent the on-site construction emissions; two for DPM exhaust emissions and the other two for fugitive PM_{2.5} dust emissions. These four areas represent the parking lot and the park. To

⁵ Bay Area Air Quality Management District (BAAQMD), 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0*. May.

represent the construction equipment exhaust emissions, an emission release height of six meters (19.7 feet) was used for the area source. The elevated source height reflects the height of the equipment exhaust pipes and buoyancy of the exhaust plume. For modeling fugitive PM_{2.5} emissions, a near ground level release height of two meters (6.6 feet) was used for the area source. Emissions from vehicle travel around the project site were included in the modeled area sources. Construction emissions were modeled as occurring daily between 7 a.m. and 4 p.m., when the majority of the construction activity involving equipment usage would occur.

The modeling used a five-year data set (2001 - 2005) of hourly meteorological data from San Martin Airport prepared for use with the ISCST3 model by the BAAQMD. The airport is about 5 miles southeast of the project site. Annual DPM and PM_{2.5} concentrations from construction activities in 2019 - 2020 were calculated using the model. DPM and PM_{2.5} concentrations were calculated at nearby residential locations at receptor heights of 1.5 meters (4.9 feet) to represent the breathing heights of the residents living in the nearby single-family homes and mobile homes.

Predicted Increased Cancer Risk and Hazards.

The maximum-modeled annual DPM and PM_{2.5} concentrations, which includes both the DPM and fugitive PM_{2.5} concentrations, were identified at nearby sensitive receptors to find the maximally exposed individuals (MEIs) as shown in Figure 1. The maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters described in *Attachment 1*. Non-cancer health hazards and maximum PM_{2.5} concentrations were also calculated and identified. *Attachment 3* to this report includes the emission calculations used for the construction area source modeling and the cancer risk calculations.

Results of this assessment indicated that the residential construction MEI was located at a single-family residence northwest of the project site as indicated in Figure 1. Table 2 summarizes the maximum cancer risks, PM_{2.5} concentrations, and health hazard indexes for project related construction activities affecting the residential MEI. As seen in Table 2, the construction risk impacts do not exceed the BAAQMD single-source thresholds for cancer risk, PM_{2.5} concentrations, or HI.

Figure 1. Project Construction Site and Locations of Off-Site Sensitive Receptors and TAC Impacts

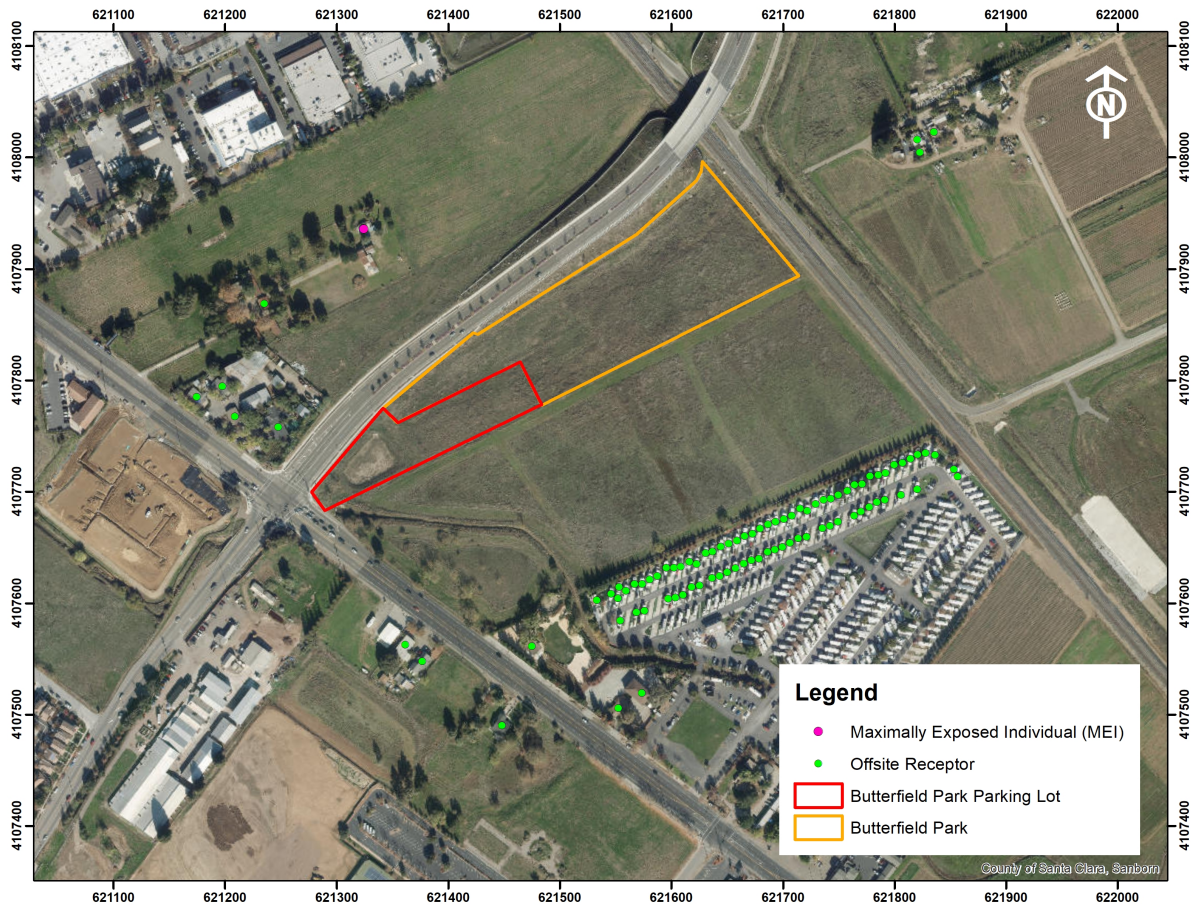


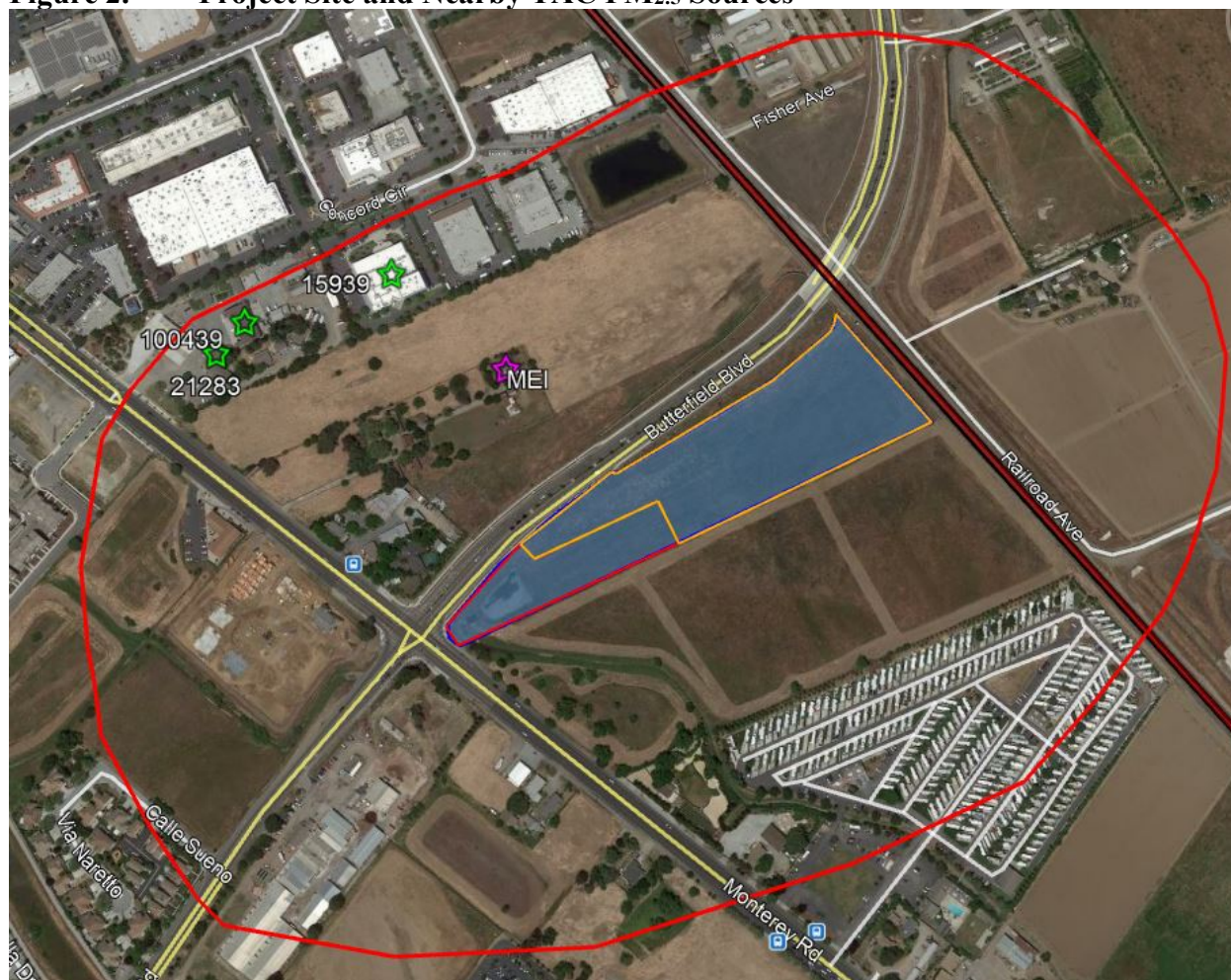
Table 2. Construction Risk Impacts at the Offsite MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Project Construction	7.2 (infant)	0.07	0.01
<i>BAAQMD Single-Source Threshold</i>	<i>>10.0</i>	<i>>0.3</i>	<i>>1.0</i>
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>

Cumulative Impact on Off-Site MEI

Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites. These sources include highways, busy surface streets, and stationary sources identified by BAAQMD. A review of the area shows that Monterey Road and Butterfield Boulevard may have traffic that exceeds 10,000 vehicles per day. All other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source Google Earth map tool identified three sources with the potential to affect the project site. The project is also near a rail line. Figure 2 shows the sources affecting the project site. Details of the modeling and community risk calculations are included in *Attachment 4*.

Figure 2. Project Site and Nearby TAC PM_{2.5} Sources



Local Roadways – Monterey Road & Butterfield Road

For local roadways, BAAQMD has provided the *Roadway Screening Analysis Calculator* to assess whether roadways with traffic volumes of over 10,000 vehicles per day may have a potentially significant effect on a proposed project. Two adjustments were made to the cancer risk predictions made by this calculator: (1) adjustment for latest vehicle emissions rates predicted using EMFAC2014 and (2) adjustment of cancer risk to reflect new OEHHA guidance (see *Attachment 1*).

The calculator uses EMFAC2011 emission rates for the year 2014. In addition, a new version of the emissions factor model, EMFAC2014 is available. This version predicts lower emission rates. An adjustment factor of 0.5 was developed by comparing emission rates of total organic gases (TOG) for running exhaust and running losses developed using EMFAC2011 for year 2014 and those from EMFAC2014 for 2018. The predicted cancer risk was then adjusted using a factor of 1.3744 to account for new OEHHA guidance. This factor was provided by BAAQMD for use with their CEQA screening tools that are used to predict cancer risk.

The ADT on Monterey Road was estimated to be 25,000 vehicles and the ADT on Butterfield Road was estimated to be 10,000 vehicles. The BAAQMD *Roadway Screening Analysis Calculator* for Santa Clara County was used for these roadways. Monterey Road was identified as a north-south roadway with the MEI east of the roadway. Butterfield Boulevard was identified as an east-west roadway with the MEI north of the roadway. Estimated risk values for the roadway upon the Construction MEI is listed in Table 4. Note that BAAQMD has found that non-cancer hazards from all local roadways would be below a Hazard Index of 0.03.

Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*. This mapping tool uses Google Earth and identified the location of three possible stationary source and their estimated risk and hazard impacts. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. They provided updated risk levels, emissions and adjustments to account for new OEHHA guidance.⁶ The stationary sources were identified as a gas dispensing facility, generator, and unknown generic source with a PM_{2.5} concentration. Each source was adjusted for distance using either the BAAQMD *Gasoline Dispensing Facility (GDF) Distance Multiplier Tool*, *Diesel Internal Combustion (IC) Engine Distance Multiplier Tool*, and *Generic Distance Multiplier Tool*. All risks are summarized in Table 3.

Railroad Emissions

The Union Pacific Rail Road (UPRR) line runs immediately adjacent to the site on the east side. This rail line is used by trains for passenger and freight service. Along this portion of the rail line there are six Caltrain passenger trains during the weekdays that run along this line between 6 a.m. and 8 p.m. There are also two Amtrak-Coast Starlight daily passenger trains using this line.

⁶ Correspondence with Areana Flores, BAAQMD, 27 June 2019.

In addition to the passenger trains, there are up to six UPRR freight trains that also use this rail line on a daily basis.⁷

A past analysis calculated that receptors located about 100 feet from the center of the rail line would have a 7.7 in on million increased cancer risk.⁸ To account for the OEHHA guidance, this cancer risk was adjusted using the factor of 1.3744. The adjusted cancer risk at 100 feet would then be 10.6 in one million. Note that the off-site MEI is approximately 900 feet away from the rail line. Therefore, the calculated cancer risk at MEI would be less than 10.6 per million. The PM_{2.5} and HI would also be less than 0.01 µg/m³ and 0.03, respectively.

Cumulative Health Risk Impact at Off-Site MEI

Table 3 reports both the project and cumulative community risk impacts at the sensitive receptor most affected by construction (i.e. the MEI). Without mitigation, the project would have a *less-than-significant* impact with respect to community risk caused by project construction activities, since the maximum cancer risk, annual PM_{2.5} concentration, and HI do not exceed their single-source thresholds. The combined annual cancer risk, PM_{2.5} concentration, and Hazard risk values, which includes unmitigated and mitigated, would not exceed the cumulative threshold. Therefore, the project would also have a *less-than-significant* impact regarding the cumulative risk within the area.

Table 3. Impacts from Combined Sources at Off-Site MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Project Construction	7.2 (infant)	0.07	0.01
UPRR Railroad	<10.6	<0.01	<0.03
Monterey Road (ADT ~25,000) at 800 feet east	1.3	0.04	<0.03
Butterfield Boulevard (ADT ~10,000) at	1.1	0.03	<0.03
Cal Fire Morgan Hill Headquarters (Plant # 2128, generator) at 750 feet	0.01	<0.01	<0.01
CA Department of Forestry & Fire Station (Plant #100439, Gas Dispensing Facility) at 750 feet	<0.1		<0.01
U.S. Technical Ceramics, Inc. (Plant #15939, generator) at 350 feet	0.5	<0.01	<0.01
Combined Sources	<20.8 (infant)	<0.17	<0.13
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
Significant?	No	No	No

⁷ Metropolitan Transportation Commission, 2006. *Bay Area Regional Rail Plan, Technical Memorandum 4a, Conditions, Configuration & Traffic on Existing System*, November 15.

⁸ Illingworth & Rodkin, 2014. *Spring 2014 General Plan Amendments Draft TAC and GHG Emissions Assessment*. August.

Supporting Documentation

Attachment 1 is the methodology used to compute community risk impacts, including the methods to compute lifetime cancer risk from exposure to project emissions.

Attachment 2 includes the CalEEMod output for project construction.

Attachment 3 is the construction health risk assessment. AERMOD dispersion modeling files for this assessment, which are quite voluminous, are available upon request and would be provided in digital format

Attachment 4 includes the screening community risk calculations from sources affecting the project and construction MEI.

Attachment 1: Health Risk Calculation Methodology

Health Risk Calculation Methodology

A health risk assessment (HRA) for exposure to Toxic Air Contaminates (TACs) requires the application of a risk characterization model to the results from the air dispersion model to estimate potential health risk at each sensitive receptor location. The State of California Office of Environmental Health Hazard Assessment (OEHHA) and California Air Resources Board (CARB) develop recommended methods for conducting health risk assessments. The most recent OEHHA risk assessment guidelines were published in February of 2015.⁹ These guidelines incorporate substantial changes designed to provide for enhanced protection of children, as required by State law, compared to previous published risk assessment guidelines. CARB has provided additional guidance on implementing OEHHA's recommended methods.¹⁰ This HRA used the 2015 OEHHA risk assessment guidelines and CARB guidance. The BAAQMD has adopted recommended procedures for applying the newest OEHHA guidelines as part of Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants.¹¹ Exposure parameters from the OEHHA guidelines and the recent BAAQMD HRA Guidelines were used in this evaluation.

Cancer Risk

Potential increased cancer risk from inhalation of TACs are calculated based on the TAC concentration over the period of exposure, inhalation dose, the TAC cancer potency factor, and an age sensitivity factor to reflect the greater sensitivity of infants and children to cancer causing TACs. The inhalation dose depends on a person's breathing rate, exposure time and frequency and duration of exposure. These parameters vary depending on the age, or age range, of the persons being exposed and whether the exposure is considered to occur at a residential location or other sensitive receptor location.

The current OEHHA guidance recommends that cancer risk be calculated by age groups to account for different breathing rates and sensitivity to TACs. Specifically, they recommend evaluating risks for the third trimester of pregnancy to age zero, ages zero to less than two (infant exposure), ages two to less than 16 (child exposure), and ages 16 to 70 (adult exposure). Age sensitivity factors (ASFs) associated with the different types of exposure are an ASF of 10 for the third trimester and infant exposures, an ASF of 3 for a child exposure, and an ASF of 1 for an adult exposure. Also associated with each exposure type are different breathing rates, expressed as liters per kilogram of body weight per day (L/kg-day). As recommended by the BAAQMD for residential exposures, 95th percentile breathing rates are used for the third trimester and infant exposures, and 80th percentile breathing rates for child and adult exposures. For children at

⁹ OEHHA, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. February.

¹⁰ CARB, 2015. *Risk Management Guidance for Stationary Sources of Air Toxics*. July 23.

¹¹ BAAQMD, 2016. *BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*. December 2016.

schools and daycare facilities, BAAQMD recommends using the 95th percentile breathing rates. Additionally, CARB and the BAAQMD recommend the use of a residential exposure duration of 30 years for sources with long-term emissions (e.g., roadways). For workers, assumed to be adults, a 25-year exposure period is recommended by the BAAQMD.

Under previous OEHHA and BAAQMD HRA guidance, residential receptors are assumed to be at their home 24 hours a day, or 100 percent of the time. In the 2015 Risk Assessment Guidance, OEHHA includes adjustments to exposure duration to account for the fraction of time at home (FAH), which can be less than 100 percent of the time, based on updated population and activity statistics. The FAH factors are age-specific and are: 0.85 for third trimester of pregnancy to less than 2 years old, 0.72 for ages 2 to less than 16 years, and 0.73 for ages 16 to 70 years. Use of the FAH factors is allowed by the BAAQMD if there are no schools in the project vicinity that would have a cancer risk of one in a million or greater assuming 100 percent exposure (FAH = 1.0).

Functionally, cancer risk is calculated using the following parameters and formulas:

$$\text{Cancer Risk (per million)} = \text{CPF} \times \text{Inhalation Dose} \times \text{ASF} \times \text{ED/AT} \times \text{FAH} \times 10^6$$

Where:

CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

$$\text{Inhalation Dose} = C_{\text{air}} \times \text{DBR} \times A \times (\text{EF}/365) \times 10^{-6}$$

Where:

C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

The health risk parameters used in this evaluation are summarized as follows:

Parameter	Exposure Type →	Infant		Child		Adult
	Age Range →	3 rd Trimester	0<2	2 < 9	2 < 16	16 - 30
DPM Cancer Potency Factor (mg/kg-day) ⁻¹		1.10E+00	1.10E+00	1.10E+00	1.10E+00	1.10E+00
Daily Breathing Rate (L/kg-day) 80 th Percentile Rate		273	758	631	572	261
Daily Breathing Rate (L/kg-day) 95 th Percentile Rate		361	1,090	861	745	335
Inhalation Absorption Factor		1	1	1	1	1
Averaging Time (years)		70	70	70	70	70
Exposure Duration (years)		0.25	2	14	14	14
Exposure Frequency (days/year)		350	350	350	350	350
Age Sensitivity Factor		10	10	3	3	1
Fraction of Time at Home		0.85-1.0	0.85-1.0	0.72-1.0	0.72-1.0	0.73

Non-Cancer Hazards

Potential non-cancer health hazards from TAC exposure are expressed in terms of a hazard index (HI), which is the ratio of the TAC concentration to a reference exposure level (REL). OEHHA has defined acceptable concentration levels for contaminants that pose non-cancer health hazards. TAC concentrations below the REL are not expected to cause adverse health impacts, even for sensitive individuals. The total HI is calculated as the sum of the HIs for each TAC evaluated and the total HI is compared to the BAAQMD significance thresholds to determine whether a significant non-cancer health impact from a project would occur.

Typically, for residential projects located near roadways with substantial TAC emissions, the primary TAC of concern with non-cancer health effects is diesel particulate matter (DPM). For DPM, the chronic inhalation REL is 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Annual PM_{2.5} Concentrations

While not a TAC, fine particulate matter (PM_{2.5}) has been identified by the BAAQMD as a pollutant with potential non-cancer health effects that should be included when evaluating potential community health impacts under the California Environmental Quality Act (CEQA). The thresholds of significance for PM_{2.5} (project level and cumulative) are in terms of an increase in the annual average concentration. When considering PM_{2.5} impacts, the contribution from all sources of PM_{2.5} emissions should be included. For projects with potential impacts from nearby local roadways, the PM_{2.5} impacts should include those from vehicle exhaust emissions, PM_{2.5} generated from vehicle tire and brake wear, and fugitive emissions from re-suspended dust on the roads.

Attachment 2: CalEEMod Modeling Output

Butterfield Park Morgan Hill - TAC - Santa Clara County, Annual

Butterfield Park Morgan Hill - TAC
Santa Clara County, Annual

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	217.00	Space	2.50	86,800.00	0
City Park	7.00	Acre	7.00	304,920.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	58
Climate Zone	3			Operational Year	2022
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - PG&E 2020 290 CO2 intensity factor

Land Use - Butterfield Morgan Hill Park, seven acres of track and field area. 2.5-acres surface parking lot with approximately 217 parking spaces based PD from 7.1.2019

Construction Phase - Default construction schedule, no demolition assumed, assuming trenching would occur consecutively with grading. Provided info for dates: construction would start January 21 to December 21

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment - Default trenching equipment

Trips and VMT - Assume water trucks will be on-site from, TAC trip length 1 mile

Demolition - No demolition, vacant site

Energy Use -

Construction Off-road Equipment Mitigation - BMPs, Tier 3

Table Name	Column Name	Default Value	New Value
tblConstDustMitigation	WaterUnpavedRoadVehicleSpeed	0	15
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
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tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	11.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
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tblConstEquipMitigation	Tier	No Change	Tier 3

tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblLandUse	LotAcreage	1.95	2.50
tblOffRoadEquipment	LoadFactor	0.37	0.37
tblOffRoadEquipment	LoadFactor	0.38	0.38
tblOffRoadEquipment	OffRoadEquipmentType		Tractors/Loaders/Backhoes
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblProjectCharacteristics	CO2IntensityFactor	641.35	290
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.2974	2.9762	2.4671	4.4500e-003	0.1770	0.1349	0.3119	0.0892	0.1263	0.2155	0.0000	390.5837	390.5837	0.0866	0.0000	392.7473
2022	0.0342	0.1200	0.1592	2.5000e-004	3.5000e-004	6.2200e-003	6.5700e-003	9.0000e-005	5.7800e-003	5.8800e-003	0.0000	21.9374	21.9374	6.3300e-003	0.0000	22.0957
Maximum	0.2974	2.9762	2.4671	4.4500e-003	0.1770	0.1349	0.3119	0.0892	0.1263	0.2155	0.0000	390.5837	390.5837	0.0866	0.0000	392.7473

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1237	2.4018	2.6645	4.4500e-003	0.0913	0.1192	0.2105	0.0246	0.1192	0.1437	0.0000	390.5833	390.5833	0.0865	0.0000	392.7470
2022	0.0276	0.1211	0.1852	2.5000e-004	3.5000e-004	6.7400e-003	7.1000e-003	9.0000e-005	6.7400e-003	6.8400e-003	0.0000	21.9374	21.9374	6.3300e-003	0.0000	22.0957
Maximum	0.1237	2.4018	2.6645	4.4500e-003	0.0913	0.1192	0.2105	0.0246	0.1192	0.1437	0.0000	390.5833	390.5833	0.0865	0.0000	392.7470

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	54.39	18.52	-8.51	0.00	48.33	10.75	31.68	72.36	4.70	31.98	0.00	0.00	0.00	0.01	0.00	0.00

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
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1	1-1-2021	3-31-2021	0.9414	0.6282
2	4-1-2021	6-30-2021	0.7735	0.6295
3	7-1-2021	9-30-2021	0.7820	0.6364
4	10-1-2021	12-31-2021	0.7757	0.6308
5	1-1-2022	3-31-2022	0.1559	0.1504
		Highest	0.9414	0.6364

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	1/1/2021	1/14/2021	5	10	
2	Grading	Grading	1/15/2021	2/11/2021	5	20	
3	Trenching	Trenching	1/15/2021	2/11/2021	5	20	
4	Park Construction	Building Construction	2/12/2021	12/30/2021	5	230	
5	Paving	Paving	12/31/2021	1/27/2022	5	20	
6	Architectural Coating	Architectural Coating	1/28/2022	2/24/2022	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 10

Acres of Paving: 2.5

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 5,208

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Excavators	1	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40

Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Park Construction	Cranes	1	7.00	231	0.29
Park Construction	Forklifts	3	8.00	89	0.20
Park Construction	Generator Sets	1	8.00	84	0.74
Park Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Park Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48
Trenching	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Trenching	Excavators	1	7.00	158	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	2.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	2.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Park Construction	9	165.00	64.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	33.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Trenching	2	5.00	2.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Use Soil Stabilizer

Replace Ground Cover

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

3.2 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0903	0.0000	0.0903	0.0497	0.0000	0.0497	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0194	0.2025	0.1058	1.9000e-004		0.0102	0.0102		9.4000e-003	9.4000e-003	0.0000	16.7179	16.7179	5.4100e-003	0.0000	16.8530
Total	0.0194	0.2025	0.1058	1.9000e-004	0.0903	0.0102	0.1006	0.0497	9.4000e-003	0.0591	0.0000	16.7179	16.7179	5.4100e-003	0.0000	16.8530

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.0000e-005	6.4000e-004	1.7000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0795	0.0795	1.0000e-005	0.0000	0.0797
Worker	9.0000e-005	4.0000e-005	5.3000e-004	0.0000	7.0000e-005	0.0000	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0707	0.0707	0.0000	0.0000	0.0708
Total	1.1000e-004	6.8000e-004	7.0000e-004	0.0000	8.0000e-005	0.0000	8.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.1502	0.1502	1.0000e-005	0.0000	0.1505

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
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Category	tons/yr										MT/yr					
Fugitive Dust					0.0407	0.0000	0.0407	0.0112	0.0000	0.0112	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	4.6600e-003	0.0953	0.1148	1.9000e-004		4.7300e-003	4.7300e-003		4.7300e-003	4.7300e-003	0.0000	16.7178	16.7178	5.4100e-003	0.0000	16.8530
Total	4.6600e-003	0.0953	0.1148	1.9000e-004	0.0407	4.7300e-003	0.0454	0.0112	4.7300e-003	0.0159	0.0000	16.7178	16.7178	5.4100e-003	0.0000	16.8530

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.0000e-005	6.4000e-004	1.7000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0795	0.0795	1.0000e-005	0.0000	0.0797
Worker	9.0000e-005	4.0000e-005	5.3000e-004	0.0000	7.0000e-005	0.0000	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0707	0.0707	0.0000	0.0000	0.0708
Total	1.1000e-004	6.8000e-004	7.0000e-004	0.0000	8.0000e-005	0.0000	8.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.1502	0.1502	1.0000e-005	0.0000	0.1505

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0655	0.0000	0.0655	0.0337	0.0000	0.0337	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0229	0.2474	0.1586	3.0000e-004		0.0116	0.0116		0.0107	0.0107	0.0000	26.0537	26.0537	8.4300e-003	0.0000	26.2644

Total	0.0229	0.2474	0.1586	3.0000e-004	0.0655	0.0116	0.0771	0.0337	0.0107	0.0443	0.0000	26.0537	26.0537	8.4300e-003	0.0000	26.2644
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Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.0000e-005	1.2700e-003	3.4000e-004	0.0000	2.0000e-005	0.0000	2.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.1590	0.1590	1.0000e-005	0.0000	0.1594
Worker	1.5000e-004	7.0000e-005	8.9000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1178	0.1178	0.0000	0.0000	0.1180
Total	1.8000e-004	1.3400e-003	1.2300e-003	0.0000	1.3000e-004	0.0000	1.3000e-004	4.0000e-005	0.0000	4.0000e-005	0.0000	0.2769	0.2769	1.0000e-005	0.0000	0.2774

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0295	0.0000	0.0295	7.5800e-003	0.0000	7.5800e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	7.2600e-003	0.1484	0.1899	3.0000e-004		7.5600e-003	7.5600e-003		7.5600e-003	7.5600e-003	0.0000	26.0537	26.0537	8.4300e-003	0.0000	26.2643
Total	7.2600e-003	0.1484	0.1899	3.0000e-004	0.0295	7.5600e-003	0.0371	7.5800e-003	7.5600e-003	0.0151	0.0000	26.0537	26.0537	8.4300e-003	0.0000	26.2643

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.0000e-005	1.2700e-003	3.4000e-004	0.0000	2.0000e-005	0.0000	2.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.1590	0.1590	1.0000e-005	0.0000	0.1594
Worker	1.5000e-004	7.0000e-005	8.9000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1178	0.1178	0.0000	0.0000	0.1180
Total	1.8000e-004	1.3400e-003	1.2300e-003	0.0000	1.3000e-004	0.0000	1.3000e-004	4.0000e-005	0.0000	4.0000e-005	0.0000	0.2769	0.2769	1.0000e-005	0.0000	0.2774

3.4 Trenching - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.6500e-003	0.0355	0.0485	7.0000e-005		1.8900e-003	1.8900e-003		1.7400e-003	1.7400e-003	0.0000	6.3691	6.3691	2.0600e-003	0.0000	6.4206
Total	3.6500e-003	0.0355	0.0485	7.0000e-005		1.8900e-003	1.8900e-003		1.7400e-003	1.7400e-003	0.0000	6.3691	6.3691	2.0600e-003	0.0000	6.4206

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					

Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.0000e-005	1.2700e-003	3.4000e-004	0.0000	2.0000e-005	0.0000	2.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.1590	0.1590	1.0000e-005	0.0000	0.1594
Worker	5.0000e-005	2.0000e-005	3.0000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0393	0.0393	0.0000	0.0000	0.0393
Total	8.0000e-005	1.2900e-003	6.4000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.1983	0.1983	1.0000e-005	0.0000	0.1987

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	1.7800e-003	0.0367	0.0549	7.0000e-005		2.1000e-003	2.1000e-003		2.1000e-003	2.1000e-003	0.0000	6.3691	6.3691	2.0600e-003	0.0000	6.4206
Total	1.7800e-003	0.0367	0.0549	7.0000e-005		2.1000e-003	2.1000e-003		2.1000e-003	2.1000e-003	0.0000	6.3691	6.3691	2.0600e-003	0.0000	6.4206

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.0000e-005	1.2700e-003	3.4000e-004	0.0000	2.0000e-005	0.0000	2.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.1590	0.1590	1.0000e-005	0.0000	0.1594
Worker	5.0000e-005	2.0000e-005	3.0000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0393	0.0393	0.0000	0.0000	0.0393
Total	8.0000e-005	1.2900e-003	6.4000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.1983	0.1983	1.0000e-005	0.0000	0.1987

3.5 Park Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2186	2.0047	1.9062	3.1000e-003		0.1102	0.1102		0.1037	0.1037	0.0000	266.3829	266.3829	0.0643	0.0000	267.9895
Total	0.2186	2.0047	1.9062	3.1000e-003		0.1102	0.1102		0.1037	0.1037	0.0000	266.3829	266.3829	0.0643	0.0000	267.9895

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0124	0.4679	0.1260	6.1000e-004	6.8000e-003	3.9000e-004	7.1900e-003	1.9800e-003	3.8000e-004	2.3600e-003	0.0000	58.5210	58.5210	5.4300e-003	0.0000	58.6568
Worker	0.0192	8.4800e-003	0.1121	1.7000e-004	0.0141	1.9000e-004	0.0143	3.7700e-003	1.7000e-004	3.9500e-003	0.0000	14.9067	14.9067	5.9000e-004	0.0000	14.9213
Total	0.0316	0.4764	0.2382	7.8000e-004	0.0209	5.8000e-004	0.0215	5.7500e-003	5.5000e-004	6.3100e-003	0.0000	73.4277	73.4277	6.0200e-003	0.0000	73.5781

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0775	1.6360	2.0555	3.1000e-003		0.1039	0.1039		0.1039	0.1039	0.0000	266.3826	266.3826	0.0643	0.0000	267.9892
Total	0.0775	1.6360	2.0555	3.1000e-003		0.1039	0.1039		0.1039	0.1039	0.0000	266.3826	266.3826	0.0643	0.0000	267.9892

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0124	0.4679	0.1260	6.1000e-004	6.8000e-003	3.9000e-004	7.1900e-003	1.9800e-003	3.8000e-004	2.3600e-003	0.0000	58.5210	58.5210	5.4300e-003	0.0000	58.6568
Worker	0.0192	8.4800e-003	0.1121	1.7000e-004	0.0141	1.9000e-004	0.0143	3.7700e-003	1.7000e-004	3.9500e-003	0.0000	14.9067	14.9067	5.9000e-004	0.0000	14.9213
Total	0.0316	0.4764	0.2382	7.8000e-004	0.0209	5.8000e-004	0.0215	5.7500e-003	5.5000e-004	6.3100e-003	0.0000	73.4277	73.4277	6.0200e-003	0.0000	73.5781

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	6.3000e-004	6.4600e-003	7.3300e-003	1.0000e-005		3.4000e-004	3.4000e-004		3.1000e-004	3.1000e-004	0.0000	1.0012	1.0012	3.2000e-004	0.0000	1.0093

Paving	1.6000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	7.9000e-004	6.4600e-003	7.3300e-003	1.0000e-005		3.4000e-004	3.4000e-004		3.1000e-004	3.1000e-004	0.0000	1.0012	1.0012	3.2000e-004	0.0000	1.0093

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	0.0000	4.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	5.8900e-003	5.8900e-003	0.0000	0.0000	5.9000e-003
Total	1.0000e-005	0.0000	4.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	5.8900e-003	5.8900e-003	0.0000	0.0000	5.9000e-003

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.8000e-004	5.6500e-003	8.6500e-003	1.0000e-005		3.0000e-004	3.0000e-004		3.0000e-004	3.0000e-004	0.0000	1.0012	1.0012	3.2000e-004	0.0000	1.0093
Paving	1.6000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	4.4000e-004	5.6500e-003	8.6500e-003	1.0000e-005		3.0000e-004	3.0000e-004		3.0000e-004	3.0000e-004	0.0000	1.0012	1.0012	3.2000e-004	0.0000	1.0093

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	0.0000	4.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	5.8900e-003	5.8900e-003	0.0000	0.0000	5.9000e-003
Total	1.0000e-005	0.0000	4.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	5.8900e-003	5.8900e-003	0.0000	0.0000	5.9000e-003

3.6 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0105	0.1057	0.1385	2.2000e-004		5.4000e-003	5.4000e-003		4.9600e-003	4.9600e-003	0.0000	19.0262	19.0262	6.1500e-003	0.0000	19.1800
Paving	3.1100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0136	0.1057	0.1385	2.2000e-004		5.4000e-003	5.4000e-003		4.9600e-003	4.9600e-003	0.0000	19.0262	19.0262	6.1500e-003	0.0000	19.1800

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					

Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.3000e-004	6.0000e-005	7.6000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1080	0.1080	0.0000	0.0000	0.1081
Total	1.3000e-004	6.0000e-005	7.6000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1080	0.1080	0.0000	0.0000	0.1081

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	5.3300e-003	0.1073	0.1643	2.2000e-004		5.7900e-003	5.7900e-003		5.7900e-003	5.7900e-003	0.0000	19.0262	19.0262	6.1500e-003	0.0000	19.1800
Paving	3.1100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	8.4400e-003	0.1073	0.1643	2.2000e-004		5.7900e-003	5.7900e-003		5.7900e-003	5.7900e-003	0.0000	19.0262	19.0262	6.1500e-003	0.0000	19.1800

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.3000e-004	6.0000e-005	7.6000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1080	0.1080	0.0000	0.0000	0.1081
Total	1.3000e-004	6.0000e-005	7.6000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1080	0.1080	0.0000	0.0000	0.1081

3.7 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0181					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0500e-003	0.0141	0.0181	3.0000e-005		8.2000e-004	8.2000e-004		8.2000e-004	8.2000e-004	0.0000	2.5533	2.5533	1.7000e-004	0.0000	2.5574
Total	0.0202	0.0141	0.0181	3.0000e-005		8.2000e-004	8.2000e-004		8.2000e-004	8.2000e-004	0.0000	2.5533	2.5533	1.7000e-004	0.0000	2.5574

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.1000e-004	1.3000e-004	1.7700e-003	0.0000	2.5000e-004	0.0000	2.5000e-004	7.0000e-005	0.0000	7.0000e-005	0.0000	0.2500	0.2500	1.0000e-005	0.0000	0.2502
Total	3.1000e-004	1.3000e-004	1.7700e-003	0.0000	2.5000e-004	0.0000	2.5000e-004	7.0000e-005	0.0000	7.0000e-005	0.0000	0.2500	0.2500	1.0000e-005	0.0000	0.2502

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0181					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	5.9000e-004	0.0136	0.0183	3.0000e-005		9.5000e-004	9.5000e-004		9.5000e-004	9.5000e-004	0.0000	2.5533	2.5533	1.7000e-004	0.0000	2.5574
Total	0.0187	0.0136	0.0183	3.0000e-005		9.5000e-004	9.5000e-004		9.5000e-004	9.5000e-004	0.0000	2.5533	2.5533	1.7000e-004	0.0000	2.5574

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.1000e-004	1.3000e-004	1.7700e-003	0.0000	2.5000e-004	0.0000	2.5000e-004	7.0000e-005	0.0000	7.0000e-005	0.0000	0.2500	0.2500	1.0000e-005	0.0000	0.2502
Total	3.1000e-004	1.3000e-004	1.7700e-003	0.0000	2.5000e-004	0.0000	2.5000e-004	7.0000e-005	0.0000	7.0000e-005	0.0000	0.2500	0.2500	1.0000e-005	0.0000	0.2502

Attachment 3: Construction Health Risk Calculations

Butterfield Park, Morgan Hill, CA

DPM Construction Emissions and Modeling Emission Rates - Unmitigated

Construction Year	Activity	DPM (ton/year)	Area Source	DPM Emissions			Modeled Area (m ²)	DPM Emission Rate (g/s/m ²)
				(lb/yr)	(lb/hr)	(g/s)		
2021-2022	Park Construction	0.1069	CON1_DPM	213.7	0.06507	8.20E-03	28,427	2.88E-07
	Parking Lot Construction	0.0342	CON2_DPM	68.5	0.02085	2.63E-03	9,109	2.88E-07
		0.1411					37,536	
Total		0.1411		282	0.0859	0.0108		

hr/day = 9 (7am - 4pm)

days/yr = 365

hours/year = 3285

PM2.5 Fugitive Dust Construction Emissions for Modeling - Unmitigated

Construction Year	Activity	Area Source	(ton/year)	PM2.5 Emissions			Modeled Area (m ²)	PM2.5 Emission Rate g/s/m ²
				(lb/yr)	(lb/hr)	(g/s)		
2021-2022	Park Construction	CON1_FUG	0.0676	135.2	0.04117	5.19E-03	28,427	1.82E-07
	Parking Lot Construction	CON2_FUG	0.0217	43.3	0.01319	1.66E-03	9,109	1.82E-07
			0.0893				37,536	
Total			0.0893	178.6	0.0544	0.0068		

hr/day = 9 (7am - 4pm)

days/yr = 365

hours/year = 3285

Butterfield Park, Morgan Hill, CA - Construction Health Impact Summary

Maximum Impacts at MEI Location - Unmitigated

Emissions Year	Maximum Concentrations					Maximum Annual PM2.5 Concentration (µg/m ³)
	Exhaust PM10/DPM (µg/m ³)	Fugitive PM2.5 (µg/m ³)	Cancer Risk (per million)		Hazard Index (-)	
			Infant/Child	Adult		
2021-2022	0.0407	0.0267	7.2	0.1	0.008	0.07

Butterfield Park, Morgan Hill, CA - Construction Impacts - Without Mitigation
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Off-Site MEI Location - 1.5 meter receptor height

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

Inhalation Dose = C_{air} x DBR x A x (EF/365) x 10⁻⁶

Where: C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child				Adult
	3rd Trimester	0 - 2	2 - 9	2 - 16	16 - 30
ASF =	10	10	3	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	631	572	261
A =	1	1	1	1	1
EF =	350	350	350	350	350
AT =	70	70	70	70	70
FAH =	1.00	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and 80th percentile for children and adults

Construction Cancer Risk by Year - Maximum Impact Receptor Location

Construction Cancer Risk by Year - Maximum Impact Receptor Location												
Exposure Year	Exposure Duration (years)	Age	Infant/Child - Exposure Information			Infant/Child Cancer Risk (per million)	Adult - Exposure Information			Adult Cancer Risk (per million)	Maximum	
			DPM Conc (ug/m3)		Sensitivity Factor		Modeled		Age Sensitivity Factor			
			Year	Annual			DPM Conc (ug/m3)	Year			Annual	Fugitive PM2.5
0	0.25	-0.25 - 0*	2021-2022	0.0407	10	0.55	2021-2022	0.0407	-	-	0.0267	0.067
1	1	0 - 1	2021-2022	0.0407	10	6.69	2021-2022	0.0407	1	0.12		
2	1	1 - 2	2023	0.0000	10	0.00	2023	0.0000	1	0.00		
3	1	2 - 3	2024	0.0000	3	0.00	2024	0.0000	1	0.00		
4	1	3 - 4	2025	0.0000	3	0.00	2025	0.0000	1	0.00		
5	1	4 - 5	2026	0.0000	3	0.00	2026	0.0000	1	0.00		
6	1	5 - 6	2027	0.0000	3	0.00	2027	0.0000	1	0.00		
7	1	6 - 7	2028	0.0000	3	0.00	2028	0.0000	1	0.00		
8	1	7 - 8	2029	0.0000	3	0.00	2029	0.0000	1	0.00		
9	1	8 - 9	2030	0.0000	3	0.00	2030	0.0000	1	0.00		
10	1	9 - 10	2031	0.0000	3	0.00	2031	0.0000	1	0.00		
11	1	10 - 11	2032	0.0000	3	0.00	2032	0.0000	1	0.00		
12	1	11 - 12	2033	0.0000	3	0.00	2033	0.0000	1	0.00		
13	1	12 - 13	2034	0.0000	3	0.00	2034	0.0000	1	0.00		
14	1	13 - 14	2035	0.0000	3	0.00	2035	0.0000	1	0.00		
15	1	14 - 15	2036	0.0000	3	0.00	2036	0.0000	1	0.00		
16	1	15 - 16	2037	0.0000	3	0.00	2037	0.0000	1	0.00		
17	1	16-17	2038	0.0000	1	0.00	2038	0.0000	1	0.00		
18	1	17-18	2039	0.0000	1	0.00	2039	0.0000	1	0.00		
19	1	18-19	2040	0.0000	1	0.00	2040	0.0000	1	0.00		
20	1	19-20	2041	0.0000	1	0.00	2041	0.0000	1	0.00		
21	1	20-21	2042	0.0000	1	0.00	2042	0.0000	1	0.00		
22	1	21-22	2043	0.0000	1	0.00	2043	0.0000	1	0.00		
23	1	22-23	2044	0.0000	1	0.00	2044	0.0000	1	0.00		
24	1	23-24	2045	0.0000	1	0.00	2045	0.0000	1	0.00		
25	1	24-25	2046	0.0000	1	0.00	2046	0.0000	1	0.00		
26	1	25-26	2047	0.0000	1	0.00	2047	0.0000	1	0.00		
27	1	26-27	2048	0.0000	1	0.00	2048	0.0000	1	0.00		
28	1	27-28	2049	0.0000	1	0.00	2049	0.0000	1	0.00		
29	1	28-29	2050	0.0000	1	0.00	2050	0.0000	1	0.00		
30	1	29-30	2051	0.0000	1	0.00	2051	0.0000	1	0.00		
Total Increased Cancer Risk						7.2					0.12	

* Third trimester of pregnancy

Attachment 4: Screening Community Risk Calculations

Bay Area Air Quality Management District

Roadway Screening Analysis Calculator

County specific tables containing estimates of risk and hazard impacts from roadways in the Bay Area.

INSTRUCTIONS:

Input the site-specific characteristics of your project by using the drop down menu in the "Search Parameter" box. We recommend that this analysis be used for roadways with 10,000 ADT and above.

- **County:** Select the County where the project is located. The calculator is only applicable for projects within the nine Bay Area counties.
- **Roadway Direction:** Select the orientation that best matches the roadway. If the roadway orientation is neither clearly north-south nor east-west, use the highest values predicted from either orientation.
- **Side of the Roadway:** Identify on which side of the roadway the project is located.
- **Distance from Roadway:** Enter the distance in feet from the nearest edge of the roadway to the project site. The calculator estimates values for distances greater than 10 feet and less than 1000 feet. For distances greater than 1000 feet, the user can choose to extrapolate values using a distribution curve or apply 1000 feet values for greater distances.
- **Annual Average Daily Traffic (ADT):** Enter the annual average daily traffic on the roadway. These data may be collected from the city or the county (if the area is unincorporated).

When the user has completed the data entries, the screening level PM_{2.5} annual average concentration and the cancer risk results will appear in the Results Box on the right. Please note that the roadway tool is not applicable for California State Highways and the District refers the user to the Highway Screening Analysis Tool at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>.

Notes and References listed below the Search Boxes

Search Parameters	Results
County Santa Clara Roadway Direction East-West Side of the Roadway North Distance from Roadway 350 feet	Santa Clara County EAST-WEST DIRECTIONAL ROADWAY PM_{2.5} annual average 0.029 ($\mu\text{g}/\text{m}^3$) Cancer Risk 1.56 (per million) Butterfield Boulevard Data for Santa Clara County based on meteorological data collected from San Jose Airport in 1997
	Adjusted for 2015 OEHHA and EMFAC2014 for 2018 1.07 (per million) Note that EMFAC2014 predicts DSL PM _{2.5} aggregate rates in 2018 that are 46% of EMFAC2011 for 2014. TOG gasoline rates are 56% of EMFAC2011 year 2014 rates. This is for light- and medium-duty vehicles traveling at 30 mph for Bay Area

Notes and References:

1. Emissions were developed using EMFAC2011 for fleet mix in 2014 assuming 10,000 ADT and includes impacts from diesel and gasoline vehicle exhaust, brake and tire wear, and resuspended dust.
2. Roadways were modeled using CALINE4 Cal3qcr air dispersion model assuming a source length of one kilometer. Meteorological data used to estimate the screening values are noted at the bottom of the "Results" box.
3. Cancer risks were estimated for 70 year lifetime exposure starting in 2014 that includes sensitivity values for early life exposures and OEHHA toxicity values adopted in 2013.

Bay Area Air Quality Management District

Roadway Screening Analysis Calculator

County specific tables containing estimates of risk and hazard impacts from roadways in the Bay Area.

INSTRUCTIONS:

Input the site-specific characteristics of your project by using the drop down menu in the "Search Parameter" box. We recommend that this analysis be used for roadways with 10,000 ADT and above.

- **County:** Select the County where the project is located. The calculator is only applicable for projects within the nine Bay Area counties.
- **Roadway Direction:** Select the orientation that best matches the roadway. If the roadway orientation is neither clearly north-south nor east-west, use the highest values predicted from either orientation.
- **Side of the Roadway:** Identify on which side of the roadway the project is located.
- **Distance from Roadway:** Enter the distance in feet from the nearest edge of the roadway to the project site. The calculator estimates values for distances greater than 10 feet and less than 1000 feet. For distances greater than 1000 feet, the user can choose to extrapolate values using a distribution curve or apply 1000 feet values for greater distances.
- **Annual Average Daily Traffic (ADT):** Enter the annual average daily traffic on the roadway. These data may be collected from the city or the county (if the area is unincorporated).

When the user has completed the data entries, the screening level PM_{2.5} annual average concentration and the cancer risk results will appear in the Results Box on the right. Please note that the roadway tool is not applicable for California State Highways and the District refers the user to the Highway Screening Analysis Tool at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>.

Notes and References listed below the Search Boxes

Search Parameters	Results
County Santa Clara Roadway Direction North-South Side of the Roadway East Distance from Roadway 800 feet	Santa Clara County NORTH-SOUTH DIRECTIONAL ROADWAY PM_{2.5} annual average 0.042 ($\mu\text{g}/\text{m}^3$) Cancer Risk 1.85 (per million) Monterey Road Data for Santa Clara County based on meteorological data collected from San Jose Airport in 1997
	Adjusted for 2015 OEHHA and EMFAC2014 for 2018 1.27 (per million) Note that EMFAC2014 predicts DSL PM _{2.5} aggregate rates in 2018 that are 46% of EMFAC2011 for 2014. TOG gasoline rates are 56% of EMFAC2011 year 2014 rates. This is for light- and medium-duty vehicles traveling at 30 mph for Bay Area

Notes and References:

1. Emissions were developed using EMFAC2011 for fleet mix in 2014 assuming 10,000 ADT and includes impacts from diesel and gasoline vehicle exhaust, brake and tire wear, and resuspended dust.
2. Roadways were modeled using CALINE4 Cal3qcr air dispersion model assuming a source length of one kilometer. Meteorological data used to estimate the screening values are noted at the bottom of the "Results" box.
3. Cancer risks were estimated for 70 year lifetime exposure starting in 2014 that includes sensitivity values for early life exposures and OEHHA toxicity values adopted in 2013.



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Risk & Hazard Stationary Source Inquiry Form

This form is required when users request stationary source data from BAAQMD

This form is to be used with the BAAQMD's Google Earth stationary source screening tables.

[Click here for guidance on conducting risk & hazard screening, including roadways & freeways, refer to the District's Risk & Hazard Analysis flow chart.](#)

[Click here for District's Recommended Methods for Screening and Modeling Local Risks and Hazards document.](#)

Table A: Requester Contact Information

Date of Request	6/21/2019
Contact Name	Mimi McNamara
Affiliation	Illingworth & Rodkin, Inc.
Phone	707-753-4561
Email	mimcnamara@illingworth-rodkin.com
Project Name	Hill
Address	Northern parcels of 15200 Monterey Road
City	Morgan Hill
County	Santa Clara
Type (residential, commercial, mixed use, industrial, etc.)	Park
Project Size (# of units or building square feet)	14 acres
Comments:	

For Air District assistance, the following steps must be completed:

1. Complete all the contact and project information requested in [Table A](#). Incomplete forms will not be processed. Please include a project site map.
2. Download and install the free program Google Earth, <http://www.google.com/earth/download/ge/>, and then download the county specific Google Earth stationary source application files from the District's website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. The small points on the map represent stationary sources permitted by the District (Map A on right). These permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc. Click on a point to view the source's information Table, including the name, location, and preliminary estimated cancer risk, hazard index, and PM_{2.5} concentration.
3. Find the project site in Google Earth by inputting the site's address in the Google Earth search box.
4. Identify stationary sources within at least a 1000ft radius of project site. Verify that the location of the source on the map matches with the source's address in the Information Table, by using the Google Earth address search box to confirm the source's address location. Please report any mapping errors to the District.
5. List the stationary source information in [Table B](#), blue section only.
6. Note that a small percentage of the stationary sources have Health Risk Screening Assessment (HRS) data INSTEAD of screening level data. These sources will be noted by an asterisk next to the Plant Name (Map B on right). If HRS data values are presented, these values have already been modeled and cannot be adjusted further.
7. Email this completed form to District staff. District staff will provide the most recent risk, hazard, and PM_{2.5} data that are available for the source(s). If this information or data are not available, source emissions data will be provided. Staff will respond to inquiries within three weeks.

Note that a public records request received for the same stationary source information will cancel the processing of your SSIF request.

Submit forms, maps, and questions to Areana Flores at 415-749-4616, or aflores@baaqmd.gov

Table B: Google Earth data

Distance from Receptor (feet) or MEI ¹	FACID (Plant No.)	FNAME	FSTREET	Cancer Risk ²	Hazard Risk ³	PM _{2.5} ⁴	Source No. ⁵	Type of Source ⁶	Fuel Code ⁵	Status/Comments
TBD	21283	CAL Fire Morgan Hill Headquarters	15670 Monterey Road			0.001768		Generator		Emissions file attached. Used Health Risk Tool to retrieve risk values.
TBD	100439	CA Dept Forestry & Fire Station	15670 Monterey St	0.11620529	0.00057368			Gas Dispensing Facility		Max throughput for 2019: 940,000 gallons/year Emissions file attached. Used Health Risk Tool to retrieve risk values.
TBD	15939	US Technical Ceramics Inc	15400 Concord Circle	2.12245023	0.0044165	0.002655		Generator		

Footnotes:

1. Maximally exposed individual
2. These Cancer Risk, Hazard Index, and PM_{2.5} columns represent the values in the Google Earth Plant Information Table.
3. Each plant may have multiple permits and sources.
4. Permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc.
5. Fuel codes: 98 = diesel, 189 = Natural Gas.
6. If a Health Risk Screening Assessment (HRS) was completed for the source, the application number will be listed here.
7. The date that the HRS was completed.
8. Engineer who completed the HRS. For District purposes only.
9. All HRS completed before 1/5/2010 need to be multiplied by an age sensitivity factor of 1.7.
10. The HRS "Chronic Health" number represents the Hazard Index.
11. Further information about common sources:
 - a. Sources that only include diesel internal combustion engines can be adjusted using the BAAQMD's Diesel Multiplier worksheet.
 - b. The risk from natural gas boilers used for space heating when <25 MM BTU/hr would have an estimated cancer risk of one in a million or less, and a chronic hazard index of one.
 - c. BAAQMD Reg 11 Rule 16 required that all co-residential (sharing a wall, floor, ceiling or is in the same building as a residential unit) dry cleaners cease use of perc on July 1, 2010. Therefore, there is no cancer risk, hazard or PM_{2.5} concentrations from co-residential dry cleaning businesses in the BAAQMD.
 - d. Non co-residential dry cleaners must phase out use of perc by Jan. 1, 2023. Therefore, the risk from these dry cleaners does not need to be factored in over a 70-year period, but instead be phased out.
 - e. Gas stations can be adjusted using BAAQMD's Gas Station Distance Multiplier worksheet.
 - f. Unless otherwise noted, exempt sources are considered insignificant. See BAAQMD Reg 2 Rule 1 for a list of exempt sources.
 - g. This spray booth is considered to be insignificant.

Date last updated:
03/13/2018



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Risk & Hazard Stationary Source Inquiry Form

This form is required when users request stationary source data from BAAQMD.

This form is to be used with the BAAQMD's Google Earth stationary source screening tables.

[Click here for guidance on conducting risk & hazard screening, including roadways & freeways, refer to the District's Risk & Hazard Analysis flow chart.](#)

[Click here for District's Recommended Methods for Screening and Modeling Local Risks and Hazards document.](#)

Table A: Requester Contact Information

Date of Request	6/21/2019
Contact Name	Mimi McNamara
Affiliation	Illingworth & Rodkin, Inc.
Phone	707-753-4561
Email	mmcnamara@illingworthrodin.com
Project Name	Hill
Address	Northern parcels of 15200 Monterey Road
City	Morgan Hill
County	Santa Clara
Type (residential, commercial, mixed use, industrial, etc.)	Park
Project Size (# of units or building square feet)	14 acres
Comments:	

For Air District assistance, the following steps must be completed:

1. Complete all the contact and project information request [Table A](#). Incomplete forms will not be processed. Please include a project site map.
2. Download and install the free program Google Earth, <http://www.google.com/earth/download/ge/>, and then download the county specific Google Earth stationary source application files from the District's website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. The small points on the map represent stationary sources permitted by the District (Map A on right). These permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc. Click on a point to view the source's information Table, including the name, location, and preliminary estimated cancer risk, hazard index, and PM2.5 concentration.
3. Find the project site in Google Earth by inputting the site's address in the Google Earth search box.
4. Identify stationary sources within at least a 1000ft radius of project site. Verify that the location of the source on the map matches with the source's address in the Information Table, by using the Google Earth address search box to confirm the source's address location. Please report any mapping errors to the District.
5. List the stationary source information in [Table B](#) blue section only.
6. Note that a small percentage of the stationary sources have Health Risk Screening Assessment (HRS) data INSTEAD of screening level data. These sources will be noted by an asterisk next to the Plant Name (Map B on right). If HRS values are presented, these values have already been modeled and cannot be adjusted further.
7. Email this completed form to District staff. District staff will provide the most recent risk, hazard, and PM2.5 data that are available for the source(s). If this information or data are not available, source emissions data will be provided. Staff will respond to inquiries within three weeks.

Note that a public records request received for the same stationary source information will cancel the processing of your SSIF request.

Submit forms, maps, and questions to Areana Flores at 415-749-4616, or alflores@baaqmd.gov

Table B: Google Earth data

Distance from Receptor (feet) or MI ¹	FACID (Plant No.)	FNAME	FSTREET	Cancer Risk ²	Hazard Risk ²	PM _{2.5} ²	Source No. ³	Type of Source ⁴	Fuel Code ⁵	Status/Comments	Distance Adjustmen ⁶	Cancer Risk ⁷	Hazard Risk ⁷	PM _{2.5} ⁷
750	21283	CAL Fire Morgan Hill Headquarters	15670 Monterey Road			0.001768		Generator		Emissions file attached. Used Health Risk Tool to retrieve risk values.	Beta Calculator			
750	100439	CA Dept Forestry & Fire Station	15670 Monterey St	0.11620529	0.00057368			Gas Dispensing Facility		Max throughput for 2019: 940,000 gallons/year Emissions file attached. Used Health Risk Tool to retrieve risk values.	2.31E-02	0.003	0.000	
350	15939	U S Technical Ceramics Inc	15400 Concord Circle	2.12245023	0.0044165	0.002655		Generator		Emissions file attached. Used Health Risk Tool to retrieve risk values.	Beta Calculator			

Footnotes:

1. Maximally exposed individual
2. These Cancer Risk, Hazard Index, and PM2.5 columns represent the values in the Google Earth Plant Information Table.
3. Each plant may have multiple permits and sources.
4. Permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc.
5. Fuel codes: 98 = diesel, 189 = Natural Gas.
6. If a Health Risk Screening Assessment (HRS) was completed for the source, the application number will be listed here.
7. The date that the HRS was completed.
8. Engineer who completed the HRS. For District purposes only.
9. All HRS completed before 1/5/2010 need to be multiplied by an age sensitivity factor of 1.7.
10. The HRS "Chronic Health" number represents the Hazard Index.
11. Further information about common sources:
 - a. Sources that only include diesel internal combustion engines can be adjusted using the BAAQMD's Diesel Multiplier worksheet.
 - b. The risk from natural gas boilers used for space heating when <25 MM BTU/hr would have an estimated cancer risk of one in a million or less, and a chronic hazard index of
 - c. BAAQMD Reg 11 Rule 16 required that all co-residential (sharing a wall, floor, ceiling or is in the same building as a residential unit) dry cleaners cease use of perc on July 1, 2010. Therefore, there is no cancer risk, hazard or PM2.5 concentrations from co-residential dry cleaning businesses in the BAAQMD.
 - d. Non co-residential dry cleaners must phase out use of perc by Jan. 1, 2023. Therefore, the risk from these dry cleaners does not need to be factored in over a 70-year period, but instead
 - e. Gas stations can be adjusted using BAAQMD's Gas Station Distance Multiplier worksheet.
 - f. Unless otherwise noted, exempt sources are considered insignificant. See BAAQMD Reg 2 Rule 1 for a list of exempt sources.
 - g. This spray booth is considered to be insignificant.

Date last updated:
03/13/2018

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 DETAIL POLLUTANTS - ABATED
 MOST RECENT P/O APPROVED (2018)

Printed: JUN 26, 2019

U S Technical Ceramics Inc (P# 15939)

S#	SOURCE NAME	SOURCE CODE			
MATERIAL		DATE	POLLUTANT	CODE	LBS/DAY
THROUGHPUT					
1	Emergency Generator				
	C2250098				
	Benzene			41	2.37E-04
	Formaldehyde			124	1.96E-05
	Organics (other, including			990	1.15E-02
	Arsenic (all)			1030	2.07E-07
	Beryllium (all) pollutant			1040	1.21E-07
	Cadmium			1070	5.16E-07
	Chromium (hexavalent)			1095	1.07E-08
	Lead (all) pollutant			1140	4.38E-07
	Manganese			1160	6.87E-07
	Nickel pollutant			1180	8.36E-06
	Mercury (all) pollutant			1190	1.46E-07
	Diesel Engine Exhaust Part			1350	1.57E-03
	PAH's (non-speciated)			1840	1.09E-06
	Nitrous Oxide (N2O)			2030	6.35E-05
	Nitrogen Oxides (part not			2990	6.14E-02
	Sulfur Dioxide (SO2)			3990	7.75E-05
	Carbon Monoxide (CO) pollu			4990	2.05E-02
	Carbon Dioxide, non-biogen			6960	7.95E+00
	Methane (CH4)			6970	3.18E-04

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 DETAIL POLLUTANTS - ABATED
 MOST RECENT P/O APPROVED (2019)

Printed: JUN 26, 2019

CAL Fire Morgan Hill Headquarters (P# 21283)

S#	SOURCE NAME	SOURCE CODE			
MATERIAL		DATE	POLLUTANT	CODE	LBS/DAY
THROUGHPUT					
1	Emergency Standby LPG Generator Set				
	C22AF160				
	Organics (other, including			990	4.11E-03
	Particulates (part not spe			1990	9.36E-04
	Nitrous Oxide (N2O)			2030	1.06E-04
	Nitrogen Oxides (part not			2990	3.42E-03
	Sulfur Dioxide (SO2)			3990	2.38E-04
	Carbon Monoxide (CO) pollu			4990	1.37E-02
	Carbon Dioxide, non-biogen			6960	1.40E+01
	Methane (CH4)			6970	5.30E-04

Butterfield Park Biological Resources Assessment

Morgan Hill, Santa Clara County, California

Prepared for:

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Date: July 2019

WRA Project #: 29128



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Appendix C – Representative Photographs of the Project Area

Appendix D – Special-Status Species Potential Table

LIST OF ACRONYMS

BCC	USFWS Birds of Conservation Concern
BGEPA	Bald and Golden Eagle Protection Act
BIOS	Biogeographic Information and Observation System
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGF	California Fish and Game Code
CFP	California Fully Protected Species
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPPA	California Native Plant Protection Act
CNPS	California Native Plant Society
County	Santa Clara County
Corps	U.S. Army Corps of Engineers
CSRL	California Soils Resources Lab
CWA	Clean Water Act
EFH	Essential Fish Habitat
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
MBTA	Migratory Bird Treaty Act
NMFS	National Marine Fisheries Service
NWI	National Wetland Inventory
OHWM	Ordinary High Water Mark
PRISM	Parameter-Elevation Regression on Independent Slopes Model
Rank	California Rare Plant Ranks
RWQCB	Regional Water Quality Control Board
SSC	Species of Special Concern
SSI	Special-status Invertebrates
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WBWG	Western Bat Working Group
WRA	WRA, Inc.

LIST OF PREPARERS

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1.0 INTRODUCTION

1.1 Purpose of Assessment

On May 14 and June 27, 2019, WRA, Inc. (WRA) performed an assessment of biological resources at the Project Area, the Butterfield Park property (APNs 817-06-064 and 817-06-002), located in Morgan Hill, Santa Clara County, California (Appendix A, Figure 1). The purpose of the assessment was to develop and gather information on sensitive biological communities and special-status plant and wildlife species to support an evaluation of the future proposed project under the California Environmental Quality Act (CEQA). This report describes the results of the site visits, which assessed the Project Area, defined as the proposed development footprint for (1) the presence of sensitive biological communities, (2) the potential for biological communities on the site to support special-status plant and wildlife species, and (3) the presence of any other sensitive natural resources protected by local, state, or federal laws and regulations. Special-status species observed during the site assessment were documented and their presence is discussed herein. Specific findings on the habitat suitability or presence of special-status species or sensitive habitats may require that protocol-level surveys or other studies be conducted; recommendations for additional studies are provided.

A biological resources assessment provides general information on the presence, or potential presence, of sensitive species and habitats. This biological resources assessment does contain the results of a focused survey for listed plant species previously documented on or near the Project Area. This assessment is not an official wetland delineation that may be required for project approval by local, state, or federal agencies. This assessment is based on information available at the time of the study and on site conditions that were observed on the dates the site was visited.

1.2 Project Summary

The proposed Project is the construction of a new public park on a 9.1-acre site owned by the City of Morgan Hill. The park would be constructed on two parcels (APNs 817-06-064 and 817-06-002) south of Butterfield Boulevard between Monterey Road and the Union Pacific Railroad (UPRR) tracks. The project plans are currently conceptual, as the project is in the early stages of design as it seeks to qualify for state grant funding. The park would include bicycle pump tracks, adult exercise equipment, a baseball field, picnic areas, a building with a public meeting room, concessions and restrooms, grass lawns, a walking path, a surface parking lot and a bio-filtration system installed under the parking lot.

The bicycle pump track area would include two pump tracks, one for beginners and one for intermediate skill levels. A small storage building would be located adjacent to the pump track. Picnic tables surrounded by shade trees would be installed adjacent to the pump track area and the restroom/concessions building. The one-story building would be approximately 1,900 square feet in size. In addition to the public meeting room space, concessions and restrooms, the building would include field equipment storage, meeting room storage, a utility room, and a janitor room. Two grass turf fields would be located between the parking lot and the baseball field. The baseball field would utilize synthetic turf and would include baseball netting in the right and left fields. The illuminated fields would be available for use until 10:00 pm with field lighting shutoff at 11:00 pm. It is expected that site safety lighting the site would be in place throughout the night hours. An eight-foot wide paved walking path would be installed around the perimeter of the site.

2.0 REGULATORY BACKGROUND

The following sections explain the regulatory context of the biological assessment, including applicable laws and regulations that were applied to the field investigations and analysis of potential project impacts. Table 1 provides a regulatory crosswalk between sensitive resources and applicable agencies and regulations which protect them, as well as which specific question in the Environmental Checklist Form (Appendix G) of the CEQA guidelines relates to the sensitive resource.

Table 1. Regulatory Crosswalk

Feature	Laws and Regulations	Regulatory Agency	CEQA Assessment Category ¹ IV. Biological Resources	Examples
Natural Communities				
Sensitive Terrestrial Communities	Oak Woodland Conservation Act Local plans and ordinances	California Department of Fish and Wildlife (CDFW) Local agencies	Question B. Sensitive Natural Communities Question F. Conservation Plans	Vegetation Alliances Ranked G1-G3, S1-S3
Waters of the U.S.	Clean Water Act (CWA) Section 404 Rivers and Harbors Act Section 10	US Army Corps of Engineers (Corps) / Environmental Protection Agency (EPA)	Question C. Section 404 of CWA	Wetlands Open Waters ²
Waters of the State	Porter-Cologne Act CWA Section 401	Regional Water Quality Control Board (RWQCB)	Not directly addressed under CEQA	Wetlands Open Waters Riparian Areas
Streams, Lakes, and Riparian Habitat	California Fish and Game Code (CFGF) Section 1602	CDFW / RWQCB	Question B. Riparian Habitat	Open Waters Riparian Areas
Special-Status Species				

¹ Descriptions have been summarized; see Section 6.2 for details.

² Includes, but not limited to: streams, creeks, rivers, ponds, lakes

Table 1. Regulatory Crosswalk

Feature	Laws and Regulations	Regulatory Agency	CEQA Assessment Category ¹ IV. Biological Resources	Examples
Special-Status Plants	Endangered Species Act (ESA) Section 7 or 10 California Endangered Species Act (CESA) California Native Plant Protection Act (CNPPA) Local plans and ordinances	U.S. Fish and Wildlife Service (USFWS) CDFW Local agencies	Question A. Special-status Species Question E. Local Policies	ESA Listed Plants CESA Listed Plants CNPPA Listed Plants California Native Plant Society (CNPS) Rank 1, 2, & 3 Plants CNPS Rank 4 Plants (sometimes, analysis required) Locally listed Plants (sometimes, analysis required) Locally Listed Trees (local ordinance)
Special-status Wildlife	ESA CESA CFGC Migratory Bird Treaty Act (MBTA) Bald and Golden Eagle Protection Act (BGEPA) Local plans and ordinances	USFWS National Marine Fisheries (NMFS) CDFW Local agencies	Question A. Special-status Species Question E. Local Policies	ESA Listed Wildlife CESA Listed Wildlife CDFW Fully Protected Species CDFW Species of Special Concern CDFW Special-Status Invertebrates Native Nesting birds Bald and Golden Eagles
Critical Habitat	ESA	USFWS	Question A. Special-status Species Question F. Conservation Plans	Critical Habitat is only designated for ESA listed species such as: California red-legged frog, marbled murrelet etc.

2.1 Sensitive Natural Communities

Sensitive natural communities include vegetation alliances and associations on the California Department of Fish and Wildlife (CDFW) Natural Communities List with a rarity ranking of S1, S2 or S3. Sensitive natural communities include habitats that fulfill special functions, have limited distribution or are dominated by special-status plant species (Special Stands). Special Stands are protected under federal regulations such as the Endangered Species Act (ESA); state

regulations such as the California Endangered Species Act (CESA), the California Fish and Game Code (CFGF), and CEQA; or local ordinances or policies such as the county General Plan and Zoning Ordinances.

Non-sensitive natural communities include vegetation alliances and associations on the CDFW Natural Communities List with a rarity ranking of S4 or S5, as well as other Semi-natural (non-native species dominated) Stands and non-sensitive land use designations such as agriculture, developed areas, etc. These communities and land uses are not protected by federal, state, or local laws and are not considered sensitive under CEQA.

Impacts to natural communities considered sensitive by the CDFW must be evaluated for significance under CEQA. Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or U.S. Fish and Wildlife Service (USFWS) must be considered and evaluated under CEQA (California Code of Regulations [CCR] Title 14, Div. 6, Chap. 3, Appendix G).

2.1.1 Sensitive Aquatic Resources

Waters of U.S.

The U.S. Army Corps of Engineers (Corps) regulates “Waters of the United States” under Section 404 of the Clean Water Act. Waters of the U.S. are defined in the Code of Federal Regulations (CFR) as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high water mark (OHWM). Other waters, for example, generally include lakes, rivers, and streams. The placement of fill material into Waters of the U.S generally requires an individual or nationwide permit from the Corps under Section 404 of the CWA.

Waters of the State

The term “Waters of the State” is defined by the Porter-Cologne Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The Regional Water Quality Control Board (RWQCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. RWQCB jurisdiction includes “isolated” wetlands and waters that may not be regulated by the Corps under Section 404. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program which regulates discharges of fill and dredged material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a Corps permit, or fall under other federal jurisdiction, and have the potential to impact Waters of the State, are required to comply with the terms of the Water Quality Certification determination. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, the RWQCB has the option to regulate the dredge and fill activities under its state authority in the form of Waste Discharge Requirements.

Lakes, Streams, and Riparian Habitat

Streams and lakes, as habitat for fish and wildlife species, are subject to jurisdiction by CDFW under Sections 1600-1616 of CFGC. Alterations to or work within or adjacent to streambeds or lakes generally require a 1602 Lake and Streambed Alteration Agreement. The term “stream”, which includes creeks and rivers, is defined in the CCR as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life [including] watercourses having a surface or subsurface flow that supports or has supported riparian vegetation” (14 CCR 1.72). In addition, the term “stream” can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFG 1994). “Riparian” is defined as “on, or pertaining to, the banks of a stream.” Riparian vegetation is defined as “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFG 1994). Removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from CDFW.

2.2 Special-status Species

2.2.1 Special-status Plants

Special-status species include those plant species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed species and those that are formal candidates for listing. Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Rank 3 and Rank 4 species are also protected under CEQA, and are included in this analysis for completeness. A description of the CNPS Ranks is provided below in Table 2.

Table 2. CNPS Ranking List

California Rare Plant Ranks (formerly known as CNPS Lists)	
Rank 1A	Presumed extirpated in California and either rare or extinct elsewhere
Rank 1B	Rare, threatened, or endangered in California and elsewhere
Rank 2A	Presumed extirpated in California, but more common elsewhere
Rank 2B	Rare, threatened, or endangered in California, but more common elsewhere
Rank 3	Plants about which more information is needed - A review list
Rank 4	Plants of limited distribution - A watch list
Threat Ranks	
0.1	Seriously threatened in California
0.2	Moderately threatened in California
0.3	Not very threatened in California

CNPPA

The California Native Plant Protection Act (CNPPA) affords protection to plant species designated rare or endangered by the Fish and Game Commission through prohibition of “take,” with some exceptions. Plants designated as rare or endangered through CNPPA are subject to review through CEQA.

2.2.2 Special-status Wildlife

Special-status wildlife species include those species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the ESA or CESA. These acts afford protection to both listed species and those that are formal candidates for listing. The federal Bald and Golden Eagle Protection Act also provides broad protections to both eagle species that in some regards are similar to those provided by ESA. Additionally, CDFW Species of Special Concern (SSC) or California Fully Protected Species (CFP), USFWS Birds of Conservation Concern (BCC), and CDFW Special-status Invertebrates (SSI) are all considered special-status species. Although these aforementioned species generally have no special legal status, they are given special consideration under CEQA. Bat species are evaluated for conservation status by the Western Bat Working Group (WBWG), a non-governmental entity. Bats named as a “High Priority” or “Medium Priority” species for conservation by the WBWG are typically considered special-status under CEQA.

In addition to regulations for species that carry a special designation, most native birds in the United States (including non-status species) are protected under the CFGC, specifically sections 3503, 3503.5 and 3513. Under these laws, deliberately destroying active bird nests, eggs, and/or young is illegal.

Critical Habitat

Critical habitat is a term defined in the ESA as a specific and designated geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species’ recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species but which are needed for the species’ recovery are protected by the prohibition against adverse modification of critical habitat.

Wildlife Corridors

Wildlife movement between suitable habitat areas typically occurs via wildlife movement corridors. The primary function of wildlife corridors is to connect two larger habitat blocks, also referred to as core habitat areas (Beier 1992, Soulé and Terbough. 1999). Core habitat areas are important for wildlife that may travel between different types of habitat in order to complete various stages of their lifecycle. Wildlife corridors must be considered under CEQA.

2.3 Local Ordinances

2.3.1. City Tree Ordinance

The City of Morgan has a tree ordinance that protects certain trees within the City limits on City and private property. Chapter 12.32, “Restrictions on Removal of Significant Trees” of the Morgan Hill Municipal code protects and defines the following:

- (1) Ordinance sized trees – woody plants with a circumference of 40 inches for nonindigenous species and 18 inches or more for indigenous species;
- (2) Street trees – a tree of any size, situated within the public street right-of-way or publicly accessible private street or within five feet of a publicly accessible sidewalk; and
- (3) Communities of trees – a group of trees of any size which are ecologically or aesthetically related to each other such that loss of several of them would cause a significant ecological, aesthetic, or environmental impact to the immediate area.

The City of Morgan Hill Restrictions on Removal of Significant Trees ordinance requires a permit be obtained for the cutting down, removal, poisoning, or other destruction of protected trees as well as any tree removal or pruning that would reduce the canopy area by more than 25 percent of any ordinance sized trees. Protected trees include but are not limited to indigenous trees including all oak (*Quercus* sp.), California bay (*Umbellularia californica*), Madrone (*Arbutus menziesii*), Sycamore (*Platanus racemosa*), and Alder (*Alnus* sp.) species.

2.3.2. Natural Resource Setback

The City of Morgan Hill has a natural resource/hazard setback for all development in all zoning districts within the City. Chapter 18.92.110, “Natural Resource and Hazard Setbacks” of the Morgan Hill Municipal Code provides the following minimum setbacks from natural resource/hazards;

- (1) Ridgelines – 80 feet;
- (2) Category 2 Stream – 35 feet;
- (3) Category 1 Stream – 0-30% slope: 100 feet (inside USA³) / 150 feet (outside USA); >30% slope: 150 feet (inside USA) / 200 feet (outside USA);
- (4) 100-year Floodplain – Outside of floodplain unless development is consistent with the limitations contained in the City’s Flood Damage Prevention requirements (Chapter 15.80).

Category 2 streams include intermittent and ephemeral streams where water is present during the wet season only during normal rain years. Category 1 streams include perennial streams where water is present year-round during normal rain years.

2.3.3. Habitat Conservation Plans or Natural Community Conservation Plans

The Santa Clara Valley Habitat Plan (Habitat Plan; ICFI 2012) is a regional planning document that allows covered projects to use a streamlined process for permitting and mitigation. The Habitat Plan is both a Habitat Conservation Plan (HCP) and a Natural Community Conservation Plan (NCCP) that provides a higher level of environmental protection and conservation for 18 species of plants and wildlife including eight that are listed as threatened or endangered, under

³ Urban Service Area (USA) – Defined as the current (i.e. 2012) boundary of urban development for cities covered under the Final Santa Clara Valley Habitat Plan (ICFI 2012).

either the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA) or both. The Habitat Plan also protects wetland, streams, and riparian habitats that are subject to the federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act, and Section 1600-1616 of the CFGC, and other sensitive biological communities as defined by the NCCP. The Habitat Plan also includes an agreement between state/federal wildlife and wetland regulators and local jurisdictions, which allow public and private entities to engage in the "incidental take" of listed species (i.e., to destroy or degrade habitat) in exchange for the implementation of Habitat Plan-prescribed measures to avoid, minimize or compensate for adverse effects on endangered species and natural communities.

The geographic scope of the Habitat Plan extends from the Santa Clara/Alameda County border south to the Santa Clara/San Benito County border and from the western edge of San Jose east to the eastern edge of the Coyote Creek watershed or the County boundary. The Habitat Plan covers approximately 510,000 acres, primarily within south Santa Clara County. The entire Project Area is located within the Habitat Plan area, and thus, our analysis is inclusive of covered species and habitats as defined by and potential mitigation measures that may be required through the Habitat Plan.

2.3.4. *Morgan Hill Citywide Burrowing Owl Habitat Mitigation Plan*

The City of Morgan Hill has a Citywide Burrowing Owl Habitat and Mitigation Plan (Citywide Plan; City of Morgan Hill 2003) that requires burrowing owl (*Athene cunicularia*) surveys before land is disturbed or graded as well as assesses fees for burrowing owl mitigation. Per recent changes to the City's policy, the fees are provided to the Santa Clara Valley Habitat Agency for managing burrowing owl habitat under the Habitat Plan. The City of Morgan Hill is bound by its General Plan to collect these burrowing owl mitigation fees until 2020. The City assesses these burrowing owl mitigation fees regardless of the potential for burrowing owl presence at a particular property.

3.0 ENVIRONMENTAL SETTING

3.1 Soils and Topography

3.1.1 Soils

The U.S. Department of Agriculture (USDA) *Soil Survey of Eastern Santa Clara County* (USDA 1974) and California Soils Resources Lab (CSRL) SoilWeb (CSRL 2019) indicates the Project Area is composed of two mapping unit composed of two soil series: *Arbuckle gravelly loam, 0 to 2 percent slopes* and *Zamora clay loam, 0 to 2 percent slopes*. The soil series are described below (Appendix A, Figure 2).

Arbuckle series: The Arbuckle series consists of well-drained gravelly sandy loams that have a gravelly clay loam subsoil. These soils formed in alluvium from sedimentary and metamorphic rock. They are on smooth terraces, above stream channels, or on toe slopes of low-lying hills surrounding the main valleys of Santa Clara County. Slopes range from 0 to 75 percent. Elevation ranges from 50 to 500 feet. Mean annual precipitation ranges from 10 to 35 inches with annual temperatures between 57 to 64 degrees Fahrenheit. Natural vegetation consists of annual grasses and forbs, either alone or as understory with blue oaks. Most areas are typically cleared for dryland and irrigated orchards, row and field crops, or rangeland. A typical profile includes seven soil horizons: A1, A2, A3, Bt1, Bt2, Btk, and Bck.

The A1 to A3 horizons consist of dark yellowish brown (10YR 4/4) slightly acid (pH 6.2-6.1) sandy loams from 0 to 13, 13 to 25, and 25 to 43 inches. Beneath this is the Bt1 layer, from 43 to 66

inches, is a dark yellowish brown (10YR 3/4) slightly acid (pH 6.2) gravelly sandy loam. This is underlain by Bt2, from 66 to 86 inches, another dark yellowish brown (10YR 3/4) gravelly sandy loam. Beneath this is Btk, from 86 to 112 inches, a 10YR 3/4 slightly acid (pH 6.3) gravelly loam. The deepest horizon, from 112 to 173 inches, is the BCK horizon, a yellowish brown (10YR 5/4) slightly acid (pH 6.5) very gravelly sandy clay loam containing 50 percent or more gravel.

Zamora series: The Zamora series consists of very deep, well drained soils that formed in alluvium from mixed rocks. Zamora soils are on nearly level to strongly sloping alluvial fans, stream terraces, and floodplains, usually with 0 to 9 percent slopes at elevations ranging from 30 to 1,300 feet. Mean annual precipitation ranges from 14 to 30 inches. Zamora soils exist in a dry, subhumid, mesothermal climate with hot dry summers and cool moist winters. Native vegetation typically consists of annual grasses, forbs, and widely spaced oaks. A typical profile includes five soil horizons: Ap, Bt1, Bt2, Bt3, and Bwk.

The Ap horizon consists of a grayish brown (2.5Y 5/2) slightly acidic (pH 6.3) silt loam from 0 to 10 inches. Below that is the Bt1 and Bt2 horizons which consist of brown (10YR 5/3) silty clay loam of neutral pH (7.0) ranging from 10 to 24 inches and 24 to 40 inches, respectively. This is underlain by the Bt3 horizon which consists of a yellowish brown (10YR 5/4) silt loam with few thin clay films in pores. The Bt2 horizon ranges from 40 to 51 inches. The deepest horizon, from 51 to 60 inches is the Bwk horizon, a yellowish brown (10 YR 5/4) slightly alkaline (pH 7.5) gravelly loam containing lime concretions.

3.1.2 Topography

The Project Area consists of a flat field that has historically been used for agricultural purposes. Elevations on the Project Area range from 318 to 320 feet. The excavated stormwater basin is approximately 5 feet below surrounding grades.

3.2 Climate and Hydrology

3.2.1 Climate

The Project Area is located in the center of the Santa Clara Valley between the Santa Clara Mountains and Diablo Range. The area has a cool-summer Mediterranean climate where winters and summers both cool due to the due to sea breeze and ocean influence. Seasonal temperature ranges are reasonably minimal due to maritime influence which controls temperature extremes. Average maximum temperatures range from 58 to 82 degrees Fahrenheit and average minimum temperatures range from 38 to 58 degrees Fahrenheit. The prevailing wind pattern is a north-northwesterly sea breeze during the afternoon and early evening and a light south-southeasterly flow during the late evenings and early mornings. Wind speeds are greatest in spring and summer, and least in the fall and winter (ICFI 2012). Precipitation typically occurs during the winter months, with little rainfall in the spring and summer. Average annual rainfall is 23 inches (NACSE 2019).

3.2.2 Hydrology

The primary hydrological source for the Project Area is precipitation and surface run-off from adjacent lands. According to the Mount Madonna U.S. Geological Survey (USGS) 7.5-minute quadrangle and the USFWS National Wetlands Inventory (NWI) (USFWS 2019a), no stream or wetland features are located within the Project Area. At the west end of the Project Area is a stormwater basin that accepts drainage from Butterfield Boulevard. The basin was constructed in 2012-2013 as part of the Butterfield South Extension Project. Approximately 5 feet south and

outside of the Project Area is Little Llagas Creek, a USGS intermittent stream feature. Little Llagas Creek headwaters rise on the eastern side of Crystal Peak and flow southward where it is culverted for long distances (> 0.5 mile) and channelized through the city of Morgan Hill.

3.3 Vegetation and Land-use

3.3.1 Vegetation

Vegetation within the Project Area is predominantly non-native annual grassland, located on a flat field. Small portions of the Project Area include isolated shrubs. Vegetation on the fringe of the stormwater basin includes grasses and forbs but the basin was bare. Vegetation types are described further in Section 4 and Appendix A, Figure 3.

3.3.2 Land-Use

The grassy field is predominantly non-native annual grassland. From 1953 up to 2011 the Project Area historically supported various agricultural practices including row crops and orchards (NETR 2019). From 2011 onward, the Project Area consisted of fallow fields. The west end of the Project Area consists of a fenced in stormwater basin. To the north, south, and west of the Project Area, land use consists of agricultural properties. To the east of the Project Area, land use consists of residential and light commercial properties.

4.0 ASSESSMENT METHODOLOGY

Prior to the site visit, WRA biologists reviewed the following literature and performed database searches to assess the potential for sensitive natural communities (e.g., wetlands) and special-status species (e.g., endangered plants):

- A Field Guide to Western Reptiles and Amphibians (Stebbins 2003)
- Aerial photographs (Google 2019)
- Breeding Bird Atlas of Santa Clara County (Bousman 2007)
- California Native Plant Society Rare Plant Electronic Inventory (CNPS 2019a)
- California Natural Diversity Database (CNDDDB, CDFW 2019a)
- CDFG publication "California's Wildlife, Volumes I-III" (Zeiner et al. 1990)
- CDFW and University of California Press publication *California Amphibian and Reptile Species of Special Concern* (Thomson et al. 2016)
- CDFW Publication, *California Bird Species of Special Concern in California* (Shuford and Gardali 2008)
- Consortium of California Herbaria (CCH 2019)
- eBird: a citizen-based bird observation network in the biological sciences (Sullivan et al 2019)
- NWI (USFWS 2019a)
- Santa Clara Valley Habitat Plan (ICFI 2012)
- *Soil Survey of Eastern Santa Clara County* (USDA 1974)
- USFWS Information for Planning and Consultation (IPac) (USFWS 2019b)
- WBWG, Species Accounts Region 5 (WBWG 2019)

Database searches (i.e., CNDDDB, CNPS) focused on the Mount Madonna, Morgan Hill, Mount Sizer and Gilroy USGS 7.5-minute quadrangles. Appendix A, Figures 4 and 5 contain observations of special-status plant species and wildlife species documented within a five-mile radius of the Project Area.

Following the remote assessment, a wildlife biologist and a botanist traversed the entire Project Area on foot to document: (1) plant communities present within the Project Area, (2) if existing conditions provided suitable habitat for any special-status plant or wildlife species, and (3) if sensitive habitats are present.

4.1 Natural Communities

4.1.1 Terrestrial Natural Communities

The Project Area's terrestrial natural communities were evaluated to determine if such areas have the potential to support special-status plants or wildlife. In most instances, communities are delineated based on distinct shifts in plant assemblage (vegetation), and follow the *California Natural Community List* (CDFW 2018) and *A Manual of California Vegetation, Online Edition* (CNPS 2019b). In some cases it may be necessary to identify variants of community types or to describe non-vegetated areas that are not described in the literature; should an undescribed variant be used, it will be noted in the description.

Vegetation alliances (natural communities) with a CDFW Rank of 1 through 3 (globally critically imperiled (S1/G1), imperiled (S2/G2), or vulnerable (S3/G3), were considered as part of this evaluation⁴

4.1.2 Aquatic Natural Communities

The Project Area was surveyed to determine if any wetlands and waters potentially subject to jurisdiction by the Corps, RWQCB, or CDFW were present. The assessment was based primarily on the presence of wetland plant indicators, but may also include any observed indicators of wetland hydrology or wetland soils.

4.2 Special-status Species

4.2.1 General Assessment

Potential occurrence of special-status species in the Project Area was evaluated by first determining which special-status species occur in the vicinity of the Project Area through a literature and database review. Database searches for known occurrences of special-status species focused on the 7.5-minute USGS quadrangles mentioned above.

A site visit was made to the Project Area to search for suitable habitats for special-status species. Habitat conditions observed at the Project Area were used to evaluate the potential for presence of special-status wildlife based on these searches and the professional expertise of the investigating biologists. The potential for each special-status species to occur in the Project Area was then evaluated according to the following criteria:

- No Potential. Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.

⁴ Ranking of CDFW List of Vegetation Alliances is based on NatureServe Rankings (NatureServe 2019)

- Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- Present. Species is observed on the site or has been recorded (i.e. CNDDDB, other reports) on the site in the recent past.

The site assessment is intended to identify the presence or absence of suitable habitat for each special-status species known to occur in the vicinity in order to determine its potential to occur in the Project Area. Methods for these assessments are described below. If a special-status species was observed during the site visit, its presence was recorded and discussed.

In cases where little information is known about species occurrences and habitat requirements, the species evaluation was based on best professional judgment of WRA biologists with experience working with the species and habitats. If necessary, recognized experts in individual species biology were contacted to obtain the most up-to-date information regarding species biology and ecology.

If a special-status species was observed during the site visit, its presence is recorded and discussed below in Section 4.2.2. or 4.2.3. For some species, a site assessment visit at the level conducted for this report may not be sufficient to determine presence or absence of a species to the specifications of regulatory agencies. In these cases, a species may be assumed to be present or further protocol-level special-status species surveys may be necessary. Special-status species for which further protocol-level surveys may be necessary are described in Section 5.0.

4.2.2 *Special-status Plants*

Focused Survey

No previous protocol level surveys, or focused surveys have been completed within the Project Area.

Protocol-level Survey

No protocol-level surveys were conducted in the Project Area.

4.2.3 *Special-status Wildlife*

Targeted Assessment

No previous protocol level surveys, or targeted assessments have been completed within the Project Area.

Critical Habitat

During the search of background literature, prior to the site visit the USFWS Critical Habitat Mapper was referenced to determine if critical habitat for any species occurs within the Project Area (USFWS 2019c).

Wildlife Corridors

Prior to the site assessment, biologists reviewed maps from the California Essential Connectivity Project and associated habitat connectivity or mapping data available through the CDFW Biogeographic Information and Observation System (BIOS) (CDFW 2019b). In addition, aerial imagery (Google 2019) for the local area was referenced to determine if core habitat areas were present within, or connected to the Project Area.

5.0 ASSESSMENT RESULTS

The Project Area is set in a largely open area surrounded by a mix of housing developments, agricultural uses, a school, industrial properties, and a remnant oak woodland patch to the south. The Project Area is bounded by roadways to the north and west, to the east by railroad, and the south by agricultural field. Evidence of past ground disturbance was found throughout much of the Project Area, including evidence of agricultural activities, construction staging, discing, mowing, stormwater containment infrastructure, and placement of fill.

5.1 Natural Communities

There were no potentially sensitive natural communities identified within the Project Area. The Project Area is dominated by non-native annual grasslands with few scattered coyote brush (*Baccharis pilularis*) shrubs insufficient to form community structure. The excavated stormwater basin in the west corner is dominated by non-native vegetation along its border. No special-status plant species have a moderate or high potential to occur.

Table 3 summarizes the area of the two non-sensitive natural community types observed in the Project Area. Natural communities and other land use designations mapped in the Project Area are shown in Appendix A, Figure 3. A description of the natural community is contained in the following section. Appendix B lists all plant species observed within and around the Project Area. Appendix C contains representative photographs of the Project Area.

Table 3. Natural Communities

Vegetation Structure/ Land Use	Community (Holland 1986)	Vegetation Alliance/Association (CNPS 2019b)	Sensitive Status	Rarity Ranking	Acres within Project Area
Terrestrial Communities					
Herb-dominated	Ruderal grassland	<i>Avena (barbata, fatua)</i> Herbaceous Semi-Natural Alliance	Non-sensitive	None	8.80
		Annual brome grasslands <i>Bromus</i> spp. Herbaceous Semi-Natural Alliance			
Aquatic Communities					
Stormwater Basin	N/A	Open Water / Bare	Non-sensitive	None	0.30

5.1.1 Terrestrial Natural Communities

Non-Sensitive

Ruderal Grassland. No Rank. Approximately 8.80 acre of the Project Area is dominated by ruderal grassland. Although not described in the literature, ruderal grassland includes areas that have been partially developed or have been used in the past for agriculture. However, these areas are not currently used for agricultural activities, and have been allowed to revert to a semi-natural condition. Ruderal grassland in the Project Area, consists of fallowed fields. Based on soil conditions, vegetation composition, and review of historical imagery, discing has occurred historically on the site for agricultural purposes. Dominant plant species observed in ruderal herbaceous grassland in the Project Area include slim oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), Italian rye grass (*Festuca perennis*), soft chess (*Bromus hordeaceus*), yellow star thistle (*Centaurea solstitialis*) and additional ruderal species. The ruderal grassland in the eastern section of the Project Area contains isolated shrubs at low densities of coyote brush.

Sensitive

There are no sensitive terrestrial communities located within the Project Area.

5.1.2 Aquatic Natural Communities

Non-Sensitive

Stormwater Basin. No Rank. A fenced-in excavated stormwater basin occupies approximately 0.30 acre within the western portion of the Project Area. The man-made basin receives stormwater flow from local stormwater sewer system along Butterfield Boulevard and was built in ruderal herbaceous grassland uplands in 2012-2013 as part of the Butterfield South Extension Project. The basin appears to be regularly maintained. Open water was present in the stormwater

basin during the May site visit and absent during the June site visit. Vegetation on the banks of the basin was dominated by chicory (*Cichorium intybus*), slim oat (*Avena barbata*), curly dock (*Rumex crispus*), and foxtail barley (*Hordeum marinum*)

Sensitive

There are no sensitive aquatic communities located within the Project Area.

5.2 Special-status Species

Appendix B lists all plant and wildlife species observed within and around the Project Area. Appendix C contains representative photographs of the Project Area. Appendix D lists all special-status plant and wildlife species with potential to occur within and around the Project Area.

5.2.1 Special-status Plants

Potential for Occurrence

A five-mile radius search resulted in thirty-two (32) species being identified as known from around the Project Area (CNDDDB 2018, 2019, CNPS 2019). Appendix D summarizes the potential occurrence for each special-status plant species documented in the vicinity of the Project Area. Special-status plants which have been recorded within 5 miles of the Project Area are shown in Figure 3. No special-status plant species were present or determined to have a moderate or high potential to occur within the Project Area. All 32 species were determined to have no potential to occur within the Project Area due to one or more of the following:

- Specific edaphic conditions, such as soils derived from serpentine or volcanics, are absent;
- Specific hydrologic conditions, such as brackish waters or tidal action, are absent;
- Specific habitats such as coastal scrub, chaparral, woodland, and cismontane, coniferous, or broadleaf forest is absent from the Project Area;
- The Project Area is outside the documented elevation range of the species;
- Lack of a viable seed bank due to historic and contemporary soil alterations;
- Non-native species competition;
- Regular disturbance, such as mowing, of the Project Area; and
- Depauperate habitat is unsuitable for the species.

Observations and Recommendations

All special status plant species documented to occur in the vicinity of the Project Area are unlikely or have no potential to occur; the Project Area does not have the potential to support any of these species due to the lack of necessary habitat and ruderal grassland habitat. No special-status plant species were observed in the Project Area during the assessment and no protocol-level rare plant surveys are recommended.

5.2.2 Special-status Wildlife

Thirty-four (34) special status species of wildlife have been recorded in the vicinity of the Project Area. Appendix B summarizes the potential for each of these species to occur in the Project Area.

No special status wildlife species were observed in the Project Area during the site assessment. Two special status wildlife species were determined to have a moderate potential to occur in the Project Area. Special status wildlife species that have a moderate potential to occur in the Project Area are discussed below in Table 4.

Table 4. Potential Special-Status Wildlife

SCIENTIFIC NAME	COMMON NAME	CONSERVATION STATUS	POTENTIAL
<i>Lanius ludovicianus</i>	Loggerhead shrike	SSC, BCC	Moderate
<i>Elanus leucurus</i>	White tailed Kite	CFP	Moderate
Other Wildlife			
<i>Various</i>	Native nesting birds	CFGC, MBTA	Moderate

Species with a Moderate Potential to occur are discussed below.

Loggerhead shrike (*Lanius ludovicianus*). CDFW Species of Special Concern. USFWS Bird of Conservation Concern. The loggerhead shrike is a year-round resident and winter visitor in lowlands and foothills throughout California. This species is associated with open country with short vegetation and scattered trees, shrubs, fences, utility lines and/or other perches. Although they are songbirds, shrikes are predatory and forage on a variety of invertebrates and small vertebrates. Captured prey items are often impaled for storage purposes on suitable substrates, including thorns or spikes on vegetation, and barbed wire fences. Shrikes nest in trees and large shrubs; nests are usually placed three to ten feet off the ground (Shuford and Gardali 2008).

This species prefers open grasslands with scattered trees or shrubs, which is present throughout the Project Area. Additionally, this species is known to occur in the vicinity of the Project Area (Bousman 2007). However, nesting substrates within the Project Area are highly limited to a few short shrubs or small trees. Because the species is known to occur in the vicinity, typical foraging habitat is present, but nesting habitat is highly limited, the species only has a moderate potential to occur.

White-tailed Kite (*Elanus leucurus*). CDFG Fully Protected Species. The white-tailed kite is resident in open to semi-open habitats throughout the lower elevations of California, including grasslands, savannahs, woodlands, agricultural areas, and wetlands. Vegetative structure and prey availability seem to be more important habitat elements than associations with specific plants or vegetative communities (Dunk 1995). Nests are constructed mostly of twigs and placed in trees, often at habitat edges. Nest trees are highly variable in size, structure, and immediate surroundings, ranging from shrubs to trees greater than 150 feet tall (Dunk 1995). This species preys upon a variety of small mammals, as well as other vertebrates and invertebrates.

Fallow agricultural fields, orchards, and nearby riparian habitat are likely to provide suitable foraging habitat. However, shrubs and trees on-site are very small, with limited cover which likely provide sub-optimal nesting habitat for this species. Small mammal burrows in the area are limited, but kites may also forage in several surrounding agricultural fields as well. Because nesting substrates are highly limited, but foraging habitat is present, there is a moderate potential for this species to occur within the Project Area.

Other special-status species that have been documented within the vicinity of the Project Area, but are unlikely to occur include: burrowing owl, steelhead, San Francisco dusky-footed woodrat, San Joaquin Kit Fox, California Tiger Salamander, and California Red-legged Frog. These species are discussed below.

Burrowing Owl (*Athene cunicularia*), CDFG Species of Special Concern; USFWS Bird of Conservation Concern. Burrowing Owl typically favors flat, open grassland or gentle slopes and sparse shrub land ecosystems. These owls prefer annual or perennial grasslands, typically with sparse or nonexistent tree or shrub canopies; however, they also colonize debris piles and old pipes. In California, burrowing owls are found in close association with California ground squirrels. Burrowing Owl exhibits high site fidelity and usually use the abandoned burrows of ground squirrels for shelter and nesting (Poulin et al 2011).

No ground squirrel burrows were observed during the site visit. In addition, no burrow surrogates such as piles of broken concrete, small culverts etc. were observed. With the lack of burrows, or burrow surrogates, this species cannot nest within the Project Area. The Project Area showed signs of regular disking and vegetation maintenance, which can also minimize the potential for burrows or burrow surrogates to form. As such, the lack of suitable nesting features and regular maintenance makes it unlikely the species will nest at the Project Area.

Steelhead - South/Central California Coast ESU (*Oncorhynchus mykiss irideus*), Federal Threatened. The South/Central California Coast ESU includes all naturally spawned populations of steelhead (and their progeny) in California streams from the Pajaro River south to, but not including, the Santa Maria River. Steelhead typically migrate to marine waters after spending two years in fresh water, though they may stay up to seven. They then reside in marine waters for two or three years prior to returning to their natal stream to spawn as four- or five-year-olds. Steelhead adults typically spawn between December and June. In California, females typically spawn two times before they die. Preferred spawning habitat for steelhead is in perennial streams with cool to cold water temperatures, high dissolved oxygen levels and fast flowing water. Abundant riffle areas (shallow areas with gravel or cobble substrate) for spawning and deeper pools with sufficient riparian cover for rearing are necessary for successful breeding.

Little Llagas Creek runs through an adjacent field to the Project Area, approximately 5 feet outside of the Project Area. The creek is intermittent and thus does not provide a year-round migration corridor for fish species of any kind, including steelhead. The creek will not be affected by any Project activities. The stormwater detention basin that will be covered or converted as part of the Project does not connect directly to the creek as the culvert connecting the detention basin and Little Llagas Creek is capped with an upturned flume and only allows water to flow from the basin to the creek at high levels. Flows into this detention basin originate from a submerged culvert that channels drainage from the nearby roadway and the basin is designed to draw down within 48-hours after large runoff events. Therefore, the location of the Project in relation to the creek will prevent any impacts to the creek and because the basin is functionally isolated, and naturally dries down after rain events, it is not suitable for or accessible by steelhead. There is no potential for this species to occur within the Project Area.

San Francisco Dusky-footed Woodrat (*Neotoma fuscipes annectens*), CDFG Species of Special Concern. This subspecies occurs in brushy habitat in chaparral and foothills of woodlands around San Francisco Bay and the adjacent range (Hafner et al. 1998). Woodrats often occupy habitats with both woodland and scrub components which provide cover and food sources, such as live oak, coffeeberry, blackberry, gooseberry, poison oak, and honeysuckle

(Linsdale and Tevis 1951). Nests are typically over three feet in diameter and are constructed out of piled sticks, leaves and grasses.

No riparian habitat, poison oak scrub or similar habitats are present within the Project Area to support the species. No middens were observed within the Project Area to support the species.

San Joaquin Kit Fox (*Vulpes macrotis mutica*), Federal Endangered Species, State Threatened Species. San Joaquin Kit Fox is a small, slim canid with large ears and bushy tail, buffy- or tan-colored in summer, silver-gray in winter. This species is found in the San Joaquin Valley and in surrounding foothills, from Alameda County east to Stanislaus County. It occurs in mainly flat grasslands, scrublands, oak savannahs, alkali meadows, and agricultural areas, with loose-textured soils suitable for constructing dens. Kit fox prey consists primarily of rabbits and small rodents. The Project Area is surrounded by urban and agricultural development, and any open, untilled habitat on-site is fragmented and disturbed. It is also outside the known range for this species.

Although an occurrence of two kit foxes near the town of Coyote was documented in 1992, Hwy 101 acts as a total barrier to foxes from the east. No large mammal burrows or soils suitable for this species were observed on-site; therefore, there is no potential for this species to occur within the Project Area.

California Tiger Salamander (*Ambystoma californiense*), Federal Threatened Species, State Candidate Endangered Species. California Tiger Salamander (CTS) is restricted to grasslands and low-elevation foothill regions in California (generally under 1500 feet) where it uses seasonal aquatic habitats for breeding. The salamanders breed in natural ephemeral pools, or ponds that mimic ephemeral pools (stock ponds that go dry), and occupy substantial areas surrounding the breeding pool as adults. CTS spend most of their time in the grasslands surrounding breeding pools. They survive hot, dry summers by estivating (going through a dormant period) in refugia (such as burrows created by ground squirrels and other mammals and deep cracks or holes in the ground) where the soil atmosphere remains near the water saturation point. During wet periods, the salamanders may emerge from refugia and feed in the surrounding grasslands.

There is no aquatic habitat within the Project Area to support the species. The nearest aquatic features are within Little Llagas Creek, an intermittent drainage that forms a narrow, defined channel through the adjacent parcels. The creek dries up annually, and is unsuitable because it does not form pools or ponds in this area that are suitable to support reproduction by CTS. Additionally, the creek lacks barriers to occupation by predatory fish species that may enter from Little Llagas Creek. In addition, a detention basin occurs along the western border of the Project Area. This detention basin is designed to dewater through a gravity outlet within 48 hours; ponding of no longer than a two week period may occur during major storm events. CTS require a greater period of inundation to reproduce. Therefore, no breeding habitat is present.

The Project Area is also surrounded by development which prevents access by CTS from nearby population centers. No suitable corridors exist between nearby populations and the Project Area that would allow the species to use the Project Area as estivation habitat. Without a safe migratory route between a source population and the Project Area, there is no potential for CTS to use the Project Area as upland habitat.

California Red-legged Frog (*Rana draytonii*), Federal Threatened Species, CDFG Species of Special Concern. The California Red-legged Frog is dependent on suitable aquatic, estivation, and upland habitat. During periods of wet weather, starting with the first rainfall in late

fall, red-legged frogs disperse away from their estivation sites to seek suitable breeding habitat. Aquatic and breeding habitat are characterized by dense, shrubby, riparian vegetation and deep, still or slow-moving water. Breeding occurs between late November and late April. California Red-legged Frog estivates (period of inactivity) during the dry months in small mammal burrows, moist leaf litter, incised stream channels, and large cracks in the bottom of dried ponds.

Little Llagas Creek is the only potential aquatic habitat around the Project Area. The creek is an intermittent drainage that does not form pools or support aquatic vegetation suitable for this species to breed. The stormwater detention basin on the Project Area additionally does not constitute aquatic habitat due to its rapid draw-down period after storm events and lack of aquatic vegetation could not support the species during any stage of its life cycle. In addition, the nearest documented occurrence of this species is approximately two miles away, which is beyond this frog's typical dispersal distance; therefore, there is no potential for this species to occur within the Project Area.

Critical Habitat

No critical habitat is present within the Project Area.

Essential Fish Habitat (EFH)

No EFH is present within the Project Area.

Wildlife Corridors

A review of the California essential connectivity project (CDFW 2019b) showed that the Project Area is not located within areas previously identified as an essential connectivity area, core reserve or corridor, landscape block, or general wildlife corridors identified in the BIOS system. While habitat connectivity areas are mapped surrounding the City of Morgan Hill, the Project Area does not overlap with any of them.

The Project Area is a ruderal agricultural field and is bordered on three sides (east, west and north) by roads, or to the south by dense urban development (trailer park). Areas surrounding the Project Area are also similarly composed of a mixture of developed uplands, and agricultural operations. The presence of anthropogenic features such as roads, housing tracks etc., and lack of intact natural communities or other areas that would provide necessary elements for wildlife to sustain, mean that the Project Area does not likely to function as a wildlife corridor as it does not connect two core habitats, or provide a linkage between areas commonly used by wildlife for daily activities.

6.0 PROJECT ANALYSIS AND RECOMMENDATIONS

6.1 Project Description

The Butterfield Park Project is to construct an 8 acre park and related access and improvements, including an approximately 200 vehicle parking area, one to two ballfields, one to two BMX tracks, a walking path, and restrooms in the two parcel area.

6.2 CEQA Analysis Methodology

Pursuant to Appendix G, Section IV of the State CEQA Guidelines, a project would have a significant impact on biological resources if it would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS;
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or,
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

This report utilizes these thresholds in the analysis of impacts and determination of the significance of those impacts. The assessment of impacts under CEQA is based on the changes caused by the Project relative to the existing conditions in the Project Area. The existing conditions in the Project Area are described above, based on surveys conducted in 2019. In applying CEQA Appendix G, the terms “substantial” and “substantially” are used as the basis for significance determinations in many of the thresholds, but are not defined qualitatively or quantitatively in CEQA or in technical literature. In some cases, such as direct impacts to special-status species listed under the CESA or ESA, the determination of a substantial impact may be relatively straightforward. In other cases, the determination is less clear, and requires application of best professional judgment based on knowledge of site conditions as well as the ecology and physiology of biological resources present in a given area. Determinations of whether or not Project activities will result in a substantial adverse effect to biological resources are discussed in the following sections for sensitive biological communities, special-status plant species, and special-status wildlife species.

6.3 Impacts Assessment and Mitigation Measures

Using the CEQA analysis methodology outlined in Section 6.2 above, the following section describes potential significant impacts to sensitive resources within the Project Area as well as suggested mitigation measures which are expected to reduce impacts to less than significant.

The entirety of project impacts are proposed within non-sensitive natural communities, including ruderal grassland and stormwater basin. Habitats observed on-site are considered unsuitable for local special status plant species and thus no impacts to special status plant species are anticipated as a result of the proposed project. With the implementation of mitigation measures described below, no significant impacts are expected to occur. An assessment of the potentially significant Project-related impacts and their associated mitigation measures are provided below.

6.3.1 *Sensitive Terrestrial Natural Community*

No sensitive terrestrial natural communities occur in the Project Area and none will be impacted by the proposed Project.

6.3.2 *Sensitive Aquatic Resources*

No sensitive aquatic natural communities occur in the Project Area and none will be impacted by the proposed Project.

6.3.3 *Special-status Plants*

Of the 32 special status plant species known to occur in the vicinity of the Project Area, none have the potential to occur in the Project Area. Most of the species found in the review of background literature occur in high quality vernal pool habitat with low plant cover, or on special soil types such as serpentine often found in the foothills east and west of the Project Area. The ruderal areas within the Project Area are highly disturbed or dominated by weedy species, and are therefore unlikely to support most of the special status plant species found in the literature review. The Project Area is unlikely to support any special status plant species; therefore, no impacts to special status plants are anticipated. No additional surveys or mitigation measures are recommended to address sensitive plant issues within the Project Area.

6.3.4 *Special-status Wildlife*

Of the 34 special status wildlife species known to occur in the vicinity of the Project Area, two were determined to have the potential to occur in the Project Area. Most of the species found in the review of background literature occur in habitats not found in the Project Area. Habitat suitability for grassland-associated species in the Project Area is reduced due to regular discing of large portions of the site, as well as the adjacent development. Any areas that may become inundated, such as Little Llagas Creek and the stormwater detention basin on the Project Area, are highly intermittent, and do not provide value as migration corridors or breeding habitat for species with aquatic life-histories. Special status wildlife species on-site may fall under the jurisdiction of USFWS under the Endangered Species Act and Migratory Bird Treaty Act, and/or the CDFW under the CFGC, California Endangered Species Act, and California Environmental Quality Act.

Table 5 outlines the special-status wildlife that may be directly or indirectly impacted by the Project. No other special-status wildlife species were determined to have a moderate or high potential to occur and therefore impacts to special-status wildlife are limited to those included below.

Table 5. Potential Special-Status Wildlife Impacted by Project

SCIENTIFIC NAME	COMMON NAME
<i>Special-status Wildlife (CEQA, other)</i>	
<i>Lanius ludovicianus</i>	loggerhead shrike
<i>Elanus leucurus</i>	white-tailed kite
<i>various</i>	Native nesting birds

BIO IMPACT 1: Nesting Birds

This assessment determined that two species of special-status birds may use the Project Area for breeding and foraging including white-tailed kite and loggerhead shrike. These species may forage in the ruderal and agricultural fields on-site, and may find nesting habitat in trees and shrubs within the Project Area. Grading and development proposed within the Project Area may reduce nesting and foraging habitat for special status species, or may impact these species through visual and auditory disturbance sufficient to cause nest abandonment. Such impacts would be considered significant under CEQA.

In addition to special-status nesting birds, common avian species may also nest within the Project Area and may be similarly affected by project activities. Due to the protected status of these species under both the MBTA and CFGC, impacts to common native nesting birds would also be considered a significant impact under CEQA.

BIO MM 1.0: Nesting Birds Mitigation Measure

It is recommended that pre-construction breeding bird surveys be conducted within 14 days of ground disturbance to avoid disturbance to active nests, eggs, and/or young of nesting birds. It is also recommended that any trees and shrubs in or adjacent to the Project Area that are proposed for removal and that could be used as avian nesting sites be removed during the non-breeding season (September 1 through February 1).

In the event that a nest of a protected species is located, a no disturbance buffer shall be established around the nest until all young have fledged or the nest otherwise becomes inactive (e.g. due to predation). Suggested buffer zone distances differ depending on species, location, and placement of nest and will be determined and implemented in the field by a qualified biologist.

Minimization measures for both special-status species and native nesting birds are the same and implementation of Measure BIO MM-1 would reduce impacts to nesting birds to less than significant levels.

6.3.5 Local Policies or Ordinances

There are two ordinance sized trees, as defined by the City of Morgan Hill, in the Project Area. The ordinance sized trees are located west of the stormwater basin and are both California walnut (*Juglans hindsii*) each with an approximate diameter at breast height (DBH) of 40 to 50-inches. No other protected trees, as defined by the City of Morgan Hill occur In the Project Area. There are numerous protected trees, as defined by the City Ordinance on the outer perimeter, outside

the Project Area. Proposed activities will directly impact ordinance-sized trees on the site. Access to the site may also directly or indirectly impact ordinance sized trees.

BIO IMPACT 2: Local Tree Ordinance

Activities that compact soil, trench through roots, or pile soil up around the base of trees may adversely affect the health of these trees. Access to the Project Area from Butterfield Boulevard could result in grading, trenching, or filling soil or rock in the dripline street tree or tree within a road right-of-way located directly off-site. The removal or injury of protected trees, would require permits or mitigation measures under the City Municipal Code (Chapter 12.32).

The following measures shall be implemented to assure that impacts to ordinance sized trees are less than significantly impacted. Implementation of the following measures will reduce impacts on protected trees to a less-than-significant level by bringing the project into compliance with all local ordinances.

BIO MM 2.0

To the extent feasible, activities will avoid impacts to protected trees. Avoidance is considered to be completely avoiding any work or staging under the dripline of trees. The boundary of the designated avoidance buffer will be flagged or fenced prior to initial ground disturbance. If complete avoidance is not feasible, BIO MM 2.1 will be implemented.

BIO MM 2.1

The project proponent will comply with the local ordinances and submit permit applications for removal, trimming, damage, or relocation of all trees covered by City ordinance. Any trees to be removed may require replacement according to the discretion of the City. This discretion may include requiring replacement of any and all trees on a comparable ratio of size or quantity. The replacement trees will be planted on site to the extent feasible and the project proponent will comply with all other replacement requirements imposed by the City.

6.3.6 *Natural Hazard Setback*

The Project Area is located approximately 5 feet above the top of bank and within the 100-year floodplain (FEMA, 2019) of Little Llagas Creek. Little Llagas Creek is a Category 2 Stream feature under Chapter 18.92.110 of the Morgan Hill Municipal Code because it is intermittent stream that dries up during the summer months. The creek therefore has as associated 35-foot setback for all development. The 100-year floodplain for Little Llagas extends throughout 90% of the Project Area and is defined at 319 feet NAVD88 with a defined base flood elevation. Proposed activities will be located within the 35-foot setback and within the 100-year floodplain.

BIO IMPACT 3: Stream Setback

Activities including grading, addition of impervious surfaces, associated construction related activities located within the 35-foot stream setback area may adversely affect the riparian vegetation and associated character of Little Llagas Creek. Maintaining a healthy riparian zone

is critical for maintaining water quality, providing habitat, maintaining connectivity, and a variety of other physical and biological functions.

BIO MM 3.0

BMPs including silt fencing, fiber rolls, and/or wattles, will be implemented throughout the duration of construction activities to minimize the potential for sediment movement offsite. Vegetation along the boundary of the Project Area will be preserved to the extent feasible to maintain temporary soil stabilization. Areas graded during construction activities will be hydroseeded or mulched to stabilize exposed surfaces post construction. Implementation of these measures will reduce impacts to stream features.

BIO MM 3.1

The project proponent will comply the Flood Damage Prevention requirements in Chapter 15.80 of the City of Morgan Hill Municipal Code and submit permit applications with the City's Floodplain Administrator. Though the Project complies with Chapter 15.80.220 of the City Municipal Code allows which allows open space uses such as outdoor recreation in floodplain setback areas, measures identified by the Floodplain Administered shall be incorporated into the project design to avoid flood-related erosion hazards.

6.3.7 *Habitat Conservation Plans or Natural Community Conservation Plans*

The Project Area is located in the Santa Clara Valley Habitat Plan area (ICFI 2012). The entirety of the mapped Project Area is non-native annual grassland located within the Land Cover Fee Zone B (Agriculture and Valley Floor Lands) of the Habitat Plan. A Land Cover development fee applies to the Project within this Fee Zone. The Project Area is located outside of Burrowing Owl Fee Zones, Wetland Fee Zones, Serpentine Fee Zones and does not require plant or wildlife surveys for designated species. The Project Area is located 5 feet beyond top of bank of Little Llagas Creek and is entirely outside of the Habitat Plan's Geobrowser mapped Category 1 stream buffer setback areas. With intermittent flows, Little Llagas Creek is considered a Category 2 stream. This stream type has a 35 feet setback requirement, per Condition 11 of the Santa Clara Valley Habitat Plan. Exemptions to Condition 11 setback are provided for recreational trails, however, additional Project components of the Preliminary Design Concept such as parking lot uses are not exempt from the setback. Encroachment into the 35-feet stream setback would conflict with the Santa Clara Valley Habitat Plan and be considered a significant impact.

BIO IMPACT 4: Santa Clara Valley Habitat Plan Stream Setback

Activities including grading, addition of impervious surfaces, associated construction related activities located within the 35-feet stream setback area may adversely affect the riparian vegetation and associated character of Little Llagas Creek. Maintaining a healthy riparian zone is critical for maintaining water quality, providing habitat, maintaining connectivity, and a variety of other physical and biological functions. Complying with Condition 11 of the Santa Clara Valley

Habitat Plan 35-foot stream setback and implementation of BIO MM 3.0 will reduce potential for impacts to occur the stream setback. Implementation of Condition 11 will reduce impacts to the stream setback to a less-than-significant level.

BIO MM 4.0

To the extent feasible, all non-compatible activities will avoid encroachment into the 35-foot stream setback to protect the stream corridor. Avoidance is considered to be completely avoiding any work, staging inside the setback, or development of the setback that is not compatible with setback uses. The boundary of the designated avoidance buffer will be flagged or fenced prior to initial ground disturbance. If complete avoidance is not feasible, BIO MM 4.1 will be implemented.

BIO MM 4.1

Prior to construction activities, if the setback cannot be avoided by the Project, the Project proponent will apply for an exception to the Santa Clara Valley Habitat Plan setback requirements. Measures identified by the Santa Clara Valley Habitat Agency shall be incorporated into the Project design to avoid impacts to the stream setback corridor.

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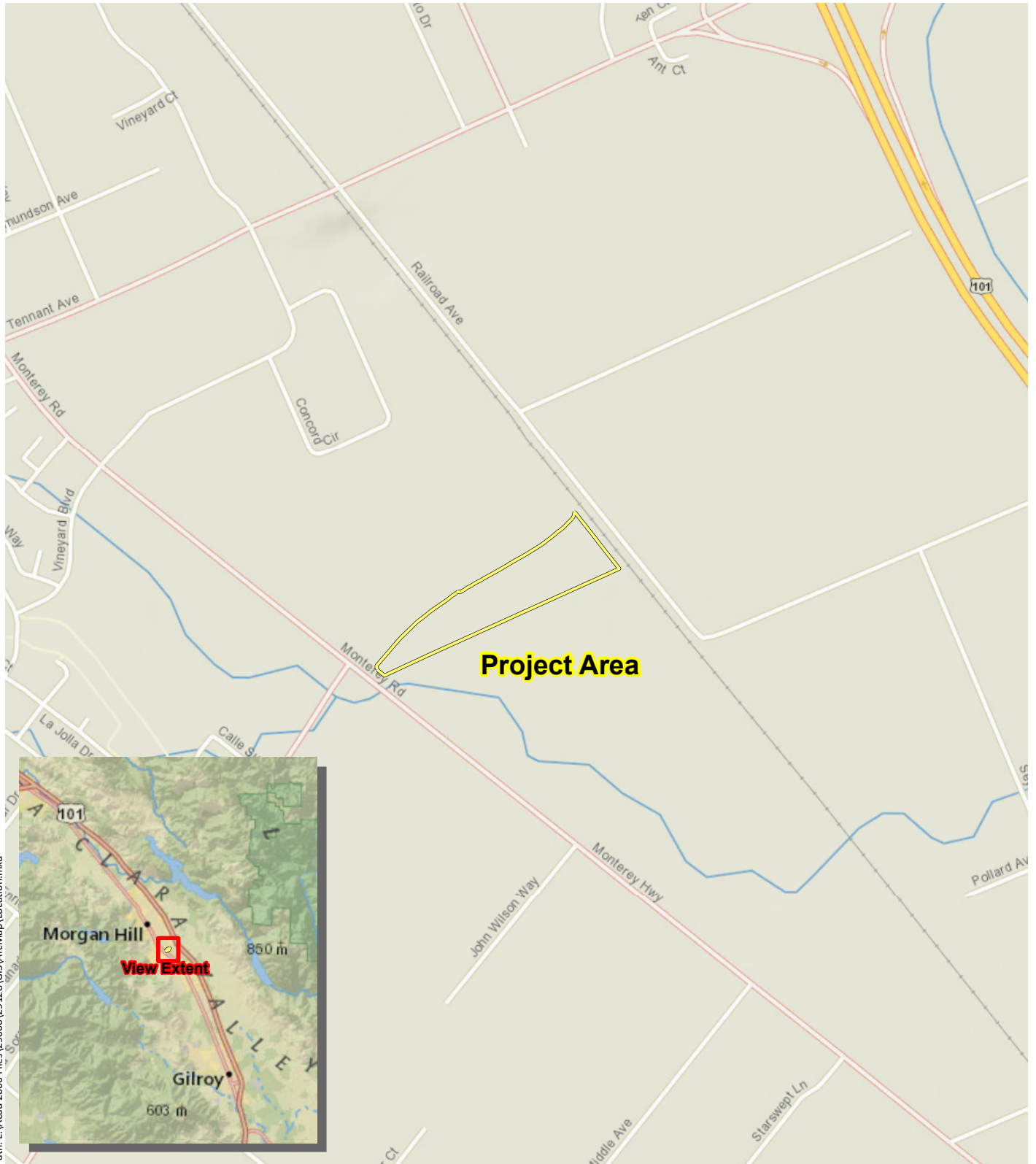
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Appendix A
Figures

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Sources: National Geographic, WRA | Prepared By: mweidenbach, 6/26/2019

Figure 1. Project Area Regional Location Map

Butterfield Park
Santa Clara County, California

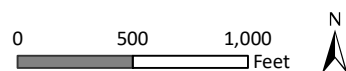




Figure 2. Project Area Soils Map

Butterfield Park
Santa Clara County, California

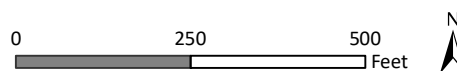
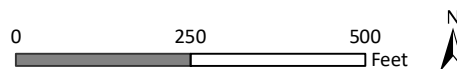
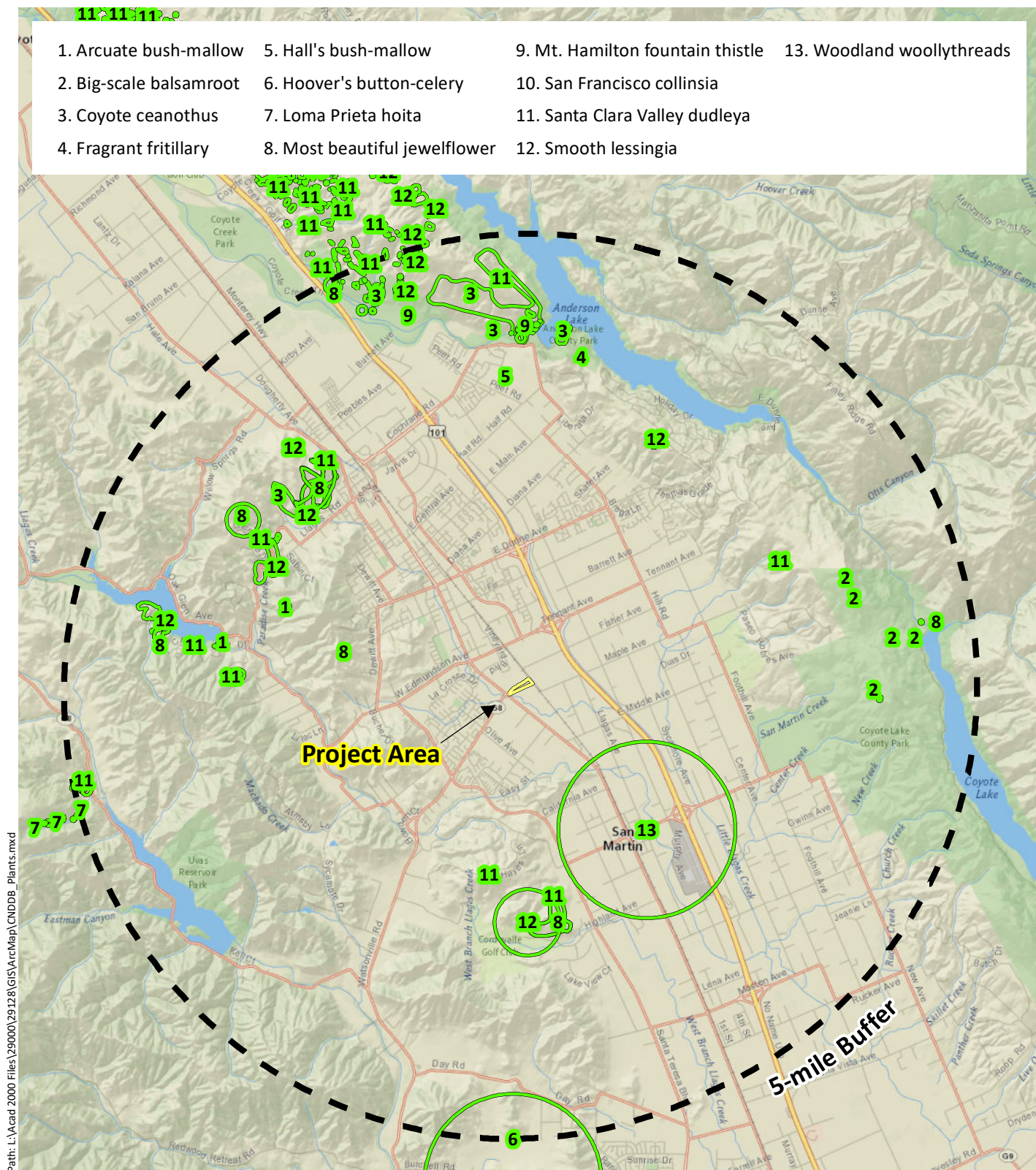




Figure 3. Natural Communities within the Project Area

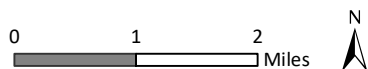
Butterfield Park
Santa Clara County, California

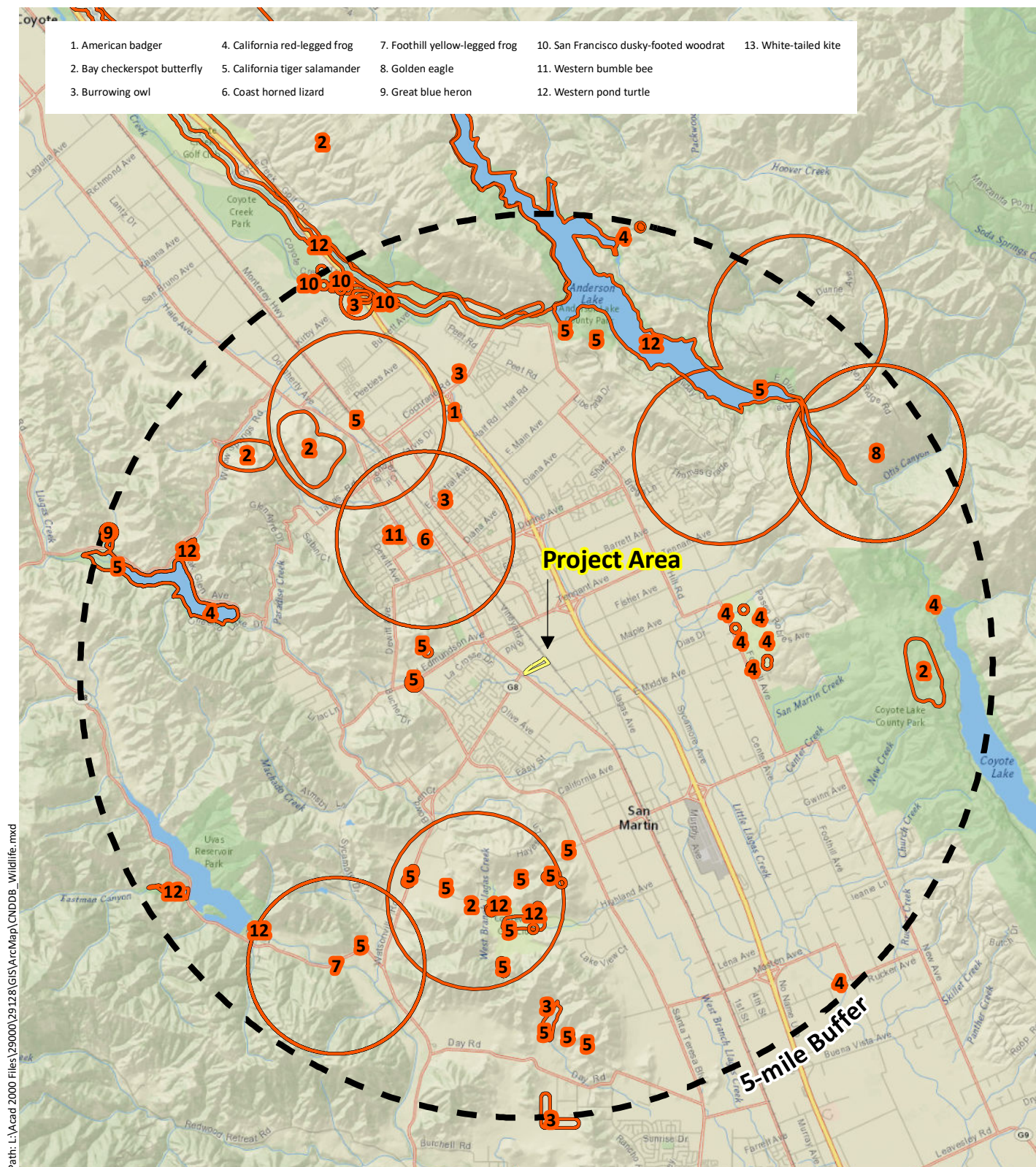




**Figure 4. Special-Status Plant Species
Documented within 5 miles of the Project Area**

Butterfield Park
Santa Clara County, California

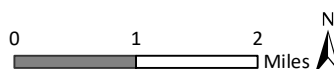




Sources: National Geographic, CNDDb June 2019, WRA | Prepared By: mweidenbach, 6/27/2019

Figure 5. Special-Status Wildlife Species Documented within 5 miles of the Project Area

Butterfield Park
Santa Clara County, California



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Appendix B
Species Observed in and around the Project Area

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Appendix B. Plant and wildlife species observed by WRA biologists during the May 13 and June 27, 2019 site visit.

SCIENTIFIC NAME	COMMON NAME
Plants	
<i>Avena barbata</i>	Slim oat
<i>Avena fatua</i>	Wild oats
<i>Baccharis pilularis</i>	Coyote brush
<i>Bromus diandrus</i>	Ripgut brome
<i>Bromus hordeaceus</i>	Soft chess
<i>Centaurea solstitialis</i>	Yellow star thistle
<i>Cichorium intybus</i>	Chicory
<i>Convolvulus arvensis</i>	Field bindweed
<i>Cyperus eragrostis</i>	Tall cyperus
<i>Eschscholzia californica</i>	California poppy
<i>Festuca perennis</i>	Italian rye grass
<i>Geranium dissectum</i>	Wild geranium
<i>Helminthotheca echioides</i>	Bristly ox-tongue
<i>Hordeum murinum</i>	Foxtail barley
<i>Hypochaeris radicata</i>	Hairy cats ear
<i>Juglans hindsii</i>	Northern California black walnut
<i>Lactuca serriola</i>	Prickly lettuce
<i>Lupinus cf. albilfrons</i>	Silver bush lupine
<i>Lupinus arboreus</i>	Coastal bush lupine
<i>Phalaris aquatica</i>	Harding grass
<i>Plantago lanceolata</i>	Ribwort
<i>Raphanus sativus</i>	Wild radish
<i>Rumex crispus</i>	Curly dock
<i>Vicia villosa</i>	Hairy vetch
<i>Xanthium strumarium</i>	Cocklebur
Wildlife	
Birds	
<i>Corvus brachyrhynchos</i>	American crow
<i>Calypte anna</i>	Anna's hummingbird
<i>Hirundo rustica</i>	barn swallow
<i>Sayornis nigricans</i>	black phoebe
<i>Aphelocoma californica</i>	California scrub-jay
<i>Aythya marila</i>	greater scaup
<i>Haemorhous mexicanus</i>	house finch
<i>Passer domesticus</i>	house sparrow
<i>Charadrius vociferus</i>	killdeer
<i>Zenaida macroura</i>	mourning dove

<i>Phasianus colchicus</i>	ring-necked pheasant
<i>Cathartes aura</i>	turkey vulture
<i>Sayornis saya</i>	Say's phoebe
<i>Invertebrates</i>	
<i>Vanessa virginiensis</i>	western painted lady
<i>Pieris rapae</i>	cabbage white
<i>Mammals</i>	
<i>Lepus californicus</i>	black-tailed jackrabbit

Appendix C
Representative Photographs of the Project Area

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Photograph 1. Looking northeast across the Project Area at ruderal grassland. The only shrubs within the Project Area are located along the northern boundary and are depicted in the photo. The limited shrub and scrub availability limits suitability of nesting habitat for most native bird species. The Diablo range is in the background. Taken May 14, 2019.



Photograph 2. Looking east across the Project Area at ruderal grassland. No mounds, ground squirrel burrows, vernal pools or other features are present to support most species of special-status wildlife. The Diablo Range is in the background. Taken May 14, 2019.



Photograph 3. View of only mature trees in Project Area. Trees are located in west corner of Project Area by Butterfield Boulevard and Monterey Road intersection. Photograph taken June 27, 2019.



Photograph 4. View of excavated stormwater basin in west corner of Project Area. Taken May 14, 2019.



Photograph 5. Looking north at a retaining wall and row of sapling trees within roadway ROW. Taken May 14, 2019.

Appendix D
Special-Status Species Potential Table

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Appendix D. Potential Special Status Plant and Wildlife Species Table. List compiled from the California Department of Fish and Wildlife (CDFW) Natural Diversity Database (May 2019), U.S. Fish and Wildlife Service (USFWS) Species Lists, and California Native Plant Society (CNPS) Electronic Inventory search of the USGS 7.5' quadrangles within 5 miles of the Project Area, as well as a review of other CDFW lists and publications (Jennings and Hayes 1994, Zeiner et al. 1990).

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
Santa Clara thorn-mint <i>Acanthomintha lanceolata</i>	Rank 4.2	Chaparral, shale scree, serpentine, cismontane woodland, coastal scrub/rocky. Elevation ranges from 80 to 1200 meters. Blooms March-June.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
California Androsace <i>Androsace elongata ssp. acuta</i>	Rank 4.2	Chaparral, cismontane woodland, coastal scrub, meadows and seeps, pinyon and juniper woodland, valley and foothill grassland. Elevation ranges from 150 to 1200 meters. Blooms March-June.	Unlikely. No suitable habitat for this species occurs within the Project Area. Grassland areas on-site are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Anderson's Manzanita <i>Arctostaphylos andersonii</i>	Rank 1B.2	Broadleaved upland forest, chaparral, openings, and edges of north coast coniferous forest. 60-760 m. Blooms November-May.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
big-scale balsamroot <i>Balsamorhiza macrolepis</i>	Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland/ sometimes serpentine; 90-1555 m elevation. Blooms March-June.	Unlikely. No suitable habitat for this species occurs within the Project Area. Multiple documented occurrences are located approximately 4 miles away in foothill grasslands. Grassland areas on-site are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Tiburon Indian paintbrush <i>Castilleja affinis</i> ssp. <i>neglecta</i>	FE, ST, Rank 1B.2	Valley and foothill grassland (serpentine); 60-400 m elevation. Blooms April-June.	Unlikely. No suitable habitat for this species occurs within the Project Area. There are no documented occurrences within 5 miles of the Project Area.	No further surveys or avoidance measures are recommended.
pink creamsacs <i>Castilleja rubicundula</i> ssp. <i>rubicundula</i>	Rank 1B.2	Chaparral openings, cismontane woodland, meadows and seeps, valley, and foothill grassland on serpentine. 20-910 m. Blooms April-June.	No Potential. No suitable habitat for this species or serpentine soils occur within the Project Area.	No further surveys or avoidance measures are recommended.
coyote ceanothus <i>Ceanothus ferrisae</i>	FE, Rank 1B.1	Chaparral, coastal scrub, valley, and foothill grassland/ serpentine; 390-1510 m elevation. Blooms January-May.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area. A documented occurrence occurs within five miles of the Project Area; however, grassland areas are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
dwarf soaproot <i>Chlorogalum pomeridianum</i> var. <i>minus</i>	Rank 1B.2	Chaparral or serpentine. Ranges from 305 to 1000 m elevation. Blooms May-August.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
Douglas' spineflower <i>Chorizanthe douglasii</i>	Rank 4.3	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, valley and foothill grassland/sandy or gravelly; 55 to 1600 m elevation. Blooms April-July.	Unlikely. No suitable habitat for this species occurs within the Project Area. Grassland areas on-site are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Mt. Hamilton thistle <i>Cirsium fontinale</i> var. <i>campylon</i>	Rank 1B.2	Chaparral, cismontane woodland, valley, and foothill grassland/ serpentine seeps; 100-890 m elevation. Blooms February- October.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area. A documented occurrence occurs within five miles of the Project Area; potential grassland areas are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Brewer's clarkia <i>Clarkia breweri</i>	Rank 4.2	Chaparral, cismontane woodland, coastal scrub/often serpentine. Ranges from 215 to 1115 m elevation. Blooms April-June.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
Santa Clara red ribbons <i>Clarkia concinna</i> ssp. <i>automixa</i>	Rank 4.3	Chaparral, cismontane woodland, on slopes and near drainages. Ranges from 90 to 1500 meters. Blooms April-July.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
San Francisco Collinsia <i>Collinsia multicolor</i>	Rank 1B.2	Closed-cone coniferous forest, decomposed shale (mudstone) mixed with humus, coastal scrub/sometimes serpentine. Elevation ranges from 30 to 250 m. Blooms February-May.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
Rattan's cryptantha <i>Cryptantha rattanii</i>	Rank 4.3	Cismontane woodland, riparian woodland, valley and foothill grassland, talus slopes and outcrops. Elevation ranges from 245 to 915 m. Blooms April-July.	Unlikely. No suitable habitat for this species occurs within the Project Area. Grassland areas on-site are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Santa Clara Valley dudleya <i>Dudleya abramsii</i> ssp. <i>setchellii</i>	FE, Rank 1B.1	Cismontane woodland, valley, and foothill grassland/ rocky serpentine outcrops; 60-455 m elevation. Blooms April-October.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area. Multiple occurrences are documented within five miles of the Project Area; however, there are no rocky outcrops and potential grassland areas are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Hoover's button-celery <i>Eryngium aristulatum</i> var. <i>hooveri</i>	Rank 1B.1	Vernal pools, alkaline depressions, roadside ditches, and other coastal wet places. Elevation ranges from 3 to 45 meters. Blooms June-August.	Unlikely. The nearest documented occurrence is five miles south of the Project Area. Marginal suitable habitat is present in the intermittent stream south of the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
Fragrant fritillary <i>Fritillaria liliacea</i>	Rank 1B.2	Cismontane woodland, coastal prairie and scrub, valley and foothill grassland/ often serpentine; 3-410 m elevation. Blooms February-April.	No Potential. No suitable habitat for this species, or serpentine soils, occur within the Project Area.	No further surveys or avoidance measures are recommended.
Loma Prieta hoita <i>Hoita strobilina</i>	Rank 1B.1	Chaparral, cismontane woodland, riparian woodland/ usually serpentine or mesic sites; 30-860 m elevation. Blooms May- October.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area.	No further surveys or avoidance measures are recommended.
legenere <i>Legenere limosa</i>	Rank 1B.1	In beds of vernal pools; 1-880 m elevation. Blooms April- June.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
serpentine leptosiphon <i>Leptosiphon ambiguus</i>	Rank 4.2	Cismontane woodland, coastal scrub, valley and foothill grassland areas on serpentine; 120 to 1130 m elevation. Blooms March-June.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area.	No further surveys or avoidance measures are recommended.
woolly-headed Lessingia <i>Lessingia hololeuca</i>	Rank 3	Broadleaf upland forest, coastal scrub, lower montane coniferous forest, valley and foothill grassland, roadsides, fields; clay, serpentine substrates. Ranges from 15 to 305 m elevation. Blooms June-October.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
smooth lessingia <i>Lessingia micradenia</i> var. <i>glabrata</i>	Rank 1B.2	Chaparral, cismontane woodland/serpentine, often roadsides; 120-420 m elevation. Blooms May-November.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area. A documented occurrence occurs within five miles of the Project Area.	No further surveys or avoidance measures are recommended.
arcuate bush-mallow <i>Malacothamnus arcuatus</i>	Rank 1B.2	Chaparral, cismontane woodland, and gravelly alluvium. Elevation ranges from 15 to 355 meters. Blooms April-September.	Unlikely. No suitable habitat for this species occurs within the Project Area. A documented occurrence occurs within five miles of the Project Area.	No further surveys or avoidance measures are recommended.
Hall's bush mallow <i>Malacothamnus hallii</i>	Rank 1B.2	Chaparral, coastal scrub, and serpentine; 10-760 m elevation. Blooms May-October.	Unlikely. No suitable habitat or serpentine soils occur within the Project Area. A documented occurrence occurs within five miles of the Project Area.	No further surveys or avoidance measures are recommended.
woodland woollythreads <i>Monolopia gracilens</i>	Rank 1B.2	Grassy openings in broadleaf upland forest, chaparral, coniferous forest, cismontane woodland, foothill and valley grasslands, and sandy to rocky soils on serpentine. Ranges from 100 to 1200 m elevation. Blooms February-July.	Unlikely. No suitable habitat for this species or serpentine soils occur within the Project Area. Multiple occurrences are documented within five miles of the Project Area; however potential grassland areas are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Santa Cruz Mountains beardtongue <i>Penstemon rattanii</i> var. <i>kleei</i>	Rank 1B.2	Chaparral, lower montane coniferous forest, North Coast coniferous forest; 400-1100 m elevation. Blooms May- June.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
rock sanicle <i>Sanicula saxitalis</i>	SR, Rank 1B.2	Broadleaf upland forest, chaparral, valley and foothill grassland, bedrock outcrops and talus slopes; 615-1215 m elevations. Blooms April-May.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
Metcalf Canyon jewelflower <i>Streptanthus albidus ssp. albidus</i>	FE, Rank 1B.1	Valley and foothill grassland, relatively open areas with serpentine soils; 45-800 m elevation. Blooms April-July.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.
most beautiful jewelflower <i>Streptanthus albidus ssp. peramoenus</i>	Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland, and serpentine outcrops on ridges and slopes; 95-1000 m elevation. Blooms March-October.	Unlikely. No suitable habitat for this species occurs within the Project Area. Multiple occurrences are documented within five miles of the Project Area; however potential grassland areas are disturbed by agricultural activities or dominated by ruderal species.	No further surveys or avoidance measures are recommended.
Mt. Hamilton jewelflower <i>Streptanthus callistus</i>	Rank 1B.3	Chaparral, cismontane woodland, open talus slopes with shale and/or black oak; 600-790 m elevation. Blooms April- May.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE**	RECOMMENDATIONS***
Plants				
two-fork clover <i>Trifolium amoenum</i>	FE, Rank 1B.1	Coastal bluff scrub, valley and foothill grassland (sometimes serpentine), open sunny sites, and swales; 5-415 m elevation. Blooms April- June.	No Potential. No suitable habitat for this species or serpentine soils occur within the Project Area.	No further surveys or avoidance measures are recommended.
Santa Cruz clover <i>Trifolium buckwestiorum</i>	Rank 1B.1	Broadleaf upland forest, cismontane woodland, moist grasslands, and coastal prairie/gravelly margins; 105-610 m elevation. Blooms April- October.	No Potential. No suitable habitat for this species occurs within the Project Area.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Mammals				
American badger <i>Taxidea taxus</i>	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Requires friable soils and open, uncultivated ground. Preys on burrowing rodents.	No Potential. Habitat for this species is fragmented, and the majority of open habitat is actively tilled. No burrows were observed in the Project Area during the site visit to support badgers or their prey (ground squirrels).	No further surveys or avoidance measures are recommended.
Hoary bat <i>Lasiurus cinereus</i>	WBWG Medium	Prefers open forested habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths.	No Potential. There are no buildings or trees present that may support roosting by this species.	No further surveys or avoidance measures are recommended.
Pallid bat <i>Antrozous pallidus</i>	SSC, WBWG High	Found in a variety of habitats ranging from grasslands to mixed forests, favoring open and dry, rocky areas. Roost sites include crevices in rock outcrops and cliffs, caves, mines, and also hollow trees and various manmade structures such as bridges, barns, and buildings (including occupied buildings). Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	No Potential. There are no buildings or trees present that may support roosting by this species.	No further surveys or avoidance measures are recommended.
San Francisco Dusky-footed Woodrat <i>Neotoma fuscipes annectens</i>	SSC	Forest habitats of moderate canopy and moderate to dense understory. Also in chaparral habitats. Constructs nests of shredded grass, leaves, and other material. May be limited by availability of nest-building materials.	No Potential. The Project Area is entirely composed of grassland. No trees are present to supply woody material, and shrubs are sparse without adequate cover. No nests of this species were observed during the site visit.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE, ST, RP	Annual grasslands or grassy open stages with scattered shrubby vegetation. Need loose-textured sandy soils for burrowing, and suitable prey base.	No Potential. The Project Area is outside of expected range and is surrounded by development or roads which would fragment, disturb and generally make the area unsuitable.	No further surveys or avoidance measures are recommended.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	SSC, WBWG High	Associated with a wide variety of habitats from deserts to higher-elevation mixed and coniferous forests. Females form maternity colonies in buildings, caves and mines, and males roost singly or in small groups. Foraging typically occurs at edge habitats near wooded areas, e.g. along streams.	No Potential. The Project Area does not contain buildings, mines, sheer rock faces or similar habitat features to support roosting by this species.	No further surveys or avoidance measures are recommended.
Yuma myotis <i>Myotis yumanensis</i>	WBWG: Low-Medium	Known for its ability to survive in urbanized environments. Also found in heavily forested settings. Day roosts in buildings, trees, mines, caves, bridges and rock crevices. Night roosts associated with man-made structures.	No Potential. There are no buildings or trees present that may support roosting by this species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Birds				
Bank swallow <i>Riparia riparia</i>	ST	Summer resident in riparian and other lowland habitats near rivers, lakes and the ocean in northern California. Nests colonially in excavated burrows on vertical cliffs and bank cuts (natural and manmade) with fine-textured soils. Historical nesting range in southern and central areas of California has been eliminated by habitat loss. Currently known to breed in Siskiyou, Shasta, and Lassen Cos., portions of the north coast, and along Sacramento River from Shasta Co. south to Yolo Co.	No Potential. No vertical cliffs, rivers, lakes or similar habitat features are present to support nesting by this species.	No further surveys or avoidance measures are recommended.
Black swift <i>Cypseloides niger</i>	BCC, SSC	Summer resident with a fragmented breeding distribution; most occupied areas in California either montane or coastal. Breeds in small colonies on cliffs behind or adjacent to waterfalls, in deep canyons, and sea-bluffs above surf. Forages aerially over wide areas.	No Potential. The Project Area is outside the known range for this species, and no suitable nesting habitat is present onsite.	No further surveys or avoidance measures are recommended.
Burrowing owl <i>Athene cunicularia</i>	BCC, SSC	Year-round resident and winter visitor. Occurs in open, dry grasslands and scrub habitats with low-growing vegetation, perches, and abundant mammal burrows. Preys upon insects and small vertebrates. Nests and roosts in old mammal burrows, most commonly those of ground squirrels.	Unlikely. Open habitat in the Project Area is either actively tilled or overgrown by tall, non-native vegetation making it unlikely that owls could find suitable conditions to support nesting. In addition, no burrows or burrow surrogates were observed that might support nesting by the species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
California least tern <i>Sterna antillarum browni</i>	FE, SE, CFP	Summer resident along the coast from San Francisco Bay south to northern Baja California; inland breeding also very rarely occurs. Nests colonially on barren or sparsely vegetated areas with sandy or gravelly substrates near water, including beaches, islands, and gravel bars. In San Francisco Bay, has also nested on salt pond margins.	No Potential. No suitable nesting or foraging habitat is present to support the species.	No further surveys or avoidance measures are recommended.
Golden eagle <i>Aquila chrysaetos</i>	BCC, CFP	Occurs year-round in rolling foothills, mountain areas, sage-juniper flats, and deserts. Cliff-walled canyons provide nesting habitat in most parts of range; also nests in large trees, usually within otherwise open areas.	No Potential. While this species can often be seen flying overhead in this portion of Santa Clara County, no large trees, cliff faces or other similar nesting substrates are present that might support nesting by the species.	No further surveys or avoidance measures are recommended.
Grasshopper sparrow <i>Ammodramus savannarum</i>	SSC	Summer resident. Breeds in open grasslands in lowlands and foothills, generally with low- to moderate-height grasses and scattered shrubs. Well-hidden nests are placed on the ground.	Unlikely. This species is not known to nest in the vicinity of the Project Area (Bousman 2007). Because the species is not known to nest in the vicinity, it is unlikely to occur despite the presence of grasslands.	No further surveys or avoidance measures are recommended.
Great blue heron <i>Ardea herodias</i>	none (breeding sites protected by CDFW); CDF sensitive	Year-round resident. Nests colonially or semi-colonially in tall trees and on cliffs, also sequestered terrestrial substrates. Breeding sites usually in close proximity to foraging areas: marshes, lake margins, tidal flats, and rivers. Forages primarily on fishes and other aquatic prey, also smaller terrestrial vertebrates.	No Potential. No large trees or suitably sized waterbodies are present in the vicinity to support a rookery of this species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Least Bell's vireo <i>Vireo bellii pusillus</i>	FE, SE	Summer resident. Breeds in riparian habitat along perennial or intermittent rivers and creeks; prefers a multi-tiered canopy with dense early successional vegetation in the understory. Willows, mulefat and other understory species are typically used for nesting.	No Potential. The Project Area is outside the known range for this species, and no riparian habitat is present to support nesting.	No further surveys or avoidance measures are recommended.
Loggerhead shrike <i>Lanius ludovicianus</i>	SSC, BCC	Year-round resident in open woodland, grassland, savannah, and scrub. Prefers areas with sparse shrubs, trees, posts, and other suitable perches for foraging. Preys upon large insects and small vertebrates. Nests are well-concealed in densely-foliaged shrubs or trees.	Moderate Potential. The Project Area is composed of grasslands which may provide suitable foraging grounds for the species. However, trees and shrubs are limited, and are sub-optimal for nesting due to their small size and limited density. One larger tree exists that may provide suitable nesting habitat. However, the presence of foraging and nesting substrates provides a moderate potential that the species may nest in the area.	Pre-construction breeding bird surveys are recommended for Project activities that occur between February 1 and August 31.
Marbled murrelet <i>Brachyramphus marmoratus</i>	FT, SE	Predominantly coastal marine. Nests in old-growth coniferous forests up to 30 miles inland along the Pacific coast, from Eureka to Oregon border, and in Santa Cruz/San Mateo Counties. Nests are highly cryptic, and typically located on platform-like branches of mature redwoods and Douglas firs. Forages on marine invertebrates and small fishes.	No Potential. No suitable old growth forest is present to support nesting by this species. No marine habitat is present to support foraging by the species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Swainson's hawk <i>Buteo swainsoni</i>	ST, BCC	Summer resident in California's Central Valley and limited portions of the southern California interior. Nests in tree groves and isolated trees in riparian and agricultural areas, including near buildings. Forages in grasslands and scrub habitats as well as agricultural fields, especially alfalfa. Preys on arthropods year-round as well as smaller vertebrates during the breeding season.	No Potential. No suitable large trees or other nesting substrates are present within the Project Area to support nesting by this species. Additionally, the Project Area is within a mostly developed section of Morgan Hill which has high levels of anthropogenic disturbance and decreased availability of foraging habitat.	No further surveys or avoidance measures are recommended.
Tricolored blackbird <i>Agelaius tricolor</i>	SC, SSC, BCC, RP	Nearly endemic to California, where it is most numerous in the Central Valley and vicinity. Highly colonial, nesting in dense aggregations over or near freshwater in emergent growth or riparian thickets. Also uses flooded agricultural fields. Abundant insect prey near breeding areas essential.	No Potential. Adjacent aquatic habitat does not support large expanses of tule or cattail which are required to support nesting by a colony.	No further surveys or avoidance measures are recommended.
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT, SSC, BCC, RP	Federal listing applies only to the Pacific coastal population. Year-round resident and winter visitor. Occurs on sandy beaches, salt pond levees, and the shores of large alkali lakes. Nests on the ground, requiring sandy, gravelly or friable soils.	No Potential. No suitable sandy beach, salt pond or similar habitats are present to support foraging or nesting habitat.	No further surveys or avoidance measures are recommended.
White-tailed Kite <i>Elanus leucurus</i>	CFP	Year-round resident in coastal and valley lowlands with scattered trees and large shrubs, including grasslands, marshes and agricultural areas. Nests in trees, of which the type and setting are highly variable. Preys on small mammals and other vertebrates.	Moderate Potential. Open agricultural fields onsite provide suitable foraging habitat while trees and shrubs on the Project Area and adjacent lands may provide marginal nesting habitat.	Pre-construction breeding bird surveys are recommended for Project activities that occur between February 1 and August 31.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Yellow-breasted chat <i>Icteria virens</i>	SSC	Summer resident, occurring in riparian areas with an open canopy, very dense understory, and trees for song perches. Nests in thickets of willow, blackberry, and wild grape.	No Potential. No riparian vegetation is present to support nesting by this species.	No further surveys or avoidance measures are recommended.
Reptiles and Amphibians				
Blainville's (Coast) horned lizard <i>Phrynosoma blainvillii (coronatum)</i>	SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Prefers friable, rocky, or shallow sandy soils for burial; open areas for sunning; bushes for cover; and an abundant supply of ants and other insects.	No Potential. No suitable sandy soils were observed within the Project Area, which is also outside the known range for this species.	No further surveys or avoidance measures are recommended.
California giant salamander <i>Dicamptodon ensatus</i>	SSC	Occurs in the north-central Coast Ranges. Moist coniferous and mixed forests are typical habitat; also uses woodland and chaparral. Adults are terrestrial and fossorial, breeding in cold, permanent or semi-permanent streams. Larvae usually remain aquatic for over a year.	No Potential. No perennial creeks or moist conifer forest is present to support this species.	No further surveys or avoidance measures are recommended.
California red-legged frog <i>Rana draytonii</i>	FT, SSC, RP	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11 to 20 weeks of permanent water for larval development. Associated with quiet perennial to intermittent ponds, stream pools and wetlands. Prefers shorelines with extensive vegetation. Disperses through upland habitats after rains.	No Potential. The nearest CNDDB occurrence is less than five miles from the Project Area (CDFW 2019) but any occupied habitats are separated from the Project Area by dense urban development which isolates the Project Area from nearby populations.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
California Tiger Salamander <i>Ambystoma californiense</i>	FE/FT, ST, RP	Populations in Santa Barbara and Sonoma counties currently listed as endangered; threatened in remainder of range. Inhabits grassland, oak woodland, ruderal and seasonal pool habitats. Adults are fossorial and utilize mammal burrows and other subterranean refugia. Breeding occurs primarily in vernal pools and other seasonal water features.	Unlikely. Although the nearest historic CNDDB historic occurrence is approximately one mile from the Project Area (CDFW 2019), no suitable aquatic breeding habitat is present onsite. No suitable breeding habitat occurs within dispersal distance of the Project Area; thus, CTS are unlikely to occur in on-site upland habitat. The Project Area does not occur within designated critical habitat for this species.	No further surveys or avoidance measures are recommended.
Foothill yellow-legged frog <i>Rana boylei</i>	SC, SSC	Found in or adjacent to rocky streams in a variety of habitats. Prefers partly-shaded, shallow streams and riffles with a rocky substrate; requires at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis. Feeds on both aquatic and terrestrial invertebrates.	No Potential. No aquatic habitat suitable for this species occurs onsite. The Project Area is outside the known range for this species.	No further surveys or avoidance measures are recommended.
Pacific (western) pond turtle <i>Actinemys marmorata</i>	SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Require basking sites such as partially submerged logs, vegetation mats, or open mud banks, and suitable upland habitat (sandy banks or grassy open fields) for egg-laying.	No Potential. Although the nearest CNDDB occurrence is less than five miles from the Project Area (CDFW 2019), no suitable aquatic habitat is present onsite to support the species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Santa Cruz black salamander <i>Aneides flavipunctatus niger</i>	SSC	Climbing salamanders of the genus <i>Aneides</i> frequent damp woodlands and are usually found hiding under various debris (i.e. bark, woodrat nests, logs). The Santa Cruz black salamander exists south of the San Francisco Bay and was only recently recognized as a separate and protected species. Santa Cruz black salamander is highly sedentary, preferring to stay hidden under riparian debris. Prey items include millipedes, spiders, and other insects (Stebbins and McGinnis 2012).	No Potential. No damp woodland, or riparian forest is present to support this species.	No further surveys or avoidance measures are recommended.
Fish				
Delta smelt <i>Hypomesus transpacificus</i>	FT, ST, RP	Lives in the Sacramento-San Joaquin estuary in areas where salt and freshwater systems meet. Occurs seasonally in Suisun Bay, Carquinez Strait and San Pablo Bay. Seldom found at salinities > 10 ppt; most often at salinities < 2 ppt.	No Potential. The Project Area does not contain any aquatic habitat to support the species.	No further surveys or avoidance measures are recommended.
Monterey roach <i>Lavinia symmetricus subditus</i>	SSC	Tributaries to Monterey Bay, specifically the Salinas, Pajaro, and San Lorenzo drainages.	No Potential. No aquatic habitats are present within the Project Area to support this species.	No further surveys or avoidance measures are recommended.
steelhead - south/central CA coast DPS <i>Oncorhynchus mykiss irideus</i>	FT	Occurs in coastal basins from the Pajaro River south to, but not including, the Santa Maria River. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for 1 or more years before migrating downstream to the ocean.	No Potential. No aquatic habitats are present within the Project Area to support this species.	No further surveys or avoidance measures are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RESULTS AND RECOMMENDATIONS
WILDLIFE				
Invertebrates				
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	FT, SSI, RP	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Orthocarpus densiflorus</i> and <i>O. purpurascens</i> are the secondary host plants.	No Potential. No suitable serpentine outcrops, soils or native grasslands are present within the Project Area.	No further surveys or avoidance measures are recommended.
Western bumble bee <i>Bombus occidentalis</i>	SSI	Formerly common throughout much of western North America; populations from southern British Columbia to central California have nearly disappeared (Xerces 2019). Occurs in a wide variety of habitat types. Nests are constructed annually in pre-existing cavities, usually on the ground (e.g. mammal burrows). Many plant species are visited and pollinated.	No Potential. The Project Area is regularly tilled for agriculture and vegetation control, eliminating burrows or similar structures that are required to support a colony of this species.	No further surveys or avoidance measures are recommended.

*** Key to status codes:**

FE	Federal Endangered
FT	Federal Threatened
SE	State Endangered
SD	State Delisted
ST	State Threatened
SR	State Rare
California Rare Plant Rank (CRPR)	
Rank 1A	CRPR 1A: Plants presumed extinct in California
Rank 1B	CRPR 1B: Plants rare, threatened or endangered in California and elsewhere
Rank 2A	CRPR 2A: Plants presumed extirpated in California, but more common elsewhere
Rank 2B	CRPR 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
Rank 3	CRPR 3: Plants about which CNPS needs more information (a review list)
Rank 4	CRPR 4: Plants of limited distribution (a watch list)

Threat Ranks

0.1	Seriously threatened in California
0.2	Moderately threatened in California
0.3	Not very threatened in California

****Potential to Occur:**

No Potential. Habitat on and adjacent to the site is clearly unsuitable for the species requirements (cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).

Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.

Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.

High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.

*****Results and Recommendations:**

Present. Species was observed on the site or has been recorded (i.e. CNDDB, other reports) on the site recently.

Assumed Present. Species has a high likelihood of occurring and actions to avoid/mitigate impacts are recommended; surveys not conducted.

Assumed Absent. Species is assumed to not be present or utilize the site due to a lack of key habitat components.

Not Observed. Species was not observed during protocol-level surveys.

**GEOTECHNICAL AND FOUNDATION INVESTIGATION
PROPOSED BUTTERFIELD BOULEVARD EXTENSION
MORGAN HILL, CALIFORNIA
(100% Submittal)**

**PROJECT 2309E
(2010.0150)**

For

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March 8, 2011

**GEOTECHNICAL AND FOUNDATION INVESTIGATION
PROPOSED BUTTERFIELD BOULEVARD EXTENSION
MORGAN HILL, CALIFORNIA
(100% Submittal)**

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APPENDIX A - KEYS TO SOIL CLASSIFICATION AND DRILL HOLE LOGS

Keys to Soil Classification (Fine and Coarse Grained Soils)
Log of Exploratory Drill Holes (DH-1 through DH-17)

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**GEOTECHNICAL INVESTIGATION
BUTTERFIELD BOULEVARD EXTENSION
MORGAN HILL, CALIFORNIA
(100% Submittal)**

1. INTRODUCTION

1.1 GENERAL

This report presents the results of our geotechnical investigation for the proposed Butterfield Boulevard Extension project in Morgan Hill, California. The approximate location of the project is shown on the Vicinity Map included with the Site Plan, Figure 1, of this report. A layout of the proposed roadway, drainage channel and detention pond is shown on Figure 1.

This report is based on the design information provided to us. This information and our recommendations in this report are intended for the 100% project submittal to the City. If changes are made to the project design, we should be notified to review the changes and evaluate if revisions to our conclusions and recommendations are necessary.

This report presents our conclusions and geotechnical recommendations for design and construction of the proposed roadway, over-crossing, drainage channel, detention pond, culverts and retaining structures. These conclusions and recommendations are based on subsurface information collected during this investigation. The conclusions and recommendations in this report should not be extrapolated to other areas or used for other projects without our review.

1.2 PROJECT DESCRIPTION

We understand the proposed project includes the following elements.

Butterfield Boulevard Extension: Butterfield Boulevard will be extended from its existing southern terminus near Tennant Avenue to west of Monterey Road and Watsonville Road, crossing Fisher Avenue and Railroad Avenue (see Figure 1), for a distance of approximately 4,700 feet. The new road will have two traffic lanes in each direction and a 4 to 12 foot wide median. Sidewalks, planter areas and retaining structures are also proposed along sections of the roadways. Other improvements will include new storm drainage facilities, underground utilities and light standards.

Over-crossing at Railroad Avenue and UPRR: A new over-crossing is proposed at Railroad Avenue and Union Pacific Railroad (UPRR). The proposed over-crossing will be a two-span structure approximately 222 feet long (measured along "B" Line) and 86 feet wide. The interior spans will be about 92 and 130 feet long. Along "B" Line, the top of bridge will be at Elevation 353.08 feet at Abutment 1 and Elevation 353.26 feet at Abutment 3. The abutments and interior bent will be located outside of the UPRR right-of-way.

Approach Ramps and Retaining Structures: An approach ramp up to about 35 feet high will be constructed at each end of the proposed over-crossing. Each side of the ramps will slope down at an inclination of 3:1 (horizontal:vertical) to a mechanically stabilized embankment (MSE) up to about 16 feet high. The MSEs are identified as Retaining Wall No. 1 (RW1) through Retaining Wall No. 4 (RW4) on the design plans. The ends of the

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approach fills in front of the abutments will have an inclination of 1½:1 (h:v) and paved with concrete.

Retaining Wall No. 5 will be constructed on the western bank of the proposed drainage channel on the east side of new Butterfield Boulevard and south of Tennant Avenue. This wall will be about 408 feet long, about 4 to 6 feet high, and extend between roughly 61 feet left of Station "B" 156+92.99 and roughly 55 feet left of Station "B" 158+93.41.

We understand a retaining wall up to about 2 feet high is proposed along the west side of new Butterfield Boulevard, in the area of Stations "B" 158 to 159.

Realignment of Existing Roadways: A section of Fisher Avenue near the new Butterfield Boulevard and a section of Watsonville Road west of Monterey Road will be realigned to meet the new Butterfield Boulevard.

New Culverts: New culverts are proposed at the realigned Fisher Avenue, at Monterey Road and Watsonville Road, and at Maple Avenue.

A new culvert will be constructed along the proposed drainage channel to convey water beneath the realigned Fisher Avenue. This structure will be about 112 feet long and consist of a double 10-foot by 7.5-foot reinforced concrete box culvert. The culvert will have an invert elevation of 314.26 feet at the north end, with 313.70 feet at the south end. The bottom of the culvert will be about 9 to 10 feet below the existing ground surface. Wing walls up to 12 feet high will be constructed at both ends of the culvert.

A new culvert will be constructed along the proposed drainage channel to convey water beneath Maple Avenue. This structure will be about 112 feet long and consist of a double 14-foot by 4-foot reinforced concrete box culvert. The culvert will have an invert elevation of 308.66 feet at the north end, with 308.10 feet at the south end. The bottom of the culvert will be about 6.5 to 8 feet below the existing ground surface. Wing walls up to 11 feet high will be constructed at both ends of the culvert.

Two new culverts are proposed at the intersection of Monterey Road and Watsonville Road. West of Monterey Road, a new 120-foot long, double 4-foot by 10-foot reinforced concrete box culvert is proposed under the realigned section of Watsonville Road. The culvert will have an invert elevation of 311.25 feet at the west end, with 310.51 feet at the east end. At the east end of the new culvert, a wing wall up to 10 feet high will be constructed. Along the northern creek bank between the east end of the new culvert under Watsonville Road and the west end of the existing culvert under Monterey Road, a Caltrans Type 1 retaining wall about 12 feet high will be constructed.

East of Monterey Road, a new 88-foot long, double 4-foot by 10-foot reinforced concrete box culvert is proposed extending the existing culvert under Monterey Road into West Little Llagas Creek. The culvert will have an invert elevation of 309.87 feet at the east end, with 310.18 feet at the west end. The bottom of the culvert will be about 2 feet below the bottom of the creek channel. Wing walls up to 12 feet high will be constructed at the east end of the culvert.

Pipe Jacking: Bore and jack will be used north of the proposed over-crossing for installation of a 6-inch diameter force main sewer pipeline and a 12-inch diameter water main under the

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railroad tracks through a 20-inch diameter steel casing. The bore pits are anticipated to be about 20 feet by 25 feet in plan dimension and about 10 feet deep.

Flood Control Channel: A new drainage channel, about 4 to 10 feet deep, will be constructed as a part of the project. The new channel will begin at the southern terminus of the existing channel at Tennant Avenue, continue along the east side of new Butterfield Boulevard, cross under the realigned Fisher Avenue via a box culvert, turn south at Railroad Avenue and continue south along the east side of Railroad Avenue, cross Maple Avenue via a new box culvert, continue south and then turn west along the south side of the proposed detention basin to west of Seymour Avenue. The new channel will have a bottom width of about 10 feet and a side slope of 2:1 (h:v).

An earth check dam will be constructed inside the new flood control channel just south of the concrete weir on the west side of the detention basin. The check dam will have a crest width of 10 feet and 4:1 (horizontal:vertical) side slopes. The top of the check dam will be a minimum of 15 inches below the adjacent top of channel. Three 24-inch diameter HDPE culverts will be installed at the bottom of the check dam to allow water flow. Energy dissipators, consisting of 4-inch minimum diameter rocks set in 8-inch thick concrete slabs, will be constructed at the inlets and outlets of the culvert. The center of the dam will be covered by a 6-inch thick concrete slab for maintenance vehicle access. The remaining surface of the check dam will be covered by erosion control matting.

Detention Basin: The proposed detention basin, covering an area of about 38 acres, will be constructed between Maple Avenue in the north, Railroad Avenue on the west, Llagas Creek on the south, and Seymour Avenue on the west. A levee, with a crest elevation of 314½ feet, is proposed around the perimeter of the pond. The levee will have side slopes of 4:1 (h:v) and a crest width of 10 feet. The pond bottom will vary from roughly Elevation 308½ feet in the northwestern portion to roughly Elevation 306.2 feet in the southeastern portion. The 100-year design flood water level is at Elevation 311.8 feet.

Water in the adjacent drainage channel will enter the pond through a concrete-lined weir in the western portion of the pond. A pipe system will drain the pond water to Llagas Creek near Seymour Avenue.

About 100,000 cubic yards of soils are anticipated to be generated from construction of the basin. Some of the soils will be used for construction of the pond levees. The remaining soils from the basin and soils excavated from the drainage channel extension will be used for construction of the proposed Butterfield Boulevard.

Detention/Bio-Filtration Basin: The basin will be constructed southeast of Monterey Road and new Butterfield Boulevard. The basin will be about 5 to 6 feet deep, with bottom elevation of 310.2 feet and side slopes of 4:1 (h:v).

1.3 PURPOSE AND SCOPE OF INVESTIGATION

The purpose of this investigation was to evaluate the subsurface soil conditions at the project areas and to provide geotechnical recommendations for use in the design and construction of the proposed improvements. The following scope of work was performed for this investigation.

1. Review of available geologic and geotechnical information pertinent to the project.

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2. Reconnoitering of the project areas to observe surface conditions and mark locations of our subsurface exploration.
3. Obtaining an encroachment permit from the City of Morgan Hill (City) and deep boring permits from Santa Clara Valley Water District (SCVWD) for our subsurface exploration work. Rights-of-entry for private properties were provided by the City.
4. Notifying Underground Service Alert for utility clearance.
5. Coordination of our drilling schedule with the City, SCVWD and private property owners and tenants.
6. Performance of a subsurface exploration program which included sixteen conventional drill holes, a Cone Penetrometer Test (CPT) probe, and four pavement holes.
7. Collection of seven bulk samples of near-surface soil along the proposed roadway and drainage channel alignments and from the proposed detention basin area.
8. Laboratory testing of selected soil samples to measure their physical and engineering properties.
9. Engineering analysis of information from our literature research, field investigation and laboratory testing.
10. Preparation of draft reports for the 25%, 50% and 100% submittals.
11. Preparation of this 100% submittal final report summarizing our findings, conclusions and recommendations. Specifically, the report includes the following:
 - Project description
 - Scope of work
 - Field investigation and laboratory testing
 - Geotechnical conditions, including site geology, surface conditions, subsurface conditions, and depth to groundwater
 - Seismic data, including faulting, seismicity, site acceleration, liquefaction potential, and Caltrans design ARS for the proposed over-crossing
 - Geologic hazards including tsunami, seiche, earthquake induced flooding, landslides, ground rupture, seismic shaking and scour
 - Geotechnical analysis, including embankment settlements, settlement periods, slope stability, and local borrow soils for project construction
 - Soil corrosion potential
 - Earthwork recommendations, including site preparation, excavations, re-compaction of near-surface soil, subgrade preparation, material for engineered fill, fill placement and compaction, and backfilling of utility trenches

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- Foundation recommendations for the proposed over-crossing including recommended foundation type, pile data table, lateral load responses, and pile foundation settlement
- Foundations for culverts and retaining structures
- Parameters for design of Mechanically Stabilized Embankments
- Lateral earth pressures and resistance for abutments, wing walls and retaining structures
- Structural pavement sections
- A Vicinity Map showing the project area and Site Plan showing the approximate locations of our field exploration and sampling
- Logs of our drill holes and CPT probes
- Laboratory test results

1.4 INFORMATION PROVIDED

For this investigation, the following was provided to us.

- A set of four sheets of preliminary civil design plans for the proposed roadway extension, prepared by MH Engineering, dated November 2009
- A set of two sheets of preliminary grading plan and grading cross sections for the proposed detention pond, prepared by MH Engineering, dated November 2009
- Preliminary bridge design plan prepared by Mark Thomas & Company, with updated version received via email on November 9, 2009
- Preliminary bridge foundation loads and footing elevations by Mark Thomas & Company
- Design traffic index for Butterfield Boulevard by MH Engineering
- A set of Improvement Plans for Butterfield Boulevard South Extension for the 25% submittal
- A set of Improvement Plans for Butterfield Boulevard South Extension for the 90% submittal

2. FIELD INVESTIGATION AND LABORATORY TESTING

Our field investigation consisted of a surface reconnaissance and a subsurface exploration program. The site reconnaissance was to observe existing surface conditions along the proposed roadway and drainage channel alignments, at the proposed over-crossing and at the proposed detention pond. The subsurface exploration program was to explore soil conditions at selected locations within the project areas and at the supports of the proposed over-crossing.

2.1 SUBSURFACE EXPLORATION

Our subsurface exploration program consisted of sixteen exploratory drill holes (DH-1 through DH-17; DH-4 was not drilled because right-of-entry could not be obtained from the property owner), one Cone Penetrometer Test hole (CPT-1) and four pavement holes (PH-1 through PH-4). The drill holes, CPT hole and pavement holes were located in the field by referencing to existing site features and pacing; therefore, their locations are approximate. The approximate locations of the drill holes, CPT hole and pavement holes are shown on Figure 1.

The drill holes and CPT hole were backfilled with cement grout, as required by the Santa Clara Valley Water District, and topped off with cold patch asphalt in paved areas. The pavement holes were backfilled with cold patch asphalt.

2.1.1 Drill Holes

The drill holes were advanced between October 19 and November 4, 2009 using a truck-mounted drill rig. Holes DH-8, DH-9 and DH-10 were advanced using mud rotary drilling method. The remaining holes were advanced using 8-inch diameter hollow-stem augers. Maximum depth of exploration ranged between 20 and 100 feet below ground surface (bgs). In the field, our personnel visually classified the materials encountered and maintained a log of each drill hole.

Soil samples were obtained from the drill holes using a 2-inch outside diameter (1.4-inch inside diameter) split-barrel sampler (also called a Standard Penetration Test sampler), a 3-inch outside diameter (2½-inch inside diameter) split barrel sampler with 6-inch-long liners, and a 3-inch diameter thin-walled Shelby tube. Drive samples were obtained by driving a soil sampler up to 18 inches into the earth material using a 140-pound hammer falling 30 inches. The hammer was operated using a wire winch and pulley system. The number of blows required to drive the samplers was recorded for each 6-inch penetration interval. The number of blows required to drive the sampler the last 12 inches, or the penetration interval indicated on the log where harder material was encountered, is shown as blows per foot (blow count) on the drill hole logs. The Shelby tubes were hydraulically pushed into the soil. The pressure used to push the Shelby tubes and the depths of penetration are shown on the boring logs.

Visual classification of soils encountered in our drill holes was made in general accordance with the Unified Soil Classification System (ASTM D 2487 and D 2488). The results of our laboratory tests were used to refine our field classifications. Two Keys to Soil Classification, one for fine grained soils and one for coarse grained soils, are included in Appendix A together with the logs of the drill holes.

2.1.2 Cone Penetrometer Test

CPT-1 was performed by John Sarmiento & Associates on October 30, 2009, to a depth of approximately 74 feet below existing ground surface, where refusal to advancement was encountered. CPT involves pushing a small diameter (10 cm² cross-sectional area) steel probe into the ground using a hydraulic jack attached to a truck mounted rig. The tip of the probe is instrumented and takes almost continuous measurements (roughly every 1 inch) of tip resistance, side friction resistance, and pore pressure. The CPT data and typical interpreted soil properties, presented at about 6-inch depth intervals, are included in Appendix B and include the following:

Symbol	Explanation
Qc	Tip bearing resistance
Qc'	Tip bearing resistance normalized for overburden
Fs	Sleeve friction resistance
Rf	Tip/sleeve friction Ratio
SPT (N)	Equivalent standard penetration blow count
SPT' (N')	Corrected equivalent standard penetration blow count
EffVtStr	Estimated effective overburden stress
PHI	Interpreted internal friction angle
Su	Interpreted undrained shear strength
Soil Behavior type	Interpreted soil behavior type
Density Range	Estimated range of total soil density

2.1.3 Pavement Holes

The four pavement holes (PH-1 through PH-4) were drilled on May 27, 2010, for the section of existing Butterfield Boulevard south of Tennant Avenue to explore the thickness of the existing pavement section. The measured thicknesses of asphalt concrete and aggregate base are presented in Section 3.3.

2.1.4 Bulk Sampling

A total of seven bulk samples of the near-surface soils (Bulks B-1 through B-7) were collected near drill holes DH-12, DH-1, DH-15, DH-14, DH-13, DH-7 and DH-3, respectively.

2.2 LABORATORY TESTING

Laboratory tests were performed on selected soil samples. The geotechnical tests included water content, dry density, Atterberg limits, grain size distribution, percent passing No. 200 sieve, unconfined compressive strength, unconsolidated undrained triaxial shear (TXUU), consolidation, corrosion potential and laboratory compaction. Other test includes corrosion potential on six selected samples by CERCO Analytical.

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Most of the laboratory test results are presented on the drill hole logs at the corresponding sample depths. The results of the Atterberg Limits, unconfined compressive strength, triaxial UU, grain size distribution, R-value and laboratory compaction tests are presented on Figures C-1 through C-31 in Appendix C. The results of the corrosion potential tests from CERCO Analytical are included in a separate sheet after Figure C-31.

Attachment: Attachment 8: Appendix D - Geotechnical and Foundation Investigation Report (2382 : Butterfield Boulevard Park Grant)

3. SITE GEOLOGY AND SITE CONDITIONS

3.1 SITE GEOLOGY

The project site lies within the city of Morgan Hill, which is situated in the Llagas subbasin of the southern Santa Clara Valley. Geology of the Santa Clara Valley has been extensively studied and mapped by the United States Geological Survey (USGS), California Geological Survey (CGS), and other investigators. The site lies where two alluvial fans meet, and thus have two different sediment sources (Mactec, 2006, 2007). Knudsen and others (2000) map all but the southern tip of the segment as underlain by latest Pleistocene (between approximately 11,000 and 2 million years) alluvial fan deposits (map unit Qpf) that are derived from the Diablo Range to the east, and are part of a large-scale alluvial fan with a Coyote Creek source. The southernmost tip of the segment is mapped as being underlain by latest Pleistocene to Holocene alluvial fan deposits (map unit Qf) derived from the Santa Cruz Mountains, and deposited by Little Llagas Creek. These sediments are thus slightly younger than sediments to the north. Wentworth and others (1999) map the entire segment as being underlain by Upper (latest) Pleistocene alluvial fan deposits; they do not subdivide deposits in the area.

A Ground Movement Potential Map (GMP) was prepared by Pacific Geotechnical Engineering (1994) for the City of Morgan Hill. The GMP shows the segment as being "relatively stable ground" composed of unconsolidated colluvium or alluvium.

3.2 SURFACE CONDITIONS

The project site is located in a flat-lying area of Morgan Hill. The proposed roadway and drainage channel alignments will cross vacant lands, farm buildings, farm lands, Fisher Avenue, Railroad Avenue, Maple Avenue and UPRR tracks. Fisher Avenue, Railroad Avenue and Maple Avenue have one lane of traffic in each direction, with unpaved shoulders and overhead power lines. The UPRR tracks are several feet higher in elevation than Railroad Avenue.

The site of the proposed detention pond is currently farm land with several buildings in the northeastern portion. The area is essentially flat-lying and the ground surface has been disced for farming purposes.

3.3 EXISTING BUTTERFIELD BOULEVARD PAVEMENT SECTIONS

The measured asphalt concrete and aggregate base thicknesses of Butterfield Boulevard south of Tennant Avenue in PH-1 through PH-4 drilled on May 27, 2010, are tabulated below.

Table 3.3-1
Measured Pavement Section Thicknesses

Probe Hole	Measured Asphalt Concrete Thickness (inches)	Measured Aggregate Base Thickness (inches)	Total Measured Thickness (inches)
PH-1*	3	3	6
PH-2	4	6 - 7	10 - 11
PH-3	4	6	10
PH-4	4 - 5	6	10 - 11

* PH-1 appears to be a parking area

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3.4 SUBSURFACE CONDITIONS

A brief description of the materials encountered at the site is presented below. For more details of the soils encountered in our drill holes and CPT probe, refer to the drill hole logs in Appendix A and the CPT data sheets in Appendix B.

Proposed Over-crossing at Railroad Avenue and UPRR: Drill holes DH-8, CPT-1 and DH-9 were advanced for Abutment 1, Bent 2 and Abutment 3, respectively. Below the ground surface at DH-8, layers of clayey sand and clayey gravel were encountered to a depth of about 47 feet. The sand and gravel layers are medium dense to dense in relative density and contain variable amounts of cobbles. Between depths of 47 and 59½ feet is a layer of very stiff to hard fat clay. The fat clay is predominantly underlain by dense to very dense clayey sands to the maximum explored depth of about 100 feet. Two layers of very stiff to hard clay to fat clay were encountered within the clayey sand layers, between depths of 69 and 72½ feet and between depths of 84 and 87 feet.

In DH-9, layers of clayey sand and clayey gravel with variable amounts of cobbles were encountered to a depth of about 33 feet below ground surface. The sand and gravel layers are generally medium dense to very dense except for the upper few feet which are loose to medium dense. Between depths of 33 and 37 feet is a very stiff clay layer. This clay layer is underlain by interbedded layers of medium dense to very dense clayey sand and clayey gravel, and firm to very stiff lean clay and sandy clay to the maximum explored depth of about 100 feet.

In CPT-1, the interpreted soil behavior types include sandy soils to a depth about 32 feet below ground surface, clayey soils to a depth of about 38 feet, sandy soils to a depth of about 43 feet, clayey soils to a depth of about 59 feet, sandy soils to a depth of about 65 feet, clayey soils to a depth of about 73 feet, and sandy soils to the maximum explored depth of about 74 feet where refusal to advancement was encountered.

Proposed Detention Basin: Drill holes DH-14 through DH-17 were advanced for the proposed detention basin. In DH-14 and DH-15, the surficial soil layer consists of medium dense to dense clayey sand and well graded gravel with silt and sand to a depth of about 3 to 4½ feet. In DH-16 and DH-17, a layer of very stiff clay was encountered below ground surface to a depth of about 3 feet. These soils are underlain by medium dense to very dense clayey sand and clayey gravel to the maximum explored depth of about 20 feet.

Butterfield Boulevard Extension, Drainage Channel and Bio-filtration Basin: Drill holes DH-1 through DH-13 were located along the proposed alignments of the Butterfield Boulevard extension and drainage channel, and near the bio-filtration basin.

The surficial layer of soil consists generally of loose to medium dense silty sand, clayey sand and clayey gravel and locally stiff sandy lean clay. The surficial soils are underlain predominantly by medium dense to dense clayey sands and clayey gravels with interbedded layers of stiff to very stiff clay and soft to firm lean clay/silt.

3.5 GROUNDWATER

Groundwater was encountered in several of the drill holes and in CPT-1. Groundwater level was not established in DH-6, DH-8, DH-9 and DH-10 because mud rotary drilling method was used. In DH-6, mud rotary drilling was used initially, followed by hollow stem auger drilling.

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Groundwater was not encountered in the other drill holes because of their relatively shallow depth and the short time between completion of drilling and grouting of the holes.

The measured depths to groundwater table in our drill holes and CPT-1 are tabulated below.

Table 3.5-1
Measured Depth to Groundwater

Hole	Measured Depth to Groundwater Immediately After Completion of Drilling (feet)
CPT-1	23.2
DH-5	20
DH-7	20
DH-13	17.7
DH-14	17.1
DH-15	17
DH-17	14.9

Fluctuations in the groundwater level may occur due to water level in the drainage channel, seasonal variations in rainfall and temperature, pumping from wells, irrigation or other factors that were not evident at the time of our investigation.

3.6 VARIATIONS IN SUBSURFACE CONDITIONS

Our interpretations of soil and groundwater conditions, as described in this report, are based on data obtained from our subsurface exploration and laboratory testing for this study. Our conclusions and geotechnical recommendations are based on these interpretations. Please realize the project area has undergone different phases of development and grading. Therefore, it is likely that undisclosed variations in subsurface conditions exist at the site, such as old foundations, abandoned utilities and localized areas of deep and loose fill.

Careful observations should be made during construction to verify our interpretations. Should variations from our interpretations be found, we should be notified to evaluate whether any revisions should be made to our recommendations.

4. SEISMIC DATA AND EVALUATION

4.1 SEISMIC DATA

The greater San Francisco Bay Area is one of the most seismically active regions in the United States. The area is seismically dominated by the active San Andreas Fault system, the tectonic boundary between the northward moving Pacific Plate (west of the fault) and the North American Plate (east of the fault). This movement is distributed across a complex system of generally strike-slip, right-lateral, subparallel faults.

Regional faults that have a potential to generate large magnitude earthquakes and significant ground shaking at the site are listed below, and selected faults are described in detail in Appendix D of this report. The distances listed below are derived from the USGS Quaternary Fault and Fold database (<http://earthquake.usgs.gov/regional/qfaults/>).

Table 4.1-1
Fault Distances and Orientation

Fault	Approximate Distance		Orientation from Project Site to Fault
	Project North	Project South	
Calaveras	3¾ mi	4¼ mi	Northeast
Sargent	7½ mi	6½ mi	Southwest
Monte Vista-Shannon	8½ mi	8½ mi	Northwest
San Andreas	9¾ mi	9 mi	Southwest
Hayward (southeast extension)	12½ mi	13 mi	Northwest
Zayante-Vergeles	12¾ mi	12¼ mi	Southwest
Greenville	13½ mi	14 mi	Northeast
Ortogonalita	22 mi	22½ mi	Northeast
San Gregorio-Hosgri	34 mi	33 mi	Southwest

No known faults have been mapped crossing the site. The project site is not located in an Alquist-Priolo Earthquake Fault Zone as defined by Special Publication 42 (revised 1997) published by the California Division of Mines and Geology (CDMG).

The probabilistic horizontal peak ground acceleration (PGA) value was estimated using the United States Geological Survey (USGS)/California Geological Survey (CGS) Probabilistic Seismic Hazards Assessment Model 2002 (revised April 2003). For the proposed over-crossing site (alluvial soil, longitude 121.6311W, and latitude 37.1106N), the estimated PGA value for a 10% probability of being exceeded in a 50-year time period is 0.64g.

The combined probability of large earthquakes occurring on one of the active faults in the area has been estimated by the Working Group on California Earthquake Probabilities (1990, 1999, 2003, 2008), with probabilities refined through several iterations. The greatest changes have been in the treatment of fault segments, rupture scenarios, and in the progressive consideration of more potential seismic sources. Current estimates (WGCEP, 2003, 2008) suggest that there is a 62% probability of a large magnitude (6.7 or greater) earthquake in the San Francisco Bay Region as a whole in the 30-year period ending in 2031.

4.2 CALTRANS ARS FOR OVER-CROSSING DESIGN

The proposed over-crossing will be designed following Caltrans guidelines. Therefore, we have developed a Caltrans Acceleration Response Spectrum (ARS) based on Caltrans Seismic Design Criteria (SDC) Version 1.5 (November 2010) for design of the proposed over-crossing. The procedures outlined in SDC Version 1.5 develop a deterministic response spectrum and a probabilistic response spectrum. The design response spectrum is the upper envelope of the spectral values of the deterministic and probabilistic response spectra across the period spectrum. The design ARS for the proposed over-crossing is presented in Figure 2.

4.3 LIQUEFACTION AND DYNAMIC COMPACTION

Soil liquefaction is a phenomenon in which saturated, cohesionless soils (generally sands) lose their strength due to the build-up of excess pore water pressure during cyclic loading, such as that induced by earthquakes. Soils most susceptible to liquefaction are saturated, clean, loose, fine-grained sands and silts. The primary factors affecting soil liquefaction include: 1) intensity and duration of seismic shaking; 2) soil type and relative density; 3) overburden pressure; and 4) depth to ground water.

The project area is not located within a Santa Clara County liquefaction hazard zone. A more recent map prepared by Knudsen and others (2000) and incorporated current liquefaction and engineering analysis, shows the project area as having a low susceptibility to liquefaction.

The Liquefaction Potential Map prepared by Pacific Geotechnical Engineering (1994) for the City of Morgan Hill shows the project area as having a "low" potential for ground surface movement due to liquefaction; deposits associated with Little Llagas Creek are shown as an "area of potential liquefaction."

Geotechnical information from this investigation allows a site-specific liquefaction assessment. Our liquefaction assessment was based on a PGA value of 0.64 (see Section 4.1), earthquake moment magnitude of 8, and a groundwater depth of 10 feet based on our review of available groundwater data. The results of our assessment suggest the potential for liquefaction of the soils encountered in our drill holes and CPT probe is low, except for some localized sand layers. Using the procedure proposed by Tokimatsu and Seed (1987), liquefaction-induced ground surface settlement was estimated to be on the order of $\frac{1}{4}$ to $\frac{3}{4}$ inch. Research has shown that actual settlements could range from 50% to 200% of the estimated values.

4.4 ADDITIONAL GEOLOGIC HAZARDS CONSIDERATIONS

Tsunami: The project area is located in an interior valley, and is not subject to tsunami hazards (CGS Note 55).

Seiche: The project area is not located near the margin of a body of water subject to seiche (flood hazard associated with seismically-induced oscillation).

Earthquake Induced Flooding: A review of on-line FEMA FIRM flood hazard maps (accessed 11/20/09 through City of Morgan Hill link to FEMA FIRM at <http://www.morganhill.ca.gov/index.aspx?NID=749>) indicates that the southern approximately one-quarter of the project area lies within "Zone AE" (floodway) that is associated with Little Llagas Creek.

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The project area is located within the potential inundation area in the event of a sudden failure of Anderson Dam (Anderson Reservoir), located east of Morgan Hill (SCVWD, online Sheet 7 accessed at <http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/AndersonDam/Anderson%20Dam%20Flood%20Inundation%20Maps%20Sheet%207.pdf?n=4660>).

Landslides: The risk of landsliding is low because topography of the site is generally flat.

Ground Rupture: The risk of seismically induced ground rupture is low because the site is not crossed by any mapped active or potentially active faults.

Seismic Shaking: The project site is in an area of high seismicity. Based on general knowledge of the site seismicity, it should be anticipated that, during its useful life, the proposed project will be subject to at least one severe earthquake (magnitude 7 to 8+) that could cause considerable ground shaking at the site. It is also anticipated that the subject site will periodically experience small to moderate magnitude earthquakes.

Scour: Scour is not a consideration at the proposed over-crossing site because it does not cross a body of water. However, scour is likely at the drainage channel, detention basin and bio-filtration basin.

5. GEOTECHNICAL ANALYSIS AND CORROSION EVALUATION

5.1 DESIGN PARAMETERS

The engineering parameters used in our analyses were developed based on the field and laboratory data from this investigation. For slope stability analyses, the soil friction angles were lowered and a cohesion component was added (see Sections 5.2.2 and 5.3). In our opinion, this approach provides more representative factors of safety.

Based on depths to groundwater measured in our drill holes and CPT hole, we used a design groundwater level of 20 feet below existing ground surface for the proposed over-crossing and approach ramps, and 17 feet below existing ground surface for the proposed detention pond.

5.2 APPROACH FILLS

Approach fills up to about 35 feet above existing grades will be required at both ends of the over-crossing. Each side of the fill embankments will have a slope of 3:1 (horizontal:vertical) down to a mechanically stabilized embankment (MSE) up to about 16 feet high. The ends of the approach fills in front of the abutments will have an inclination of 1½:1 (h:v) and paved with concrete.

5.2.1 Settlement of Fill Embankments

The weight of the approach fill embankments will induce consolidation settlement in the underlying soils. We have estimated the magnitude of primary consolidation settlement in the subsurface soils under the various thicknesses of fills, presented in Table 5.2-1 below. The thickness and configuration of the fill were based on the project design plans, with the MSE walls incorporated.

Table 5.2-1
Estimated Primary Consolidation Settlement

Station	Approximate Fill Thickness (feet)	Estimated Settlement (inches)
179+00 & 181+30	35	3 to 6
177+40 & 183+70	30	3 to 6
176+20 & 184+90	25	2 to 5
175+30 & 185+80	20	1 to 4
174+30 & 187+00	15	1 to 3

Primary consolidation settlement in the sand and gravel layers is expected to occur as the fill is being placed. Consolidation settlements in the clay layers will take longer. Based on the results of the laboratory consolidation tests, we have estimated 1 to 1½ months will be required to complete approximately 90 percent of the estimated primary settlement. A settlement period of at least 45 days is recommended. The actual rate of settlement should be monitored in the field to allow adjustment of the estimated settlement period.

5.2.2 Stability of Approach Fill Embankments

The stability of the approach fill embankments was evaluated. The cross-section used in our analysis includes a 35-foot high fill embankment located 25 feet away from the proposed drainage channel. The fill embankment has a 3:1 (h:v) side slope down to a 16-foot high MSE wall. A 240-psf vertical surcharge was applied at the top of the embankment to simulate traffic loads, typical of Caltrans design. The side slopes of the drainage channel has an inclination of 2:1 (h:v) and a vertical height of 10 feet. Groundwater was modeled at 20 and 0 feet below the ground surface. The properties of the soil materials used in our analysis and the calculated factors of safety are tabulated below.

Table 5.2-2
Soil Strengths Used in Stability Analysis of Approach Fills

Material	Total Unit Weight (pcf)	Effective Stress Envelope	
		Φ' (degrees)	c' (psf)
Engineered Fill	145	32	300
Upper Native Soil - Clayey Sand and Gravel	130	28	300
Native Alluvium at Depth - Clayey Sand and Gravel	140	35	100

Table 5.2-3
Results of Slope Stability Analysis of Approach Fills

Minimum Factor of Safety			
Static Stability		Seismic Stability ($k_{eq} = 0.2$)	Rapid Drawdown
GW @ 20'	GW @ 0'	GW @ 20'	GW @ 20'
1.74	1.7	1.2	1.6

5.3 DETENTION BASIN SLOPE STABILITY

The cross-section used in our slope stability analysis of the detention basin levee and bank includes a 3.5-foot high levee with 4:1 (h:v) side slopes on both the inboard and outboard sides. The levee is situated on a 1.5-foot high basin bank with a side slope of 4:1 (h:v). A 1-foot deep swale is adjacent to the toe of the pond bank. The proposed drainage channel is located 25 feet away from the basin. The drainage channel has a vertical height of 3.5 feet and a side slope inclination of 2:1 (h:v). The soil properties in Table 5.2-2 were used in our analysis.

Table 5.3-1
Results of Slope Stability Analysis of Detention Pond

Minimum Factor of Safety			
Static Stability		Seismic Stability ($k_{eq} = 0.2$)	Rapid Drawdown
GW = 17'	GW = 0'	GW @ 17'	GW @ 0'
5.3	4.7	2.8	4.0

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5.4 LOCAL BORROW MATERIALS

It is anticipated that soils excavated from the proposed drainage channel, culverts, detention basin and bio-filtration basin will be used for construction of the proposed roadways, approach fills and levees for the basins. Based on the results of our grain size analyses, the materials from the upper approximately 10 feet below ground surface consist an average of 41 percent gravels, 44 percent sands and 15 percent of fines (silts and clays). In our opinion, these materials are generally acceptable for use as engineered fill in the construction of the proposed roadways and approach fills.

Recommendations for materials for the construction of levees around the proposed detention basin and bio-filtration basin are presented in Section 6.5, "Material for Engineered Fill," of this report. Near-surface soils from the vicinity of DH-15 may not contain sufficient fines per Section 6.5. Mixed soils from the vicinity of DH-16 and DH-17 appear to be more suitable for levee construction.

5.5 CORROSION EVALUATION

Six selected soil samples from our drill holes were tested for corrosion potential. The laboratory test results are included in Appendix C and summarized in Table 5.4-1 below.

Table 5.4-1
Corrosion Test Results

Sample Boring Number and Depth	pH	Sulfate (ppm)	Minimum Resistivity (ohm-cm)	Chloride (ppm)
DH-1, 3-4 feet	7.6	N.D.	7,400	N.D.
DH-7, 5.5-6.5 feet	6.9	16	8,600	N.D.
DH-8, 15.5-16.5 & 20.5-21.5 feet	7.8	N.D.	5,600	N.D.
DH-8, 30.5-31.5 ft & 34.5 feet	7.7	N.D.	3,100	18
DH-9, 65.5 feet	7.6	N.D.	1,600	N.D.
DH-14 thru DH-17, 1 foot	6.8	46	3,700	16
N.D. = None detected based on a detection limit of 15 ppm				

According to Corrosion Guidelines Version 1.0, dated September 2003, prepared by Corrosion Technology Branch, Materials Engineering and Testing Services, Division of Engineering Services, California Department of Transportation, a site is considered to be corrosive if one or more of the following conditions exist for the representative soil and/or water samples taken at the site.

Chloride concentration is 500 ppm or greater, sulfate concentration is 2,000 ppm or greater, or the pH is 5.5 or less.

Based on the above guidelines and laboratory test results, the samples tested do not meet Caltrans guidelines to be considered as "corrosive."

6. EARTHWORK RECOMMENDATIONS

Earthwork construction should conform to the City of Morgan Hill Standards. General recommendations are presented below.

6.1 DEMOLITION, CLEARING AND GRUBBING

Prior to construction, areas to receive improvements should be cleared of designated existing improvements, deleterious materials, debris, obstructions, and stumps and primary roots of trees and brush (roots over 1 inch in diameter or longer than about 3 feet in length). Holes, depressions and voids that extend below the proposed finish grade should be cleaned and backfilled with engineered fill compacted to the recommendations in this report.

After clearing, surface vegetation and organic laden soils should be stripped. Organic laden soils are defined as soils with more than 3 percent by weight of organic content. The required stripping depth should be determined in the field by the geotechnical engineer at the time of construction. Stripped material may be stockpiled for use in landscape areas if approved by the project landscape architect, or otherwise removed from the site.

6.2 EXCAVATIONS

Excavations for this project will be required to achieve design grades, remove unsuitable materials, trench for underground utilities, and construct foundations, drainage channel, detention pond, bio-filtration basin, culverts, and bore pits. Construction, shoring and bracing of excavations should comply with the current CAL-OSHA safety standards and City of Morgan Hill requirements. The stability and safety of excavations, braced or unbraced, is the responsibility of the contractor.

Trench excavations adjacent to existing or proposed foundations should be above an imaginary plane having an inclination of 1½:1 (horizontal to vertical) extending down from the bottom edge of the foundations.

6.3 RECOMPACTION OF NEAR-SURFACE SOIL

Much of the surface and near-surface soils have been disturbed as a result of past agricultural activities. Therefore, after site clearing and stripping, areas to receive engineered fills and pavements should be over-excavated and re-compacted. The depth of over-excavation below existing ground surface should be a minimum of 24 inches in areas of the proposed approach fills (including the MSEs), and a minimum of 12 inches in areas of at-grade roadways and levees. The over-excavations should extend a minimum of 5 feet beyond the limits of the proposed improvements. Soil surfaces exposed by over-excavation should be prepared as recommended under Section 6.4 "Subgrade Preparation" below prior to further construction activities.

6.4 SUBGRADE PREPARATION

Subgrade soil in areas to receive engineered fills and pavements should be scarified to a minimum depth of 8 inches; moisture conditioned to about 1 to 3 percent above the laboratory optimum value, and compacted to the recommendations given under Section 6.6 "Engineered

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Fill Placement and Compaction.” Prepared soil subgrades should be non-yielding when proof-rolled by a fully loaded water truck or equipment of similar weight.

Subgrade preparation should extend a minimum of 5 feet beyond the limits of proposed improvements unless it is restrained by existing improvements. After the subgrades have been properly prepared, the areas may be raised to design grades by placement of engineered fill.

Soil with moisture content above optimum value should be anticipated during and shortly after rainy seasons. Unstable, wet or soft soil will require processing before compaction can be achieved. If construction schedule does not allow for air drying, other means such as lime treatment, excavation and replacement, geogrids or geotextile fabrics may be considered. The method to be used should be determined at the time of construction based on the actual site conditions. We recommend obtaining unit prices for subgrade stabilization during the construction bid process.

6.5 MATERIAL FOR ENGINEERED FILL

In general, on-site soils with an organic content of less than 3 percent by weight, free of any hazardous or deleterious materials, and meeting the gradation requirements below may be used as general engineered fill to achieve project grades, except when special material is required. The contractor should recognize that the on-site soil contains variable amounts of cobbles. Cobbles, if crushed into fragments smaller than 3 inches, may be used as part of the structural fill; otherwise, cobbles will have to be removed. The contractor should also recognize that some of the on-site soils may contain less fines than recommended below, and it may be necessary to blend some of the on-site soils to achieve a suitable soil mixture for project construction.

Except for the fills for construction of the proposed levees, engineered fill materials should not contain rocks or lumps larger than 3 inches in greatest dimension, should not contain more than 15 percent of the material larger than 1½ inches, and should contain a minimum of 13 percent passing the No. 200 sieve. In addition to these requirements, import fill, if necessary, should have a low expansion potential as indicated by Plasticity Index of 15 or less, or Expansion Index of less than 20.

Engineered fills for construction of the levees for the proposed detention basin and the bio-filtration basin should contain a minimum of 20 percent passing the No. 200 sieve and 100 percent passing the 2-inch sieve. The soils should have a Plasticity Index of between 8 and 40, and a maximum Liquid Limit of 45.

All import fills should be approved by the project geotechnical engineer prior to delivery to the site. At least five (5) working days prior to importing to the site, a representative sample of the proposed import fill should be delivered to our laboratory for evaluation.

6.6 ENGINEERED FILL PLACEMENT AND COMPACTION

Engineered fill should be placed in horizontal lifts each not exceeding 8 inches in thickness, moisture conditioned to the recommended moisture content, and mechanically compacted to the recommendations below. Relative compaction or compaction is defined as the percentage ratio of field dry density of soil to the laboratory maximum dry density determined by ASTM Test Method D1557, latest edition. Moisture conditioning of soils should consist of adding water to the soils if they are too dry and allowing the soils to dry if they are too wet.

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Engineered fills should be compacted to a minimum of 90 percent relative compaction at moisture content between 1 and 3 percent above the laboratory optimum value unless noted otherwise.

The upper 18 inches of soil below the MSE walls and the MSE wall fill (reinforced soil zone) should be compacted to a minimum of 95 percent relative compaction. Except for the outer 5 feet measured horizontally from the embankment side slopes, the full width of embankment within 150 feet of bridge abutments should be compacted to a minimum of 95 percent relative compaction. The 150-foot limit of 95 percent compaction should be measured horizontally from the bridge abutment and either parallel or concentric with the roadway centerline. The rest of the approach fill embankments should be compacted to a minimum of 93 percent relative compaction.

A relative compaction of not less than 95 percent should be obtained for embankments under retaining wall footings without pile foundations within the limits established by inclined planes sloping 1.5:1 (horizontal:vertical) out and down from lines one foot outside the bottom edges of the footing.

In roadway areas, the upper 8 inches of the subgrade should be compacted at a minimum of 95 percent relative compaction. If fill is placed in roadway areas, the upper 24 inches below top of pavement should be compacted to a minimum of 95 percent relative compaction. Aggregate base in pavement areas should also be compacted to a minimum of 95 percent relative compaction at slightly above the optimum moisture content.

6.7 UTILITY TRENCH BACKFILL

Trench construction, including bedding and backfill, should conform to the City of Morgan Hill specifications. The City specifications call for 95 percent minimum relative compaction for trench backfill. Refer to Section 6.2 "Excavations" of this report for a discussion on utility trench excavations.

6.8 WET WEATHER CONSTRUCTION

If site grading and construction is to be performed during the winter rainy months, the owner and contractors should be fully aware of the potential impact of wet weather. Rainstorms can cause delay to construction and damage to previously completed work by saturating compacted pads or subgrades, or flooding excavations.

Earthwork during rainy months will require extra effort and caution by the contractors. The contractor should be responsible to protect his work to avoid damage by rainwater. Standing pools of water should be pumped out immediately. Construction during wet weather conditions should be addressed in the project construction bid documents and/or specifications. We recommend the grading contractor submit a wet weather construction plan outlining procedures they will employ to protect their work and to minimize damage to their work by rainstorms.

7. FOUNDATION RECOMMENDATIONS

7.1 BRIDGE FOUNDATIONS

7.1.1 Bridge Pile Foundations - Axial Capacity

The abutments and interior bent of the proposed over-crossing may be supported on reinforced concrete cast-in-drilled-hole (CIDH) piles. The required lengths of the CIDH piles to carry the design vertical loads provided by the project structural engineer were calculated based on adhesion or skin friction between the pile shafts and the surrounding soils. The CIDH piles should have a minimum diameter of 24 inches.

Piles should be spaced at least three pile diameters apart, center to center. At this pile spacing, a pile group efficiency value of 1.0 is recommended for axial capacity.

Table 7.1-1 below presents the design loads, bottom of footing elevations, design tip elevations, and specified tip elevations for the CIDH piles at each support.

Table 7.1-1
Pile Data Table for CIDH Piles

Location	Pile Type	Nominal Resistance (kips)		Bottom of Pile Footing Elev. (feet)	Design Tip Elevations (feet)	Specified Tip Elevation (feet)
		Compression	Tension			
Abutment 1	24-inch CIDH	400	0	335.0	287 (1) 287 (3) 287 (4)	287
Bent 2	24-inch CIDH	500	250	312.0	254 (1) 269 (2) 254 (3) 254 (4)	254
Abutment 3	24-inch CIDH	400	0	335.0	287 (1) 287 (3) 287 (4)	287
Abut. 1 & Abut. 3 Wing Walls	24-inch CIDH	100	0	347.0 or 349.0	327 (1) 327 (3) 327 (4)	327

The axial pile capacity was calculated using the computer program AllPile Version 7 which uses the procedures described in the Federal Highway Administration manual "Drilled Shafts: Construction Procedures and Design Methods" (FHWA-IF-99-025). For Abutment 1, Bent 2 and Abutment 3, the soil properties from DH-8, CPT-1 and DH-9 were used, respectively, in our analysis. We considered the average undrained shear strength of the clayey soils and the average SPT blow counts of the sandy and gravelly soils. A factor of safety of 2 was used between allowable loads and ultimate loads.

Downdrag force on piles due to ground settlement under the fill embankments was neglected because primary consolidation is expected to be essentially completed at the end of the settlement period. No downdrag force due to liquefaction-induced settlement was included because liquefaction is not a major factor for the proposed over-crossing.

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The CIDH piles are anticipated to be constructed through granular soils with little or no cohesion. Temporary steel casings should be provided to prevent caving of the CIDH holes.

The CIDH piles for the center bent are likely to extend below groundwater table. Design and construction of these CIDH piles should consider the presence of groundwater.

7.1.2 Pile Settlement

Settlement of the pile foundations will be due to elastic shortening of the piles and compression of the soils supporting the piles. For the loads presented in Table 7.1-1, the estimated post-construction total settlement of a CIDH pile is less than 3/4 inch, with estimated differential settlement of 1/2 inch between adjacent supports.

The above settlement value is in addition to the settlements induced by the approach fills at the abutments. To reduce downdrag force on the piles due to settlements induced by the approach fills, the piles should be constructed after the approach fills have completed their settlement. Refer to Section 5.2.1 of this report for recommended settlement period.

7.1.3 Lateral Pile Capacity

The lateral load resistance of a pile is a function of the stiffness of the surrounding soil, the stiffness of the pile, the allowable deflection at the top of the pile, the allowable moment capacity of the pile cross section. The ability of a 24-inch diameter CIDH pile to resist lateral load applied at the top of the pile was evaluated using the computer program AllPile Version 7. The analysis was based on properties of soil encountered in our drill holes and CPT hole, concrete compressive strength (f'_c) of 4,000 psi and concrete modulus of elasticity (E) of 3,600 kips per square inch. The results of our analysis for an isolated pile under free head condition are summarized in Table 7.1-2 below. For fixed head condition, the results of our analysis are summarized in Table 7.1-3 below.

Table 7.1-2
Results of Lateral Load Analysis on a CIDH Pile for Free Head Condition

Location	Pile Type	Pile Head Displacement (inches)	Shear at Pile Head (kips)	Maximum Bending Moment in Piles (kips-feet)	Depth to Maximum Bending Moment (feet)
Abutment 1	24-inch CIDH	0.25	31	120.8	7
		0.5	57	237.5	7
		1.0	92	430.8	7.7
		2.0	142	755.8	8.5
Bent 2	24-inch CIDH	0.25	39	154.2	6
		0.5	72	289.2	6.5
		1.0	124	507.5	6.7
		2.0	188	866.7	7.5
Abutment 3	24-inch CIDH	0.25	30	113.3	6.5
		0.5	56	228.3	6.8
		1.0	89	407.5	7.5
		2.0	137	712.5	8.2

Table 7.1-3
Results of Lateral Load Analysis on a CIDH Pile for Fixed Head Condition

Location	Pile Type	Pile Head Displacement (inches)	Shear at Pile Head (kips)	Maximum Bending Moment in Piles (kips-feet)	Depth to Maximum Bending Moment (feet)
Abutment 3	24-inch CIDH	0.25	30	113.3	6.5
		0.5	56	228.3	6.8
		1.0	89	407.5	7.5
		2.0	137	712.5	8.2
Abutment 1	24-inch CIDH	0.25	140	450	±7.5
		0.5	235	815	±8.5
		1.0	395	1445	±9
Bent 2	24-inch CIDH	0.25	180	520	±7.5
		0.5	290	920	±7.5-8.5
		0.75	395	1305	±8-8.5
Abutment 3	24-inch CIDH	0.25	125	400	±8
		0.5	220	760	±8.5
		0.75	295	1065	±8.5-9
		1.0	360	1345	±9

The lateral loads presented in Tables 7.1-2 and 7.1-3 are for short-term loading conditions. For sustained lateral loads, 80 percent of the lateral loads should be used. For piles in a group, a group capacity reduction factor should be used as shown below.

Center-to-Center Pile Spacing (Pile Diameters)	Lateral Resistance Reduction Factor
6	1.0
5	0.9
4	0.8
3	0.7

In general, the allowable lateral displacement is 0.25 inches for the abutments which are designed for service load conditions and 1 inch for the interior bent which is designed for ultimate load condition.

7.2 CULVERTS

The proposed culverts at Fisher Avenue, Maple Avenue, Monterey Road and Watsonville Road will consist of Caltrans standard cast-in-place, reinforced concrete double box culverts (Caltrans Standard Plans, Sheet D81) with standard wingwalls (Caltrans Standard Plans, Sheets D84).

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**Table 7.2-1
Anticipated Foundation Soil Conditions for Culverts**

Culvert Location	Approximate Average Culvert Invert Elevation (Feet)	Approximate Average Bottom of Wing Wall Footing Elevation (Feet)	Anticipated Foundation Soil Conditions
Fisher Avenue	314	309.7 (south) 310.3 (north)	Medium dense well graded gravel with sand and clay
Maple Avenue	308.4	304.1 (south) 304.7 (north)	Dense clayey sand with gravel
Watsonville Road	310.9	307.2 (west) 306.5 (east)	Medium dense poorly graded gravel with sand and clay
Monterey Road	310	305.9	Medium dense poorly graded gravel with sand and clay

For evaluation of the proposed culvert and wing wall foundations, a net allowable soil bearing pressure of 3,000 pounds per square foot is recommended based on the materials encountered in our drill holes in the vicinity of the proposed culverts.

The proposed cutoff walls at the upstream and downstream ends of the culverts and the footings for the culvert wing walls should extend a minimum of 12 inches below the anticipated depth of scour.

7.3 MECHANICALLY STABILIZED EMBANKMENTS

Mechanically Stabilized Embankments (MSEs), identified as Retaining Wall No. 1 through Retaining Wall No. 4 on the project plans, will be constructed along both sides of the approach fill embankments at both ends of the proposed over-crossing. The MSEs will be up to about 16 feet high. The slope above the MSEs will have an inclination of 3:1 (h:v) up to the roadway surface.

We understand Caltrans standard MSE walls are being considered. Two loading conditions are provided in Caltrans Bridge Design Aids Section 3-8, Interim, dated September 2008. Loading Condition 1 is for MSEs with a level backfill and a 240-psf surcharge load above. Loading Condition 2 is for MSEs with a 2:1 (h:v) continuous backfill slope. Loading Condition 2 is more applicable for the proposed MSEs for this project. Under Loading Condition 2, the minimum base width should equal to the design height of the MSE wall which is the sum of the exposed height and the embedment depth of the MSE wall above the top of the leveling pad.

Assuming the excavated soils from construction of the proposed drainage channel and detention pond will be used for construction of the MSE walls, the following parameters may be used for design of the MSE walls.

Soil internal friction angle (reinforced and retained soils) = 34 degrees

Soil internal friction angle (foundation soil) = 32 degrees

Soil unit weight = 120 pounds per cubic foot (reinforced, retained and foundation soils)

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Factors of safety against bearing capacity, sliding, overturning, and global stability for the proposed MSE structures should comply with FHWA guidelines. For seismic design, one-third of the factored PGA value or 0.2g, whichever is less, may be used in the evaluation of seismic stability. This approach is accepted by Caltrans.

Preparation of soil subgrade under the MSE should be as recommended under Section 6, "Earthwork Recommendations."

7.3.1 Structural Backfill for MSE Walls

Structural backfill should consist of material free from organic material and substantially free of shale or other soft, poor durability particles, should not contain slag aggregate or recycled materials, such as glass, shredded tires, Portland cement concrete rubble, or asphaltic concrete rubble, or other unsuitable material as determined by the Geotechnical Engineer. Structural backfill should also comply with the following requirements. The backfill should have a minimum angle of internal friction, ϕ , of 34 degrees when compacted as recommended under Section 6.6, "Engineered Fill Placement and Compaction."

Gradation Requirements		
Sieve Size	Percentage Passing	California Test
159 mm (6")	100	202
75 mm (3")	78 – 100	202
4.75 mm (No. 4)	- -	202
600 μ m (No. 30)	0 – 60	202
75 μ m (No. 200)	0 – 25	202

Property Requirements		
Test	Requirement	California Test
Sand Equivalent	12 min.	217
Plasticity Index	10 max.	204
Minimum Resistivity	1500 ohm-cm min.	643
Chlorides	< 500 ppm	422
Sulfates	< 2000 ppm	417
pH	5.5 to 10.0	643
Note: If 12 percent or less passes the No. 200 (75 μ m) sieve and 50 percent or less passes the No. 4 (4.75 mm) sieve, the sand equivalent and plasticity index requirements may be waived.		

Water used within 500 feet of the earth retaining structures with metallic soil reinforcement should comply with Section 90-2.03, "Water," of the Caltrans Standard Specifications.

Structural backfill material should be placed and compacted simultaneously with the erection of the facing panels. Placement and compaction should be accomplished without distortion of the soil reinforcement or displacement of facing panels. Structural backfill at the front of the wall

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should be completed before backfilling more than 15 feet above the bottom of the lowermost face element.

Hand-held or hand-guided compaction equipment should be used to compact structural backfill material within 3 feet of the facing panels. At each level of the soil reinforcement, the structural backfill should be constructed to a plane 0.1 foot above the elevation of the soil reinforcement connection, and should start 3 feet from the back of the face panel and extend at least the remaining length of soil reinforcement. This grading should be complete before placing the next layer of soil reinforcement.

7.3.2 Drainage System for MSE Walls

The drainage system should conform to the details shown on the plans. Permeable material should be Class 1, Type B, conforming to the provisions in Section 68-1.025, "Permeable Material," of the Caltrans Standard Specifications, and should meet the requirements for minimum resistivity, chlorides, sulfates and pH listed in Section 7.3.1 above.

7.4 ABUTMENTS AND WING WALLS

The abutments and wing walls for the proposed over-crossing should be designed to resist earth pressures due to adjacent soil (given below) and any surcharge loads adjacent to the walls.

Lateral Earth Pressure	Equivalent Fluid Weight (lb/ft ³)
Active Earth Pressure	37
At Rest Earth Pressure	56
Seismic Active Earth Pressure	30
Passive Earth Pressure (ultimate)	300

Active earth pressure should be used for walls where the top of walls is allowed to move laterally at least 0.5 percent of the total wall height. Where walls are restrained to allow sufficient lateral movement at the top, the at-rest earth pressure should be used in design. In addition to the lateral earth pressures above, the Bridge Design Specifications indicate a traffic live load surcharge equals to 2 feet of soil should be applied to the abutment walls. A minimum soil density of 120 pcf may be used for this purpose.

To account for seismic effect on the wall, we have calculated the seismic surcharge based on the Mononabe-Okabe procedures using an acceleration value equal to one-half of the factored horizontal peak ground acceleration of 0.6g. The seismic earth pressure should be applied to the wall at a height of 0.6H above the base of the wall in addition to the active or at-rest earth pressure. H is defined as the vertical height of the design plane from the wall base to the ground surface above.

The lateral earth pressures above are for level backfill slope behind the walls and fully drained wall backfill. Refer to Caltrans Standard Plan BO-3 (Caltrans, 2006) for drainage behind walls. The wall backfill material should not be placed until the walls have gained sufficient strength as determined by the Engineer.

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7.5 OTHER RETAINING WALLS

7.5.1 Retaining Wall at Watsonville Road and Monterey Road

A Caltrans Type 1 retaining wall is proposed along the northern bank of Llagas Creek between the east end of the new culvert under Watsonville Road and the west end of the existing culvert under Monterey Road. This wall will be about 12 feet high and about 48 feet long.

This wall should be designed using the lateral soil pressures provided in Section 7.4, "Abutments and Wing Walls" above, plus any applicable surcharge forces, except that the passive earth pressure should be reduced by 50 percent for wall footing founded on slopes with inclination of 2:1 (horizontal:vertical). Based on the design plans, the bottom of the wall footing will be at approximately elevation 306.3 feet. At this elevation, the wall footing would be bearing on a stiff to very stiff clay layer (see DH-12). For this clay layer, a net allowable soil bearing pressure of 3,300 pounds per square foot may be used in the design of the wall footing for dead plus live load condition. This allowable soil bearing pressure may be increased by one-third when including short-term transient loads, such as seismic loading. The bottom of the wall footings should be a minimum of 12 inches below the anticipated depth of scour.

A subsurface drain should be provided behind the walls as shown on the Caltrans standard plans for Type 1 retaining wall.

7.5.2 Retaining Wall No. 5

Retaining Wall No. 5 will be constructed on the western bank of the proposed drainage channel along the east side of new Butterfield Boulevard and south of Tennant Avenue. This wall will be about 408 feet long, about 4 to 6 feet high, and extend between roughly 61 feet left of Station "B" 156+92.99 and roughly 55 feet left of Station "B" 158+93.41.

This wall should be designed using the lateral soil pressures provided in Section 7.4, "Abutments and Wing Walls" above, plus any applicable surcharge forces. Based on the design plans, the top of the wall footing will be at approximately elevation 324.32 or 323.32 feet. Assuming standard Caltrans Type 5 wall footing depth of 1 foot 4 inches for design wall height of 4 and 6 feet, the bottom of wall footing will be at roughly elevation 323 to 322 feet. At these elevations, the wall footing is anticipated to be bearing on medium dense to dense silty sand and clayey sand (see DH-1 and DH-2). For this soil layer, a net allowable soil bearing pressure of 3,300 pounds per square foot may be used in the design of the wall footing for dead plus live load condition. This allowable soil bearing pressure may be increased by one-third when including short-term transient loads, such as seismic loading.

The bottom of the wall footings should extend to such depth to provide a minimum horizontal offset of 5 feet below the face of the creek bank and the face of the wall footing at the bottom of footing level, but not less than 12 inches below the anticipated depth of erosion or scour, whichever provides a deeper embedment.

A subsurface drain should be provided behind the walls as shown on the Caltrans standard plan Sheet B0-3.

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7.5.3 Retaining Wall along West Side of New Butterfield Boulevard

A retaining wall up to about 2 feet high is proposed along the west side of new Butterfield Boulevard and south of Tennant Avenue, as shown on Sheet 17 of the project plans. This wall will be roughly 100 to 120 feet long.

This wall should be designed using the lateral soil pressures provided in Section 7.4, "Abutments and Wing Walls" above, plus any applicable surcharge forces. A net allowable soil bearing pressure of 3,000 pounds per square foot may be used in the design of the wall footing for dead plus live load condition. This allowable soil bearing pressure may be increased by one-third when including short-term transient loads, such as seismic loading. The bottom of the wall footings should be a minimum of 12 inches below the lowest adjacent finish grade.

A subsurface drain should be provided behind the walls as shown on the Caltrans standard plan Sheet B0-3.

7.6 PAVEMENTS

New roadway pavements will be constructed for the Butterfield Boulevard extension and the realignment of Fisher Avenue and Watsonville Road. We understand the new section of Butterfield Boulevard will have a design traffic index of 8.0.

Laboratory R-value tests were performed on six bulk samples collected for this investigation. The measured R-values range from 44 to 70 for the five samples collected from the proposed Butterfield Boulevard and drainage channel areas. An R-value of 12 was measured on a bulk sample collected from the proposed detention pond area. R-values of 10 and 40 were used to calculate the recommended minimum pavement sections presented in Table 7.5-1 below, for traffic indices of 6.5, 7.0, 7.5 and 8.0.

The recommended minimum pavement sections for subgrade R-value of 40 may be used for at-grade roadways. Where fill will be placed to achieve design subgrade, the upper 12 inches of the fill should have a minimum R-value of 40. This would restrict the use of the material from the proposed detention pond area, with a measured R-value of 12. If this lower R-value material is to be used as pavement subgrade, a structural pavement section corresponding to subgrade R-value of 10 should be used.

Table 7.6-1
Recommended Minimum Structural Pavement Sections

SUBGRADE R-VALUE	TRAFFIC INDEX	ASPHALT CONCRETE (inches)	CLASS 2 AGGREGATE BASE (inches)	TOTAL (inches)
10	6.5	3.5	13.5	17.0
	7.0	4	14.5	18.5
	7.5	4.5	15.5	20.0
	8.0	4.5	17.0	21.5
40	6.5	4*	8*	12.0
	7.0	4*	8*	12.0
	7.5	4.5	8	12.5
	8.0	4.5	9	13.5

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- * The City minimum structural section of 4 inches of asphalt concrete over 8 inches of Class 2 Aggregate Base governs.

Pavement sections should be constructed on soil subgrades that have been prepared as outlined in the "Earthwork Recommendations" section of this report.

Asphalt Concrete should comply with the City of Morgan Hill specifications and Section 39 of the Caltrans Standard Specifications, latest edition. In the case of two asphalt concrete lifts, the first lift should be the base course, Type B, $\frac{3}{4}$ -inch maximum aggregate size. The second lift should be the surface course, Type B, $\frac{1}{2}$ -inch maximum aggregate size. The Class 2 Aggregate Base material should conform to Section 26 of the Caltrans Standard Specifications.

8. POST-REPORT GEOTECHNICAL SERVICES

Post-report geotechnical services by Pacific Geotechnical Engineering (PGE), typically consisting of pre-construction design consultations and reviews, construction observation and testing services, are necessary for PGE to confirm the recommendations contained in this report. This report is based on limited sampling and investigation, and by those constraints may not have discovered local anomalies or other varying conditions that may exist on the project site. Therefore, this report is only preliminary until PGE can confirm that actual conditions in the ground conform to those anticipated in the report. Accordingly, as an integral part of this report, PGE recommends post-report geotechnical services to assist the project team during design and construction of the project. PGE requires that it perform these services if it is to remain as the project geotechnical engineer-of-record.

During design, PGE can provide consultation and supplemental recommendations to assist the project team in design and value engineering, especially if the project design has been modified after completion of our report. It is impossible for us to anticipate every design scenario and use of construction materials during preparation of our report. Therefore, retaining PGE to provide post-report consultation will help address design changes, answer questions and evaluate alternatives proposed by the project designers and contractors.

Prior to issuing project plans and specifications for construction bidding purposes, PGE should review the grading, drainage and foundation plans and the project specifications to determine if the intent of our recommendations has been incorporated in these documents. We have found that such a review process will help reduce the likelihood of misinterpretation of our recommendations which may cause construction delay and additional cost.

Construction phase services can include, among other things, the observation and testing during site clearing, stripping, excavation, mass grading, subgrade preparation, fill placement and compaction, backfill compaction, foundation construction and pavement construction activities.

Pacific Geotechnical Engineering would be pleased to provide cost proposals for follow-up geotechnical services. Post-report geotechnical services may include additional field and laboratory services.

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9. LIMITATIONS

In preparing the findings and professional opinions presented in this report, we have endeavored to follow generally accepted principles and practices of the engineering geologic and geotechnical engineering professions in the area and at the time our services were performed. No warranty, express or implied, is provided.

The conclusions and recommendations contained in this report are based, in part, on information that has been provided to us. In the event that the general development concept or general location and type of structures are modified, our conclusions and recommendations shall not be considered valid unless we are retained to review such changes and to make any necessary additions or changes to our recommendations. To remain as the project geotechnical engineer-of-record, PGE must be retained to provide geotechnical services as discussed under the Post-report Geotechnical Services section of this report.

Subsurface exploration is necessarily confined to selected locations and conditions may, and often do, vary between these locations. Should conditions different from those described in this report be encountered during project development, PGE should be consulted to review the conditions and determine whether our recommendations are still valid. Additional exploration, testing, and analysis may be required for such evaluation.

Should persons concerned with this project observe geotechnical features or conditions at the site or surrounding areas which are different from those described in this report, those observations should be reported immediately to Pacific Geotechnical Engineering for evaluation.

It is important that the information in this report be made known to the design professionals involved with the project, that our recommendations be incorporated into project drawings and documents, and that the recommendations be carried out during construction by the contractor and subcontractors. It is not the responsibility of Pacific Geotechnical Engineering to notify the design professionals and the project contractors and subcontractors.

The findings, conclusions and recommendations presented in this report are applicable only to the specific project development on this specific site. These data should not be used for other projects, sites or purposes unless they are reviewed by PGE or a qualified geotechnical professional.

Report prepared by,

PACIFIC GEOTECHNICAL ENGINEERING

Chalerm (Beeson) Liang
GE 2031

Copies: addressee (10)



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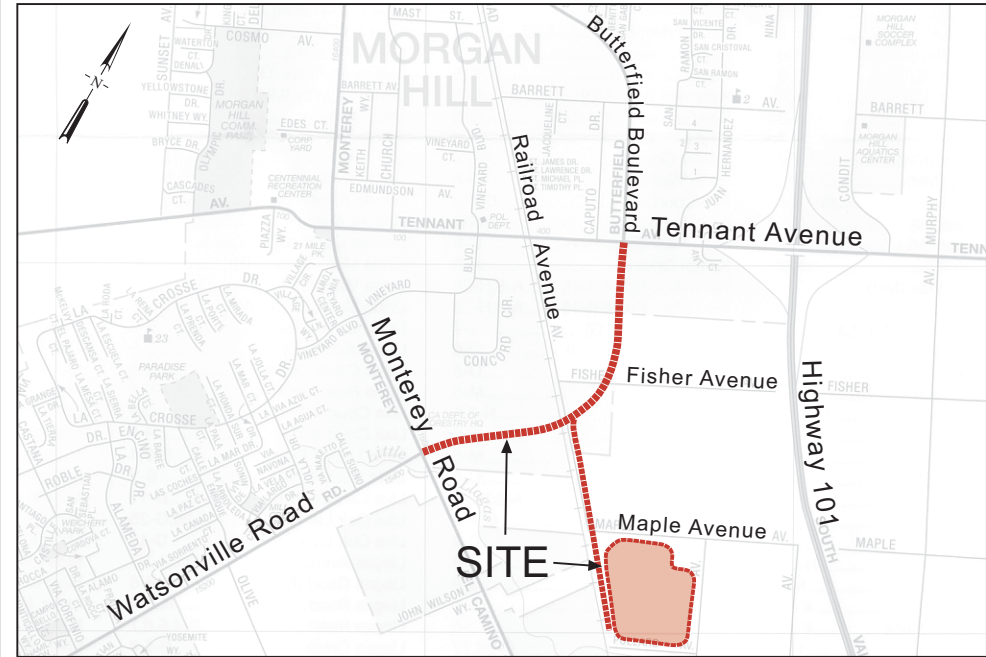
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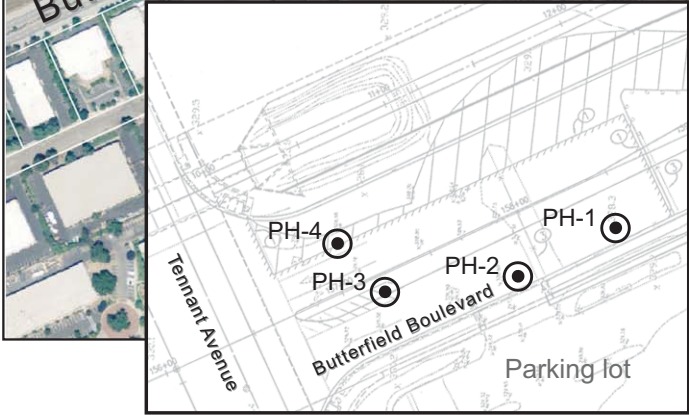


VICINITY MAP - no scale

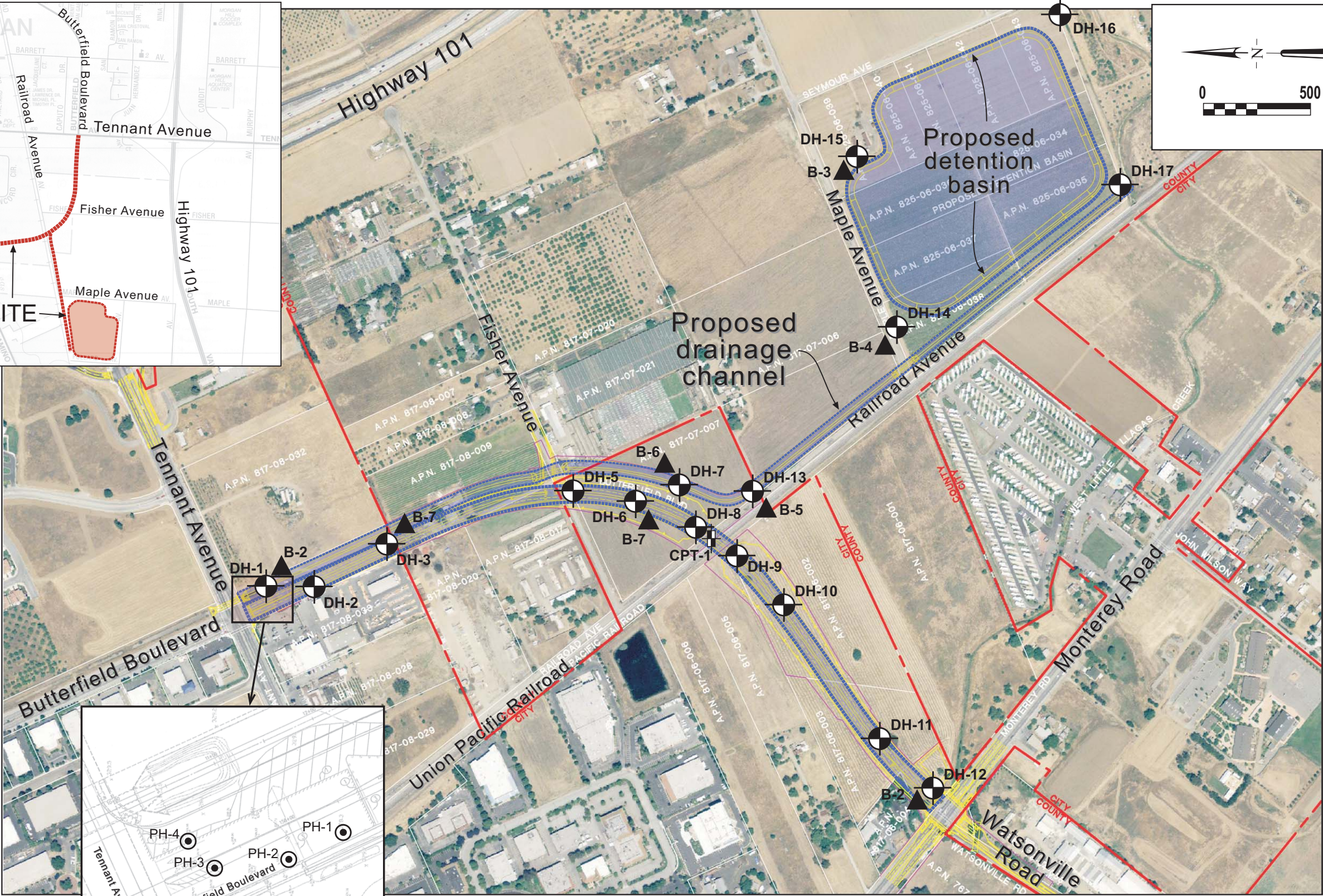
EXPLANATION

- DH-17 Exploratory drill hole
- B-7 Bulk sample
- CPT-1 Cone penetrometer test
- PH-4 Pavement hole

NOTE: DH-4 was eliminated from the drilling program



0 100 ft
DETAIL



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ENGINEERING

DATE
FEBRUARY
2011

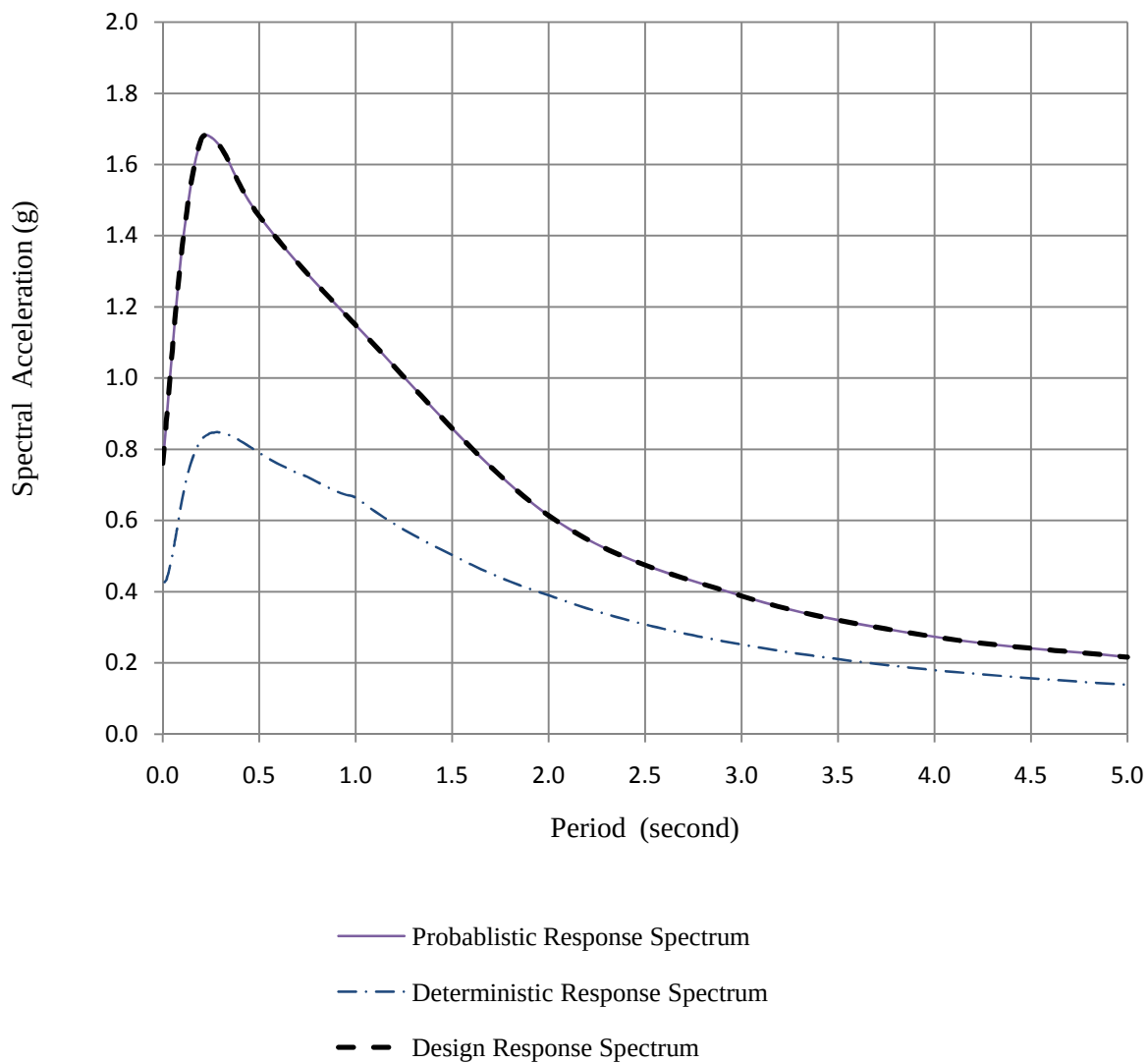
SITE PLAN
**BUTTERFIELD BOULEVARD
EXTENSION
MORGAN HILL, CALIFORNIA**

FIGURE
1

PROJECT
2309E

BASE: "Butterfield Boulevard South Extension Project." City of Morgan Hill, 9/9/09.

DESIGN RESPONSE SPECTRUM (5% DAMPING)



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16055 Caputo Drive, Suite D, Morgan Hill, CA 95037

Drafted by:

Date: February-11

Checked by:

Revision:

DESIGN ARS CURVE
BUTTERFIELD BOULEVARD EXTENSION
MORGAN HILL, CALIFORNIA

PLATE

2

PROJECT

2309E

APPENDIX A

KEYS TO SOIL CLASSIFICATION

AND

DRILL HOLE LOGS

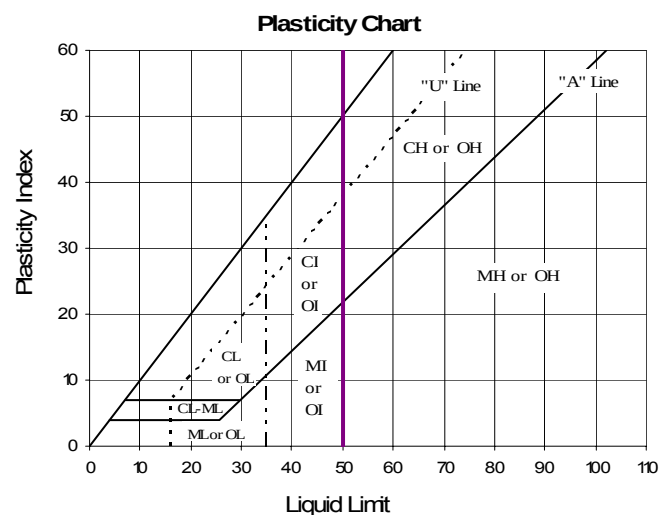
KEY TO SOIL CLASSIFICATION - FINE GRAINED SOILS
(50% OR MORE IS SMALLER THAN NO. 200 SIEVE SIZE)
(modified from ASTM D2487 to include fine grained soils with intermediate plasticity)

MAJOR DIVISIONS			GROUP SYMBOLS	GROUP NAMES
SILTS AND CLAYS (Liquid Limit less than 35) Low Plasticity	Inorganic	PI < 4 or plots below "A" line	ML	Silt, Silt with Sand or Gravel, Sandy or Gravelly Silt, Sandy or Gravelly Silt with Sand or Gravel
	Inorganic	PI > 7 or plots on or above "A" line	CL	Lean Clay, Lean Clay with Sand or Gravel, Sandy or Gravelly Lean Clay, Sandy or Gravelly Lean Clay with Sand or Gravel
	Inorganic	PI between 4 and 7	CL-ML	Silty Clay, Silty Clay with Sand or Gravel, Sandy or Gravelly Silty Clay, Sandy or Gravelly Silty Clay with Sand or Gravel
	Organic	See footnote 3	OL	Organic Silt (below "A" Line) or Organic Clay (on or above "A" Line) ^(1,2)
SILTS AND CLAYS (35 ≤ Liquid Limit < 50) Intermediate Plasticity	Inorganic	PI < 4 or plots below "A" line	MI	Silt, Silt with Sand or Gravel, Sandy or Gravelly Silt, Sandy or Gravelly Silt with Sand or Gravel
	Inorganic	PI > 7 or plots on or above "A" line	CI	Clay, Clay with Sand or Gravel, Sandy or Gravelly Clay, Sandy or Gravelly Clay with Sand or Gravel
	Organic	See footnote 3	OI	Organic Silt (below "A" Line) or Organic Clay (on or above "A" Line) ^(1,2)
SILTS AND CLAYS (Liquid Limit 50 or greater) High Plasticity	Inorganic	PI plots below "A" line	MH	Elastic Silt, Elastic Silt with Sand or Gravel, Sandy or Gravelly Elastic Silt, Sandy or Gravelly Elastic Silt with Sand or Gravel
	Inorganic	PI plots on or above "A" line	CH	Fat Clay, Fat Clay with Sand or Gravel, Sandy or Gravelly Fat Clay, Sandy or Gravelly Fat Clay with Sand or Gravel
	Organic	See note 3 below	OH	Organic Silt (below "A" Line) or Organic Clay (on or above "A" Line) ^(1,2)

1. If soil contains 15% to 29% plus No. 200 material, include "with sand" or "with gravel" to group name, whichever is predominant.
2. If soil contains ≥30% plus No. 200 material, include "sandy" or "gravelly" to group name, whichever is predominant. If soil contains ≥15% of sand or gravel sized material, add "with sand" or "with gravel" to group name.
3. Ratio of liquid limit of oven dried sample to liquid limit of not dried sample is less than 0.75.

CONSISTENCY	UNCONFINED SHEAR STRENGTH (KSF)	STANDARD PENETRATION (BLOWS/FOOT)
VERY SOFT	< 0.25	< 2
SOFT	0.25 – 0.5	2 – 4
FIRM	0.5 – 1.0	5 – 8
STIFF	1.0 – 2.0	9 – 15
VERY STIFF	2.0 – 4.0	16 – 30
HARD	> 4.0	> 30

MOISTURE	CRITERIA
Dry	Absence of moisture, dusty, dry to the touch
Moist	Damp, but no visible water
Wet	Visible free water, usually soil is below the water table



PACIFIC GEOTECHNICAL ENGINEERING

KEY TO SOIL CLASSIFICATION – COARSE GRAINED SOILS
(MORE THAN 50% IS LARGER THAN NO. 200 SIEVE SIZE)
(modified from ASTM D2487 to include fines with intermediate plasticity)

MAJOR DIVISIONS			GROUP SYMBOLS	GROUP NAMES ¹
GRAVELS (more than 50% of coarse fraction is larger than No. 4 sieve size)	Gravels with less than 5% fines	$Cu \geq 4$ and $1 \leq Cc \leq 3$	GW	Well Graded Gravel, Well Graded Gravel with Sand
		$Cu < 4$ and/or $1 > Cc > 3$	GP	Poorly Graded Gravel, Poorly Graded Gravel with Sand
	Gravels with 5% to 12% fines	ML, MI or MH fines	GW-GM	Well Graded Gravel with Silt, Well Graded Gravel with Silt and Sand
			GP-GM	Poorly Graded Gravel with Silt, Poorly Graded Gravel with Silt and Sand
		CL, CI or CH fines	GW-GC	Well Graded Gravel with Clay, Well Graded Gravel with Clay and Sand
			GP-GC	Poorly Graded Gravel with Clay, Poorly Graded Gravel with Clay and Sand
	Gravels with more than 12% fines	ML, MI or MH fines	GM	Silty Gravel, Silty Gravel with Sand
		CL, CI or CH fines	GC	Clayey Gravel, Clayey Gravel with Sand
		CL-ML fines	GC-GM	Silty Clayey Gravel; Silty, Clayey Gravel with Sand
SANDS (50% or more of coarse fraction is smaller than No. 4 sieve size)	Sands with less than 5% fines	$Cu \geq 6$ and $1 \leq Cc \leq 3$	SW	Well Graded Sand, Well Graded Sand with Gravel
		$Cu < 6$ and/or $1 > Cc > 3$	SP	Poorly Graded Sand, Poorly Graded Sand with Gravel
	Sands with 5% to 12% fines	ML, MI or MH fines	SW-SM	Well Graded Sand with Silt, Well Graded Sand with Silt and Gravel
			SP-SM	Poorly Graded Sand with Silt, Poorly Graded Sand with Silt and Gravel
		CL, CI or CH fines	SW-SC	Well Graded Sand with Clay, Well Graded Sand with Clay and Gravel
			SP-SC	Poorly Graded Sand with Clay, Poorly Graded Sand with Clay and Gravel
	Sands with more than 12% fines	ML, MI or MH fines	SM	Silty Sand, Silty Sand with Gravel
		CL, CI or CH fines	SC	Clayey Sand, Clayey Sand with Gravel
		CL-ML fines	SC-SM	Silty, Clayey Sand; Silty, Clayey Sand with Gravel

US STANDARD SIEVES

3 Inch ¾ Inch No. 4 No. 10 No. 40 No. 200

	COARSE	FINE	COARSE	MEDIUM	FINE	
COBBLES & BOULDERS	GRAVELS		SANDS		SILTS AND CLAYS	

RELATIVE DENSITY (SANDS AND GRAVELS)	STANDARD PENETRATION (BLOWS/FOOT)
Very Loose	0 - 4
Loose	5 - 10
Medium Dense	11 - 30
Dense	31 - 50
Very Dense	50+

1. Add "with sand" to group name if material contains 15% or greater of sand-sized particle. Add "with gravel" to group name if material contains 15% or greater of gravel-sized particle.

MOISTURE	CRITERIA
Dry	Absence of moisture, dusty, dry to the touch
Moist	Damp, but no visible water
Wet	Visible free water, usually soil is below the water table

PACIFIC GEOTECHNICAL ENGINEERING

DATE: 10/19/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 1		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: SILTY to CLAYEY SAND with GRAVEL: Dark brown (10YR 5/3), moist; medium dense; fine to coarse, subangular to subrounded sand; with fine to coarse, mostly rounded gravel at 2.5 feet, yellowish brown (10YR 5/4); grades coarser with depth	SM/SC	1	S	17								
		2	D			15	22	7	4	91		
		3	S		32							
		4	I									
		5	S									
		6	D	26		9		7		92		
		7										
		8										
CLAYEY GRAVEL with SAND to CLAYEY SAND with GRAVEL: Dark grayish brown (10YR 4/2), moist, medium dense; fine to coarse sand; fine to coarse gravel; with cobbles dense	GC/SC	9	S	33								
		10	D									
		11										
		12										
		13										
		14	S	42								
LEAN CLAY to LEAN CLAY with SAND: Dark yellowish brown (10YR 4/6), moist, very stiff to hard; with fine sand	CL	15	I									
		16										
		17										
		18										
		19	S									
BOTTOM OF HOLE = 20 Feet No Groundwater Encountered			20	I	48			17				
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

DATE: 10/19/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 2			
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E							
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS							
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----							
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---									
DESCRIPTION OF EARTH MATERIALS		SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
8 to 10 inches asphalt; no baserock													
ALLUVIUM: CLAYEY SAND with GRAVEL: Dark brown (10YR 3/3), moist; medium dense; fine to coarse, subangular to subrounded sand; with fine to coarse, mostly rounded gravel and cobbles very dense dense		SC	1	S									
			2	D	23				8		92		
			3	S									
			4	D	69								
			5	S									
			6	I	32								
			7										
			8										
			9	S									
			10	I	34				25				
			11										
			12										
			13										
			14	S									
			15	I	33		19		9				
			16										
			17										
			18										
very dense			19	S	91/								
BOTTOM OF HOLE = 20 Feet No Groundwater Encountered			20	D	11"				11		134		
PACIFIC GEOTECHNICAL ENGINEERING										PAGE: 1 of 1			

DATE: 10/21/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 3		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: CLAYEY SAND: Brown (10YR 4/3), moist; loose to medium dense; fine to medium subangular to subrounded sand CLAYEY GRAVEL with SAND to CLAYEY SAND with GRAVEL: Dark brown (10YR 3/3), moist; medium dense; variable concentrations of fine to coarse, subangular to rounded sand and gravel; with cobbles; minor boulders likely medium dense to dense medium dense minor intervals of SILTY CLAY to SILTY CLAY with SAND BOTTOM OF HOLE = 20 Feet No Groundwater Encountered	SC	1	S D D	14				12		107		
		2	S D D									
	GC/SC	3	S D D	24								
		4	S D D									
		5	S D D									
		6	S D D	46				5		146		
		7										
		8										
		9	S I I	21		13		8				
		10										
		11										
		12										
		13										
		14	S I I	10								
		15										
		16										
		17										
		18										
		19	S D D	32								
		20	S D D					11				
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

Drill Hole DH-4 was not drilled because right-of-entry was not obtained.

DATE: 10/21/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 5		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: 20 feet (end of drilling)								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist; loose to medium dense; fine to coarse, subangular to subrounded sand; fine to coarse, mostly subrounded gravel	SC/GC	1	S	16		31		10		113		
		2	D									
		3	S	7								
		4	D									
WELL GRADED GRAVEL with SAND and CLAY: Dark brown (10YR 3/3), moist, medium dense; fine to coarse gravel; with fine to coarse sand and minor cobbles	GW-GC	5	S	25		12		10		122		
		6	D									
	7											
	8											
	9	S	14									
	10	I										
	11											
	12											
	13											
	14	S	18									
15	I											
SILTY CLAY: Dark brown (10YR 3/3), moist, stiff	CL-ML	16										
		17										
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: as above	SC/GC	18										
		19	S	21								
20	D											
SILTY CLAY: as above; with fine sand	CL-ML											
BOTTOM OF HOLE = 20 Feet												
PACIFIC GEOTECHNICAL ENGINEERING										PAGE: 1 of 1		

DATE: 11/2/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 6		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: CLAYEY SAND: Dark brown (10YR 3/3), moist; loose to medium dense; mostly fine to medium, subangular to rounded sand; with minor coarse sand and fine to coarse, subrounded to rounded gravel and cobbles CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Brown to dark brown (10YR 4/3 to 3/3), moist; medium dense; variable concentrations of fine to coarse sand and gravel; sands are subangular to rounded; gravels are subrounded to rounded; with cobbles dense	SC	1										
		2										
	SC/GC	3										
		4										
		5	S									
		6	D	30				12		124		
		7										
		8										
		9										
		10	S									
		11	I	46								
		12										
CLAYEY SAND with GRAVEL: Brown (10YR 4/3), moist to wet; medium dense; fine to coarse sand; with fine gravel 15 feet: switch to 8" hollow stem augers with Mobile B61 rig, 140# downhole hammer and wire winch medium dense to dense	SC	13										
		14	S	23		12		9				
		15	I									
		16										
		17										
		18										
		19	S	30								
		20	I									
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 3			

DATE: 11/2/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 6		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND with GRAVEL: continued	SC	21										
		22										
		23										
		24	S	66								
		25	I									
		26										
CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist to wet; medium dense; fine to coarse gravel; with fine to coarse sand (locally grading to CLAYEY SAND with GRAVEL)	GC (SC)	27										
		28										
		29	S	29	13	9						
		30	I									
		31										
		32										
		33										
		34	S	37								
		35	I									
		36										
LEAN CLAY: Dark yellowish brown (10YR 4/4), moist; hard; feels silty; with manganese specks	CL	37										
		38										
		39	S	76/								
		40	D	9"								
see next page												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 2 of 3			

DATE: 11/2/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 6		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist to wet; very dense; fine to coarse gravel; fine to coarse sand	SC/GC	41										
	CI	42										
CLAY: Dark yellowish brown (10YR 4/4), moist; hard; minor fine sand; feels silty; with manganese specks		43										
		44	S	35	4.5							
		45	D		4.5			26		102		
		46										
		47										
Shelby was hard to push after 1 foot		48	Shelby	0 to 500 psi								
very stiff		49					49	27	24	95	11	5070 (TXUU)
at 50 feet, mottled strong brown (7.5YR 4/6) and pale brown (10YR 6/3)		50	S									
		51	I	30								
TXUU denotes unconsolidated undrained triaxial shear test		52										
		53										
		54	S									
		55	I	19	3.5 4.0			30				
		56										
		57										
		58										
		59	S									
BOTTOM OF HOLE = 60 Feet Groundwater Undetermined		60	I	32				25				
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 3 of 3			

DATE: 10/21/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 7		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: 20 feet (end of drilling)								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: CLAYEY SAND: Dark brown (10YR 3/3), moist to wet; loose to medium dense; fine to medium, subangular to subrounded sand	SC	1	S	13				11		119		
		2	D									
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist; medium dense; fine to coarse, subangular to rounded sand and gravel; with cobbles to boulders	SC/GC	3	S	28				5		132		
		4	D									
medium dense to dense		5	S									
		6	I	23								
		7										
		8										
		9	S	30			5					
		10	I									
		11										
		12										
		13	GC (SC)									
		14	S	42	13	9						
CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist, dense; fine to coarse gravel; with fine to coarse sand (locally grading to CLAYEY SAND with GRAVEL)		15	I									
		16										
		17										
		18										
		19	S	34								
		20	I									
BOTTOM OF HOLE = 20 Feet												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

DATE: 10/30/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 8			
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E							
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS							
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----							
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---									
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)	
ALLUVIUM: CLAYEY SAND to CLAYEY SAND with GRAVEL: Dark brown (10YR 3/3), moist; medium dense; mostly fine to medium, subangular to rounded sand; with coarse sand and fine to coarse, subrounded to rounded gravel and cobbles	SC	1											
		2											
		3											
		4											
		5											
		6		37				10		137			
		7											
CLAYEY GRAVEL with SAND: Brown to dark brown (10YR 4/3 to 3/3), wet; dense; variable concentrations of fine to coarse, subangular to rounded sand and subrounded to rounded gravel	GC	8											
		9		39		13		14					
		10											
		11											
		12											
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Brown to dark brown (10YR 4/3 to 3/3), moist; medium dense; fine to coarse, subangular to rounded sand; fine to coarse, subrounded to rounded gravel	SC/GC	13											
		14											
		15											
		16		26									
		17											
		18											
		19											
		20											
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 5				

DATE: 10/30/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 8		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: continued	SC/GC	21	S	46								
		22	I									
		23	I									
		24	I									
CLAYEY GRAVEL with SAND: Brown (10YR 4/3), moist to wet; dense; fine gravel; with fine to coarse sand (locally grading to CLAYEY SAND with GRAVEL)	GC (SC)	25	S									
		26	I	41		14		13				
		27	I									
		28	I									
		29	I									
		30	S									
		31	I	53								
		32	I									
CLAYEY SAND: Brown (7.5YR 4/3 to 4/4), moist, medium dense to dense; mostly fine to medium subangular to subrounded sand	SC	33	S									
		34	D									
		35	D	46		28		16		124		
		36	D									
		37	D									
		38	D									
		39	D									
		40	D									
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 2 of 5			

DATE: 10/30/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 8		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND: continued	SC	41	S	33								
		42										
		43										
		44										
		45										
		46										
		47										
FAT CLAY: Brown (7.5YR 4/4), moist; very stiff; minor fine sand; manganese specks	CH	48	Shelby	16 to 20 psi								
		49			3.4		58	28	33	94		
		50										
		51										
		52										
		53										
		54										
at 55 feet: brown (10YR 5/3) mottled with strong brown (7.5YR 4/3); hard		55	S									
		56	D	57	4.5							
		57	D		4.5+			23		103	15	8830 (TXUU)
TXUU denotes unconsolidated undrained triaxial shear test		58										
		59										
CLAYEY SAND: see next page	SC	60										
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 3 of 5			

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DATE: 10/30/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 8		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND: continued	SC	81										
		82										
		83										
		84										
CLAY to FAT CLAY with SAND: Mottled pale brown and strong brown (10YR 6/3 and 7.5YR 4/6), moist; very stiff; with minor specks of manganese	CI/CH	85	S									
		86	I	22				32				
		87										
CLAYEY SAND: Dark grayish brown (10YR 5/2), wet; dense; mostly fine to medium, subrounded to rounded sand	SC	88										
		89										
		90	S									
		91	I	52		15		22				
		92										
		93										
		94										
		95										
		96										
		97										
		98										
		99	S									
		100	I	53								
BOTTOM OF HOLE = 100 Feet Groundwater Undetermined due to Mud Rotary Drilling Method												
PACIFIC GEOTECHNICAL ENGINEERING										PAGE: 5 of 5		

Packet Pg. 462

DATE: 11/3/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 9		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: -----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: continued medium dense	SC/GC	21	S I I	34								
		22										
		23										
		24										
		25										
		26			24			16				
		27										
		28										
CLAYEY SAND with GRAVEL: Brown (10YR 4/3), wet; very dense; fine to coarse sand; with fine to coarse gravel	SC	29	S I I									
		30										
		31			50/5"		12		13			
CLAY: Mottled brown and strong brown (10YR 5/3 to 7.5YR 4/6), moist, very stiff	CI	32	S D D									
		33										
		34										
		35										
		36			30	3.5 3.25		24	105			
CLAYEY SAND with GRAVEL: Brown (10YR 4/3), moist; medium dense; variable concentrations of fine to coarse subangular to rounded sand; with fine gravel	SC	37										
		38										
		39										
		40										
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 2 of 5			

DATE: 11/3/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 9			
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E							
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS							
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----							
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---									
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)	
CLAYEY SAND with GRAVEL: continued	SC	41	S i i	45		19		14					
		42											
		43											
		44											
		45											
LEAN CLAY: Brown (7.5YR 4/4), moist; very stiff; minor fine sand	CL	46	S D D	27	2.5		17			119			
		47											
CLAYEY SAND with GRAVEL: Brown (10YR 4/3), moist, medium dense; fine to coarse sand; with fine to coarse gravel	SC	48											
		49											
		50											
		51											
LEAN CLAY: Brown (7.5YR 4/4), moist; very stiff; with manganese specks	CL	52	Shelby	400 to 500-700 psi				34	21	14	97		
		53											
		54											
		55											
		56											
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: as above	SC/GC	57											
		58											
LEAN CLAY to CLAY: see next page	CL/CI	59											
		60											
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 3 of 5				

DATE: 11/3/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 9		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
LEAN CLAY to CLAY: Brown (7.5YR 4/4), moist, very stiff; with manganese specks at 65 feet: hard; with manganese specks	CL/CI	61										
		62										
		63										
		64										
		65										
		66										
		67										
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Brown (10YR 4/3), moist; very dense; variable concentrations of fine to coarse, subangular to rounded sand and gravel Strong brown (7.5YR 4/6); mostly fine sand	SC/GC	68										
		69										
		70										
		71										
		72										
		73										
		74										
		75										
		76										
		77										
		78										
		79										
		80										
LEAN CLAY to CLAY: see next page												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 4 of 5			

DATE: 11/3/2009		LOG OF EXPLORATORY DRILL HOLE						DH- 9				
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
LEAN CLAY to CLAY: Yellowish brown (10YR 4/6), moist, firm	CL/CI	81	S	13								
CLAYEY SAND: Yellowish brown (10YR 4/6), moist, dense; mostly fine to medium, subangular to subrounded sand	SC	82										
		83										
		84										
		85	S									
		86	I	47		15		20				
		87										
		88										
		89										
CLAY to SANDY CLAY: Yellowish brown (10YR 5/6), moist; stiff; with fine sand	CI	90	S									
		91	I	22				19				
		92										
CLAYEY SAND with GRAVEL: Strong brown (7.5 YR 4/6), moist, dense; mostly fine sand; with fine gravel	SC	93										
		94										
		95	S									
		96	I	32				23				
		97										
SANDY CLAY: Strong brown (7.5 YR 5/6), moist, stiff; with fine sand		98										
	CI	99	S									
BOTTOM OF HOLE = 100 Feet Groundwater Undetermined due to Mud Rotary Drilling Method		100	I	21				31				
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 5 of 5			

DATE: 11/4/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 10		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: CLAYEY SAND: Dark brown (10YR 3/3), moist; loose to medium dense; fine to coarse, subangular to subrounded sand; with minor subrounded to rounded gravel	SC	1										
		2										
		3										
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist; dense; variable concentrations of fine to coarse, subangular to rounded sand and fine to coarse, subrounded to rounded gravel; with cobbles	SC/GC	4										
		5										
		6	S	37				13				
		7										
		8										
		9										
		10	S									
		11	I	38				14				
		12										
		13										
LEAN CLAY/SILT: brown (10YR 4/3), moist; soft to firm; minor fine sand	CL/ML	14										
		15	S									
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist; dense; variable concentrations of fine to coarse, subangular to rounded sand and fine to coarse subrounded to rounded gravel	SC/GC	16	I	15	0.25			24				
		17										
		18										
		19										
		20										
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 3			

DATE: 11/4/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 10		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: continued, very dense	SC/GC	21	S	50/6"								
		22	I									
		23										
		24										
		25	S									
		26	I	51	15	15						
		27										
		28										
		29										
		30	S									
dense to very dense	SC/GC	31	I	56								
		32										
		33										
		34										
		35	S									
		36	D	24	3.25			27	100	15	4839	
		37										
		38										
		39										
		40										
CLAY: Mottled yellowish brown (10YR 5/4) and strong brown (7.5YR 5/6), moist; very stiff; with minor manganese specks	CI	34										
		35										
SILTY SAND: Mottled brown and dark yellowish brown (10YR 5/3 and 4/4), moist; medium dense; fine sand	SM	39										
		40										
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 2 of 3			

DATE: 11/4/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 10		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# above ground hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 4" rods; mud rotary						HOLE ELEVATION: -----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
SILTY SAND: continued	SM	41	S	18		40	24	24	2			
		42	I									
		43										
	CL	44										
		45	S									
		46	I	14								
		47										
		48										
		49										
		50		50								
		51	Shelby	100								
		52		150				40		81	7	3350
stiff TXUU denotes unconsolidated undrained triaxial shear test		52		450	3.5							(TXUU)
		53										
		54										
		55	S									
		56	D	26	4.5+			34		92		
		56	D		3.5							
		57										
		58										
very stiff		58										
		59	S									
		59	D	39	4.5+							
		60	D		4.5+			45		76	8	4224
		60										(TXUU)
PACIFIC GEOTECHNICAL ENGINEERING										PAGE: 3 of 3		

DATE: 10/19/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 11		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: SANDY LEAN CLAY to CLAYEY SAND: Dark yellowish brown (10YR 4/4), moist; stiff clay/loose to medium dense sand; mostly fine, subangular to subrounded sand	CL/SC	1	S									
		2	D	12				13		120		
		3	S									
		4	D	10				13		118		
		5	S									
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Brown (10YR 4/3), moist; very dense; concentrations of fine to coarse, subangular to subrounded sand and gravel	SC/GC	6	D	50/5"								
		7										
		8										
		9	S					7				
		10	I	57								
		11										
		12										
		13										
		14	S									
		15	D	69				8		133		
LEAN CLAY to CLAY: Mottled pale brown (10YR 6/3) and dark yellowish brown (10YR 4/6), moist, stiff	CL/CI	17										
		18										
BOTTOM OF HOLE = 20 Feet No Groundwater Encountered		19	S									
		20	D	42	0.5 3.0			26		101		
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

DATE: 10/19/2009		LOG OF EXPLORATORY DRILL HOLE						DH- 12					
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E							
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS							
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----							
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: ---									
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAIL URE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)	
ALLUVIUM: CLAYEY SAND: Very dark grayish brown (10YR 3/2), moist; loose to medium dense; fine sand	SC	1	S										
		2	D	11		38		14		120			
POORLY GRADED GRAVEL with SAND and CLAY: Brown (10YR 4/3), moist; very dense; fine to coarse, mostly rounded gravel; with fine to coarse sand	GP-GC	3	S										
		4	D	69									
		5	S										
		6	D	50/5"		12		6		111			
		7											
		8											
		9	S										
		10	I	19									
	LEAN CLAY to CLAY: Mottled pale brown (10YR 6/3) and dark yellowish brown (10YR 4/6), moist, stiff to very stiff; with fine sand	CL/CI	12										
			13										
		14	S										
		15	D	29	1.5			22		107	14	1600	
		16											
		17											
		18											
		19	S										
BOTTOM OF HOLE = 20 Feet No Groundwater Encountered			20	D	56	3.0-4.0							
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1				

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DATE: 10/20/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 14		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: 17.1 feet (End of drilling)								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: CLAYEY SAND: Dark brown (10YR 3/3), moist; medium dense; fine sand	SC	1	S	23				9		113		
		2	D									
		3	S	41								
		4	D									
CLAYEY SAND with GRAVEL: Brown (10YR 3/3), moist; very dense; fine to coarse, mostly subangular to subrounded sand; with fine to coarse, subrounded to rounded gravel and cobbles	SC	5	D	50/5"								
		6										
		7										
		8										
medium dense to dense		9	S	31		12		9				
		10	I									
		11										
		12										
very dense		13										
		14	S	69								
		15	I									
		16										
wet		17										
		18										
		19	S	54								
		20	I									
BOTTOM OF HOLE = 20 Feet												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

DATE: 10/20/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 15		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: 17 feet (End of drilling)								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: WELL GRADED GRAVEL with SILT and SAND: Dark yellowish brown (10YR 4/4), moist; medium dense; fine to coarse, subangular to rounded gravel; with fine to coarse sand	GW-GM	1	S									
		2	D	38		10	23	6	5	119		
		3	D									
CLAYEY GRAVEL with SAND: Brown (10YR 4/3), moist to wet; medium dense to dense; variable amounts of fine to coarse, subangular to rounded sand and gravel (locally grading to CLAYEY SAND with GRAVEL)	GC (SC)	4	D	27				9		117		
		5	S									
		6	I	38		12		5				
dense		7										
		8										
		9	S	39								
		10	I									
		11										
		12										
medium dense		13										
		14	S	22								
		15	I									
		16										
		17										
		18										
wet, very dense		19	S	74								
		20	I									
BOTTOM OF HOLE = 20 Feet												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

DATE: 10/20/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 16		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: 14.1 feet (End of drilling)								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: LEAN CLAY with SAND: Very dark grayish brown (10YR 3/2), moist; hard; with mostly fine sand	CL	1	S	50/6"								
		2										
		3	S									
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Very dark grayish brown (10YR 3/2), moist; medium dense to dense; variable amounts of fine to coarse, subangular to rounded sand and gravel	SC/GC	4	I	62		32		9				
		5	S									
		6	I	27		12		5				
		7										
		8										
		9	S									
		10	I	36								
		11										
		12										
		13										
very dense		14	I	50/2½"								
		15										
		16										
		17										
		18										
		19	S									
		20	I	76								
BOTTOM OF HOLE = 20 Feet												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

DATE: 10/20/2009		LOG OF EXPLORATORY DRILL HOLE								DH- 17		
PROJECT NAME: Butterfield Blvd. Extension						PROJECT NUMBER: 2309 E						
DRILL RIG: Mobile B53, 140# downhole hammer and wire winch						LOGGED BY: CSS						
HOLE DIAMETER: 8" hollow stem auger						HOLE ELEVATION: ----						
SAMPLER: D = 3" OD, 2½" ID Split-spoon X = 2½" OD, 2" ID Split-spoon I = Standard Penetrometer (2" OD SPT) S = Slough in sample				GROUND WATER DEPTH: Initial: --- Final: 14.9 feet (End of drilling)								
DESCRIPTION OF EARTH MATERIALS	SOIL TYPE	DEPTH (ft)	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	% PASSING #200 SIEVE	LIQUID LIMIT	WATER CONTENT	PLASTICITY INDEX	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)
ALLUVIUM: SANDY CLAY: Dark yellowish brown (10YR 4/4), moist; very stiff; with mostly fine sand	Cl	1	S	20		68		16		115		
		2	D									
		CLAYEY SAND with GRAVEL: Dark yellowish brown (10YR 3/4), moist, very dense to dense; fine to coarse sand; with fine gravel	SC	3	S	50/5"						
4	D											
5	S											
6	I											
7	I											
CLAYEY SAND with GRAVEL to CLAYEY GRAVEL with SAND: Dark yellowish brown (10YR 3/4), moist; dense to very dense; variable amounts of fine and coarse, subangular to rounded sand and gravel wet	SC/GC	8		59								
		9	S									
		10	I									
		11		77								
		12										
		13										
		14	S	88								
		15	I									
		16										
		17										
		18										
		19	S									
		20	I									
BOTTOM OF HOLE = 20 Feet												
PACIFIC GEOTECHNICAL ENGINEERING									PAGE: 1 of 1			

APPENDIX B

CONE PENETROMETER TEST RESULTS

PROJECT: BUTTERFIELD BOULEVARD EXTENSION
 LOCATION: Morgan Hill CA
 PROJ. NO.: 2309E(PGE-08)
 Terminated at 74.0 feet

CPT NO.: CPT-1
 DATE : 10-30-2009
 TIME : 10:59:07

PACIFIC GEOTECHNICAL
cpts by John Sarmiento & Associates

Groundwater measured at 23.3 feet

DEPTH (feet)	Qc (tsf)	Qc' (tsf)	Fs (tsf)	Rf (%)	SPT (N)	SPT' (N')	EffVtStr (ksf)	PHI (deg.)	SU (ksf)	SOIL BEHAVIOR TYPE	DENSITY RANGE (pcf)
0.52	1.8	2.88	0.68	12.0	2	3	0.06	----	0.35	Organic Material	100-110
1.01	36.4	58.2	0.85	2.3	15	23	0.13	----	4.84	Sandy SILT to Clayey SILT	130-140
1.55	39.2	62.72	1.27	3.2	20	31	0.20	----	5.21	Clayey SILT to Silty CLAY	"
2.02	62.8	100.54	2.67	4.3	31	50	0.26	----	8.36	"	"
2.52	54.3	86.94	1.50	2.8	22	35	0.33	----	7.22	Sandy SILT to Clayey SILT	"
3.00	110.2	176.35	1.90	1.7	37	59	0.39	41	----	Silty SAND to Sandy SILT	"
3.51	95.8	153.26	1.98	2.1	32	51	0.46	40	----	"	"
4.02	61.6	98.50	1.32	2.2	21	33	0.53	38	----	"	"
4.54	78.5	125.57	2.13	2.7	31	50	0.60	----	10.42	Sandy SILT to Clayey SILT	"
5.00	86.8	138.90	2.09	2.4	29	46	0.66	40	----	Silty SAND to Sandy SILT	"
5.56	268.8	430.05	7.35	2.7	134	215	0.74	46	----	SAND to Clayey SAND *	"
6.03	119.0	189.96	2.75	2.3	40	63	0.80	42	----	Silty SAND to Sandy SILT	"
6.51	76.0	116.37	2.09	2.8	30	47	0.87	----	10.07	Sandy SILT to Clayey SILT	"
7.02	118.7	173.58	3.13	2.6	40	58	0.94	41	----	Silty SAND to Sandy SILT	"
7.55	118.8	165.81	2.39	2.0	40	55	1.01	41	----	"	"
8.04	63.0	85.68	2.47	3.9	31	43	1.08	----	8.32	Clayey SILT to Silty CLAY	"
8.50	158.2	210.26	3.53	2.2	53	70	1.14	42	----	Silty SAND to Sandy SILT	"
9.01	134.6	174.07	3.18	2.4	45	58	1.21	41	----	"	"
9.51	226.4	284.70	7.35	3.2	113	142	1.28	44	----	SAND to Clayey SAND *	>140
10.02	268.4	328.40	7.88	2.9	134	164	1.35	45	----	"	"
10.54	186.7	222.09	2.60	1.4	37	44	1.42	43	----	SAND	130-140
11.03	142.3	164.79	3.49	2.5	47	55	1.48	41	----	Silty SAND to Sandy SILT	"
11.55	209.3	236.65	5.20	2.5	70	79	1.55	43	----	"	"
12.05	166.7	184.33	6.91	4.1	166	184	1.62	----	22.12	Very Stiff Fine Grained *	>140
12.54	154.9	167.49	4.39	2.8	52	56	1.69	41	----	Silty SAND to Sandy SILT	130-140
13.06	172.2	182.07	4.16	2.4	57	61	1.76	41	----	"	"
13.57	124.7	129.78	5.61	4.5	125	130	1.83	----	16.51	Very Stiff Fine Grained *	>140
14.05	211.3	216.58	5.05	2.4	70	72	1.90	42	----	Silty SAND to Sandy SILT	130-140
14.56	188.3	189.87	5.67	3.0	63	63	1.97	42	----	"	"
15.05	233.5	233.38	7.98	3.4	117	117	2.03	43	----	SAND to Clayey SAND *	>140
15.56	227.4	226.91	7.68	3.4	114	113	2.10	43	----	"	"
16.01	163.5	162.92	8.11	5.0	163	163	2.17	----	21.65	Very Stiff Fine Grained *	"
16.54	191.0	190.03	7.47	3.9	95	95	2.24	42	----	SAND to Clayey SAND *	"
17.01	189.2	188.04	6.16	3.3	95	94	2.31	42	----	"	130-140
17.52	193.9	192.41	7.17	3.7	97	96	2.38	42	----	"	>140
18.02	166.6	165.09	5.25	3.1	55	55	2.44	41	----	Silty SAND to Sandy SILT	130-140
18.58	191.8	188.62	5.40	2.8	64	63	2.52	42	----	"	"
19.02	257.1	247.60	9.50	3.7	128	124	2.58	43	----	SAND to Clayey SAND *	>140
19.53	262.3	246.48	8.05	3.1	131	123	2.65	43	----	"	"
20.02	291.6	267.27	9.72	3.3	146	133	2.72	44	----	"	"
20.53	271.3	242.59	7.04	2.6	90	81	2.79	43	----	Silty SAND to Sandy SILT	130-140
21.05	306.7	266.90	10.22	3.3	153	133	2.86	44	----	SAND to Clayey SAND *	>140
21.54	336.7	285.59	8.04	2.4	67	57	2.93	44	----	SAND	130-140
22.00	308.8	255.38	12.12	3.9	154	128	2.99	43	----	SAND to Clayey SAND *	>140
22.53	210.3	171.84	8.94	4.3	210	172	3.07	----	27.83	Very Stiff Fine Grained *	"
23.00	233.5	189.05	6.56	2.8	78	63	3.13	42	----	Silty SAND to Sandy SILT	130-140
23.50	330.2	266.03	7.61	2.3	66	53	3.17	44	----	SAND	"
24.01	287.1	230.12	5.26	1.8	57	46	3.20	43	----	"	"
24.55	257.2	204.92	5.16	2.0	51	41	3.24	42	----	"	"
25.00	218.6	173.30	7.13	3.3	109	87	3.28	41	----	SAND to Clayey SAND *	>140
25.52	321.3	253.32	7.30	2.3	64	51	3.32	43	----	SAND	130-140
26.04	218.6	171.39	3.46	1.6	44	34	3.36	41	----	"	"
26.53	137.7	107.35	9.41	6.8	138	107	3.39	----	18.11	Very Stiff Fine Grained *	>140
27.03	317.0	245.74	9.70	3.1	158	123	3.43	43	----	SAND to Clayey SAND *	"
27.52	283.5	218.61	10.24	3.6	142	109	3.47	43	----	"	"

PROJECT: BUTTERFIELD BOULEVARD EXTENSION
 LOCATION: Morgan Hill CA
 PROJ. NO.: 2309E(PGE-08)
 Terminated at 74.0 feet

CPT NO.: CPT-1
 DATE : 10-30-2009
 TIME : 10:59:07

PACIFIC GEOTECHNICAL
cpts by John Sarmiento & Associates

Groundwater measured at 23.3 feet

DEPTH (feet)	Qc (tsf)	Qc' (tsf)	Fs (tsf)	Rf (%)	SPT (N)	SPT' (N')	EffVtStr (ksf)	PHI (deg.)	SU (ksf)	SOIL BEHAVIOR TYPE	DENSITY RANGE (pcf)
28.04	225.5	172.90	5.68	2.5	75	58	3.51	41	----	Silty SAND to Sandy SILT	130-140
28.53	421.2	321.17	8.08	1.9	84	64	3.54	45	----	SAND	"
29.04	307.1	232.85	6.88	2.2	61	47	3.58	43	----	"	"
29.56	260.4	196.25	7.68	3.0	130	98	3.62	42	----	SAND to Clayey SAND *	>140
30.04	246.4	184.68	9.30	3.8	123	92	3.66	42	----	"	"
30.55	33.1	24.69	2.11	6.4	33	25	3.69	----	4.14	CLAY	130-140
31.01	72.0	53.36	2.78	3.9	36	27	3.73	----	9.32	Clayey SILT to Silty CLAY	"
31.52	166.6	122.73	6.41	3.8	83	61	3.77	39	----	SAND to Clayey SAND *	>140
32.02	117.2	85.82	5.67	4.8	117	86	3.81	----	15.34	Very Stiff Fine Grained *	"
32.57	17.7	12.85	1.18	6.7	18	13	3.85	----	2.06	CLAY	130-140
33.04	17.1	12.40	1.16	6.7	17	12	3.88	----	1.98	"	"
33.53	21.1	15.21	1.28	6.0	21	15	3.92	----	2.51	"	"
34.08	28.5	20.39	1.27	4.4	19	14	3.96	----	3.49	Silty CLAY to CLAY	"
34.52	31.4	22.35	2.04	6.5	31	22	3.99	----	3.88	CLAY	"
35.00	36.7	25.98	2.96	8.1	36	26	4.02	----	4.57	"	"
35.55	108.6	76.51	5.87	5.4	108	76	4.07	----	14.16	Very Stiff Fine Grained *	>140
36.00	66.8	46.87	5.40	8.1	67	47	4.10	----	8.58	"	130-140
36.55	85.7	59.82	5.04	5.9	86	60	4.14	----	11.09	"	>140
37.07	70.6	49.06	5.26	7.5	71	49	4.18	----	9.08	"	"
37.53	144.6	99.99	6.26	4.3	144	100	4.22	----	18.94	"	"
38.03	159.4	109.72	6.77	4.2	159	110	4.26	----	20.91	"	"
38.55	159.6	109.36	4.95	3.1	53	36	4.29	39	----	Silty SAND to Sandy SILT	130-140
39.00	143.2	97.70	5.14	3.6	72	49	4.33	38	----	SAND to Clayey SAND *	"
39.51	179.2	121.72	5.35	3.0	60	41	4.36	39	----	Silty SAND to Sandy SILT	"
40.01	186.4	125.94	6.87	3.7	93	63	4.40	39	----	SAND to Clayey SAND *	>140
40.51	128.0	86.05	7.60	5.9	128	86	4.44	----	16.69	Very Stiff Fine Grained *	"
41.04	129.6	86.69	5.06	3.9	65	43	4.48	37	----	SAND to Clayey SAND *	"
41.57	138.7	92.33	3.97	2.9	46	31	4.52	38	----	Silty SAND to Sandy SILT	130-140
42.00	116.7	77.38	6.06	5.2	117	77	4.55	----	15.18	Very Stiff Fine Grained *	>140
42.56	118.7	78.28	4.33	3.6	47	31	4.59	----	15.44	Sandy SILT to Clayey SILT	130-140
43.01	31.8	20.88	3.20	10.1	32	21	4.63	----	3.85	CLAY	"
43.55	12.3	8.05	1.11	9.0	12	8	4.66	----	1.25	"	120-130
44.00	13.1	8.53	1.10	8.4	13	8	4.69	----	1.35	"	"
44.54	18.9	12.27	1.24	6.5	19	12	4.73	----	2.12	"	130-140
45.01	18.5	11.94	1.33	7.2	18	12	4.76	----	2.06	"	"
45.57	20.8	13.32	1.34	6.5	21	13	4.80	----	2.35	"	"
46.04	26.4	16.88	1.72	6.5	26	17	4.84	----	3.11	"	"
46.52	26.0	16.53	1.81	7.0	26	16	4.87	----	3.04	"	"
47.06	17.0	10.72	1.32	7.8	17	11	4.91	----	1.83	"	"
47.58	21.6	13.58	1.42	6.6	21	13	4.95	----	2.45	"	"
48.05	18.2	11.38	1.08	6.0	18	11	4.98	----	1.98	"	"
48.51	20.0	12.45	1.06	5.3	19	12	5.02	----	2.22	"	"
49.07	29.3	18.17	1.56	5.3	28	18	5.06	----	3.45	"	"
49.55	32.4	20.08	1.79	5.5	31	19	5.09	----	3.87	"	"
50.01	28.2	17.40	1.58	5.6	27	17	5.13	----	3.31	"	"
50.50	26.4	16.24	1.37	5.2	25	15	5.16	----	3.07	"	"
51.06	21.7	13.30	1.02	4.7	20	12	5.20	----	2.44	"	"
51.52	15.2	9.27	0.81	5.3	13	8	5.23	----	1.56	"	120-130
52.05	24.3	14.79	1.09	4.5	22	13	5.27	----	2.77	"	130-140
52.52	28.6	17.28	1.29	4.5	18	11	5.30	----	3.33	Silty CLAY to CLAY	"
53.05	57.3	34.53	3.00	5.2	55	33	5.34	----	7.16	CLAY	"
53.57	185.9	111.58	9.50	5.1	185	111	5.38	----	24.30	Very Stiff Fine Grained *	>140
54.01	136.0	81.34	11.30	8.3	136	81	5.42	----	17.65	"	"
54.57	109.0	64.87	8.25	7.6	109	65	5.46	----	14.04	"	"
55.04	40.2	23.81	3.70	9.2	40	24	5.49	----	4.85	CLAY	130-140

PROJECT: BUTTERFIELD BOULEVARD EXTENSION
 LOCATION: Morgan Hill CA
 PROJ. NO.: 2309E(PGE-08)
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Groundwater measured at 23.3 feet

DEPTH (feet)	Qc (tsf)	Qc' (tsf)	Fs (tsf)	Rf (%)	SPT (N)	SPT' (N')	EffVtStr (ksf)	PHI (deg.)	SU (ksf)	SOIL BEHAVIOR TYPE	DENSITY RANGE (pcf)
55.55	21.4	12.62	1.74	8.1	21	12	5.53	----	2.35	"	"
56.00	31.8	18.69	2.09	6.6	31	18	5.56	----	3.73	"	"
56.54	39.9	23.39	2.25	5.6	39	23	5.60	----	4.81	"	"
57.02	50.4	29.40	3.43	6.8	49	29	5.64	----	6.20	"	"
57.53	39.7	23.06	2.95	7.4	39	23	5.67	----	4.77	"	"
58.03	37.9	21.91	3.09	8.2	37	21	5.71	----	4.52	"	"
58.52	39.0	22.45	3.09	7.9	38	22	5.75	----	4.66	"	"
59.00	49.1	28.20	4.28	8.7	48	28	5.78	----	6.01	"	"
59.53	141.1	80.67	12.30	8.7	141	80	5.82	----	18.28	Very Stiff Fine Grained *	>140
60.01	204.8	116.55	11.52	5.6	204	116	5.86	----	26.76	"	"
60.58	254.8	144.30	13.86	5.4	255	144	5.90	----	33.43	"	"
61.02	195.7	110.36	10.57	5.4	196	110	5.94	----	25.53	"	"
61.51	149.5	83.95	9.52	6.4	150	84	5.98	----	19.37	"	"
62.03	162.8	91.01	11.50	7.1	163	91	6.02	----	21.14	"	"
62.50	208.3	116.11	8.87	4.3	208	116	6.05	----	27.21	"	"
63.01	249.3	138.43	7.57	3.0	125	69	6.09	40	----	SAND to Clayey SAND *	"
63.50	190.6	105.47	7.89	4.1	191	105	6.13	----	24.83	Very Stiff Fine Grained *	"
64.03	187.0	103.13	10.37	5.5	187	103	6.17	----	24.36	"	"
64.50	226.2	124.33	9.60	4.2	226	124	6.21	----	29.57	"	"
65.02	209.2	114.57	10.74	5.1	209	115	6.25	----	27.31	Very Stiff Fine Grained *	"
65.52	107.8	58.79	7.50	7.0	108	59	6.29	----	13.77	"	"
66.00	39.2	21.33	2.78	7.1	39	21	6.32	----	4.63	CLAY	130-140
66.53	44.9	24.35	3.92	8.7	45	24	6.36	----	5.39	"	"
67.03	49.4	26.67	4.09	8.3	49	27	6.40	----	5.97	"	"
67.52	48.9	26.30	3.99	8.2	49	26	6.43	----	5.90	"	"
68.04	52.9	28.38	4.48	8.5	53	28	6.47	----	6.43	"	"
68.51	52.8	28.23	4.20	8.0	53	28	6.50	----	6.41	"	"
69.04	62.9	33.51	4.45	7.1	63	33	6.54	----	7.76	Very Stiff Fine Grained *	"
69.52	53.1	28.21	3.54	6.7	53	28	6.58	----	6.45	CLAY	"
70.02	52.5	27.77	3.64	6.9	52	28	6.61	----	6.36	"	"
70.50	52.8	27.87	3.59	6.8	53	28	6.65	----	6.40	"	"
71.01	48.1	25.27	2.63	5.5	48	25	6.69	----	5.76	"	"
71.52	45.1	23.63	2.73	6.0	45	24	6.72	----	5.36	"	"
72.01	42.3	22.06	2.73	6.5	42	22	6.76	----	4.98	"	"
72.53	40.7	21.17	2.32	5.7	41	21	6.80	----	4.77	"	"
73.01	68.8	35.68	4.35	6.3	69	36	6.83	----	8.51	Very Stiff Fine Grained *	"
73.54	101.6	52.45	6.49	6.4	102	52	6.87	----	12.87	"	"
74.01	138.6	71.31	7.79	5.6	139	71	6.91	----	17.80	"	"

DEPTH = Sampling interval (.1 feet)

Qc = Tip bearing resistance TotStr = Total Stress using est. density**

Fs = Sleeve friction resistance Phi = Soil friction angle*

Rf = Tip/Sleeve ratio Su = Undrained Soil Strength* (Nk=10 for Qc<9 tsf)

SPT = Equivalent Standard Penetration Test* (Nk=12 for Qc=9 to 12 tsf) (Nk=15 for Qc>12 tsf)

References: * Robertson and Campanella, 1988

** Olsen, 1989 *** Durgunoglu & Mitchell, 1975

March 8, 2011

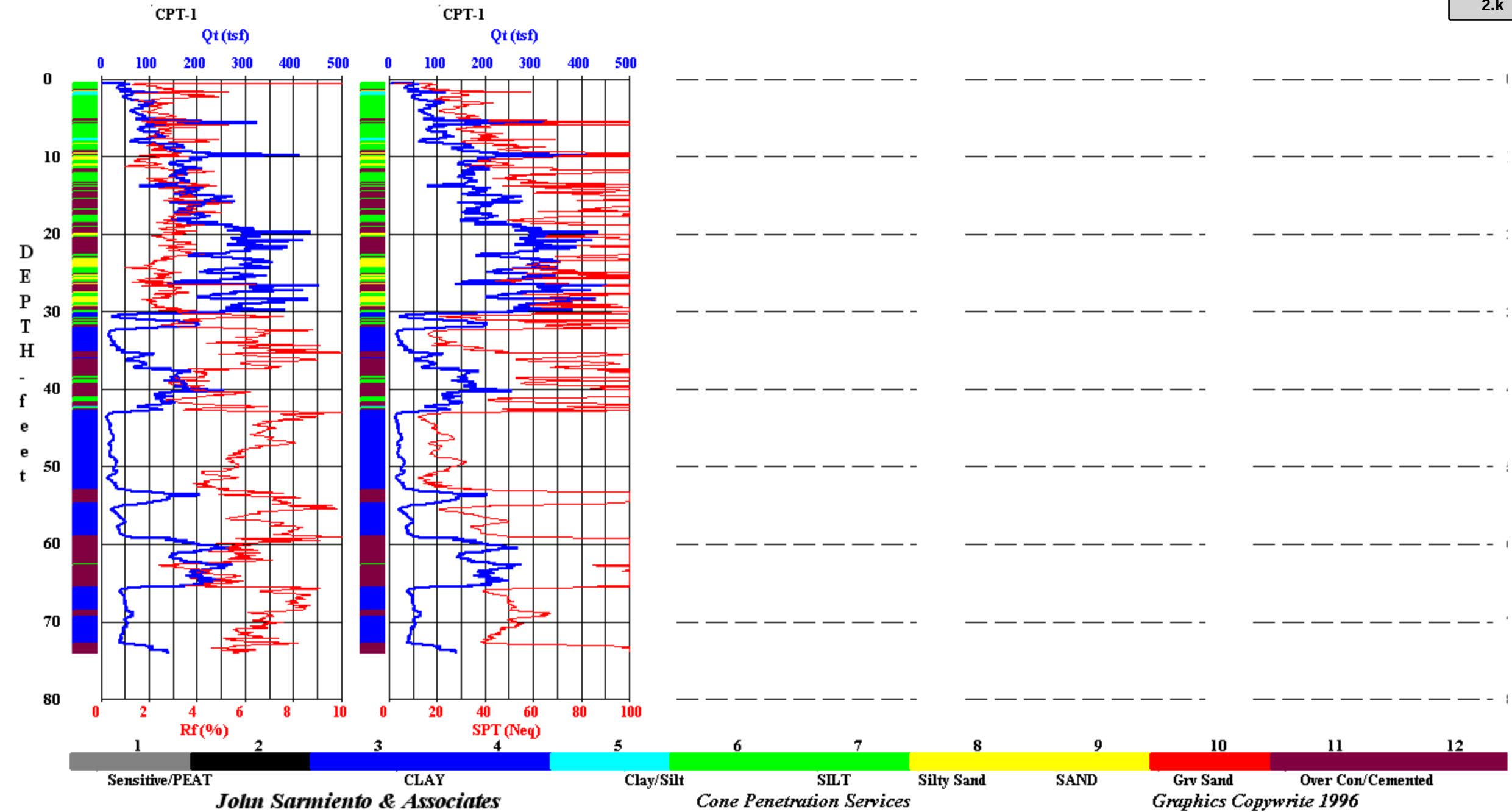
Project 2309E (2010.0150)

Youd, T.L., Idriss, I.M. Andrus, R.D. Arango, I., Castro, G., Christian, J.T., Dobry, R., Liam Finn, W.D.L., Harder, L.F., Jr., Hynes, M.E., Ishihara, K., Koester, J.P., Liao, S.S.C., Marcuson, W.F., III, Martin, G.R., Mitchell, J.K., Moriwaki, Y., Power, M.S., Robertson, P.K., Seed, R.B., Stokoe, K.H., II, 2001, Liquefaction Resistance of Soils: Summary Report from the 1996 NCEER and 1998 NCEER/NSF Workshops on Evaluation of Liquefaction Resistance of Soils, ASCE, Journal of Geotechnical and Geoenvironmental Engineering, V. 127, No. 10, p 817-833.

Youd, T.L. and Hoose, S.N., 1978, Historic ground failures in northern California triggered by earthquakes: USGS Prof. Paper 993.

AERIAL PHOTOGRAPHS (Black and white unless indicated)

Date	Approx. Scale	Project	Roll/Frame No.	Source
10/20/39	1:24,000	CIV-294	294/54, 55	Nat'l Archives; PGE
8/10/53	1:30,000	GS-YF	5/145, 146	PGE
6/26/74	1:24,000	SF Bay Area 4	9/196, 195	PGE
4/3/85	1:30,000	WAC 85CA	7/198, 197	WAC; PGE
4/7/88	1:6,000	AV 3275	5/7, 6	Pacific Aerial Survey; PGE
5/10/88	1:12,000	AV 3281	5/8,9	Pacific Aerial Survey; PGE

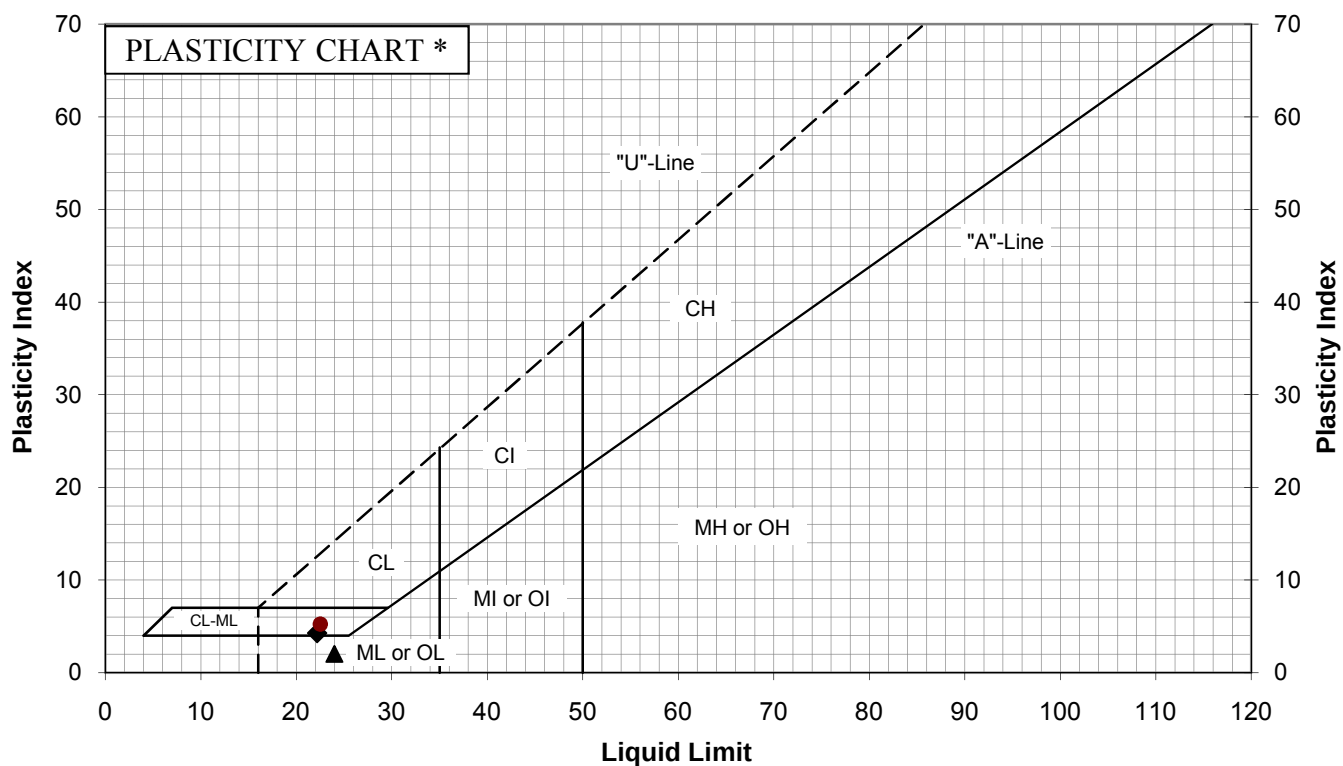


APPENDIX C

LABORATORY TEST RESULTS

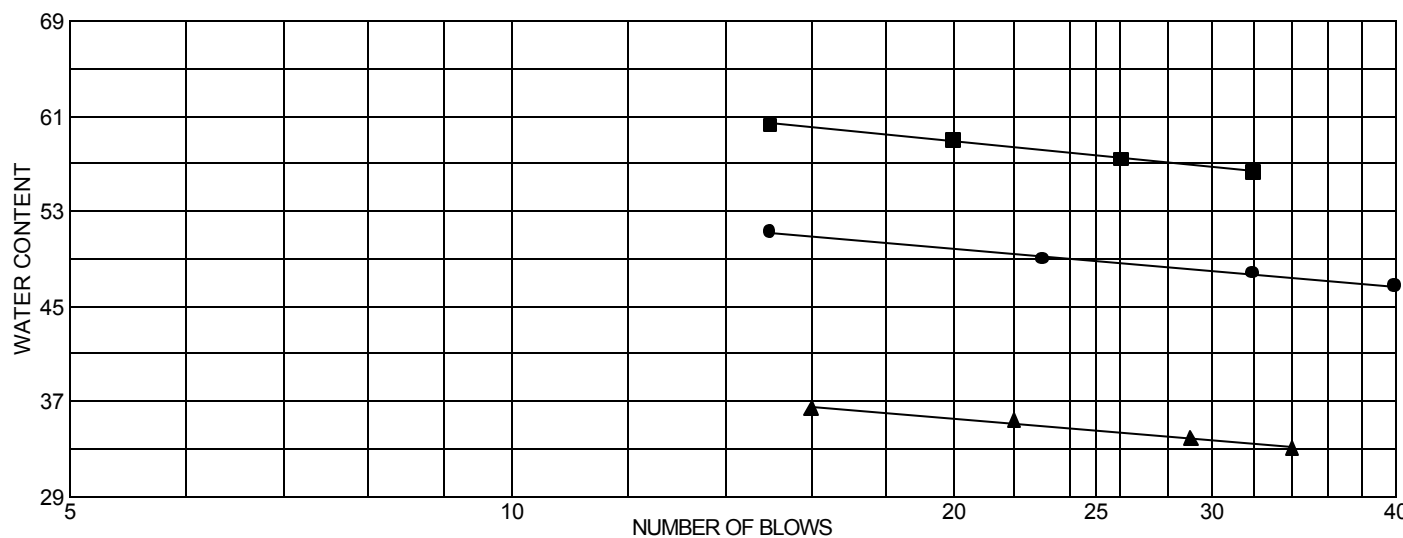
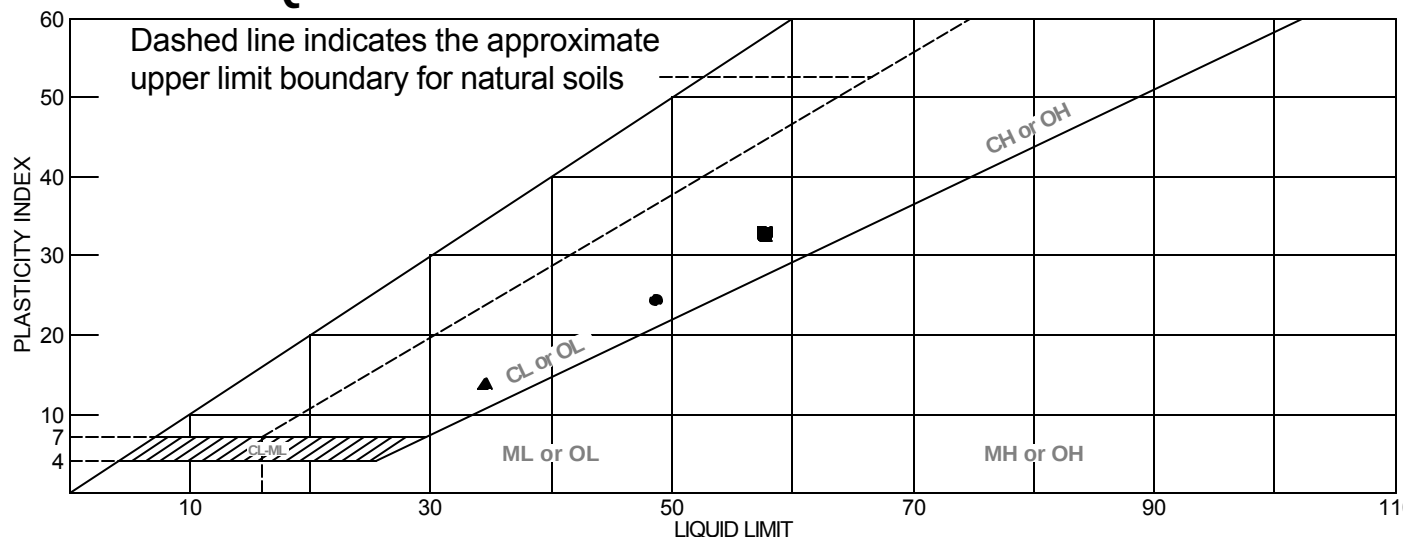
ATTERBERG LIMITS TEST RESULTS

PROJECT NAME	Butterfield Blvd. Extension			PROJECT No.	2309 E
DATE OF TEST	11/17/2009	11/19/2009	11/19/2009		
KEY SYMBOL	◆	▲	●		
DRILL HOLE No.	1	10	15		
DEPTH (ft)	1.5	40.5	1.5		
NATURAL WATER CONTENT (%)	7	24	6		
% Retained No. 40 SIEVE (Est.)	45	0	45		
% PASSING No. 200 SIEVE	15	40	6		
LIQUID LIMIT	22	24	23		
PLASTIC LIMIT	18	22	17		
PLASTICITY INDEX	4	2	5		
CLASSIFICATION SYMBOL	CL-ML	ML	CL-ML		



* Based on the Unified Soil Classification System modified to incorporate the "intermediate" classifications CI, MI, and OI for soils with liquid limits between 35 and 50. In the unmodified Unified Soil Classification System, such soils would be classified as CL, ML and OL, respectively.

LIQUID AND PLASTIC LIMITS TEST REPORT



	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Brown Lean CLAY, trace Sand	48.8	24.5	24.3			
■	Reddish Brown Fat Clayey SAND	57.7	25.0	32.7			
▲	Reddish Brown Lean CLAY w/ Sand	34.5	20.6	13.9			

Project No. 226-185 **Client:** Pacific Geotechnical Engineering

Project: Butterfield Blvd. Extension - 2309E

● **Source:** DH-6

■ **Source:** DH-8

▲ **Source:** DH-9

Elev./Depth: 47-49.5'

Elev./Depth: 47-49.5'

Elev./Depth: 55-57.5'

Remarks:

●
■
▲ Sample was prepared using the wet prep method.

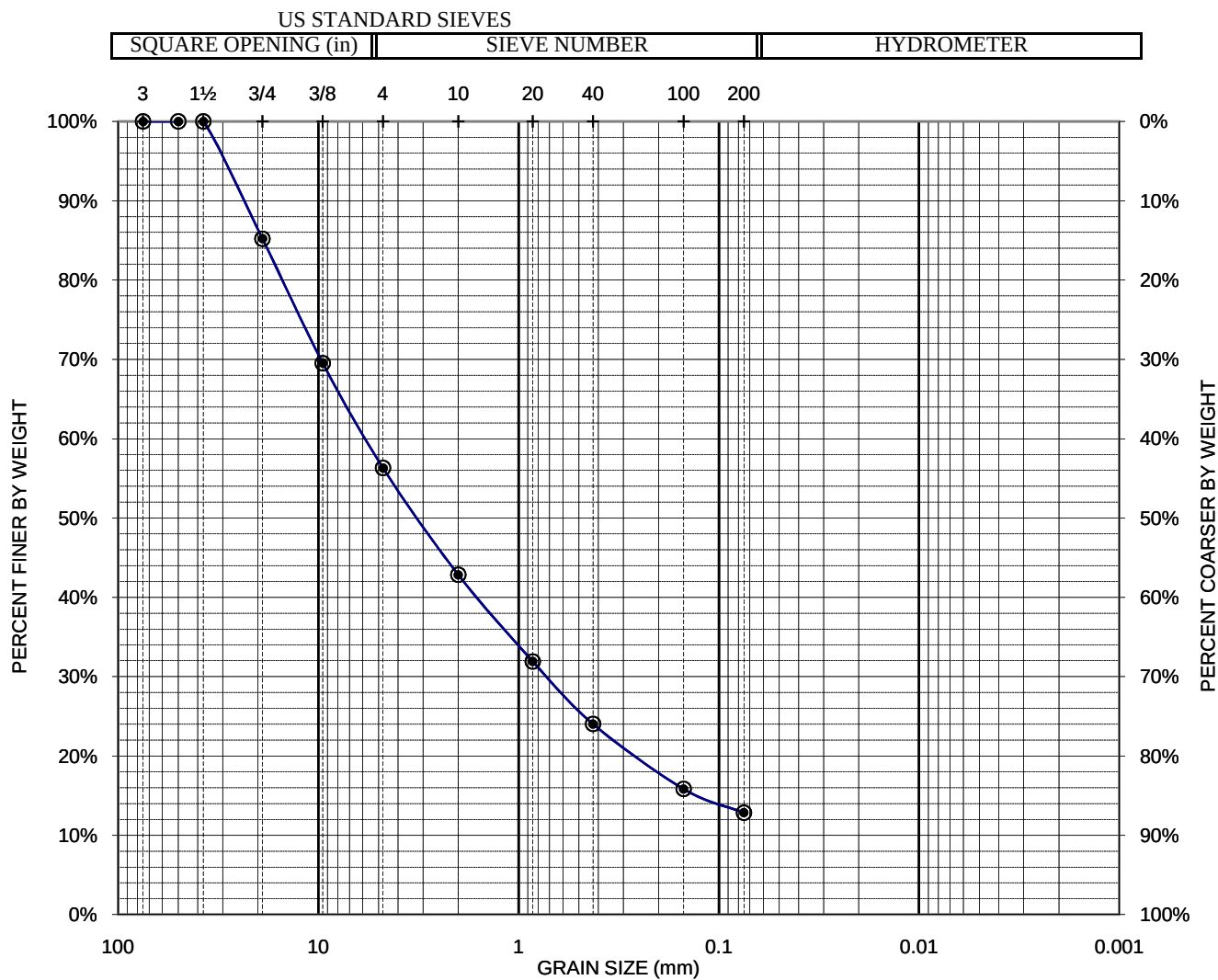
LIQUID AND PLASTIC LIMITS TEST REPORT

COOPER TESTING LABORATORY

Figure C-2

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension			PROJECT No. 2309 E	
DRILL HOLE No. 3	DEPTH (ft) 9-10	SAMPLE 0	DATE OF TEST	11/12/2009
SOURCE/QUARRY: ---				
DESCRIPTION OF SOIL: CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist				



REMARKS:

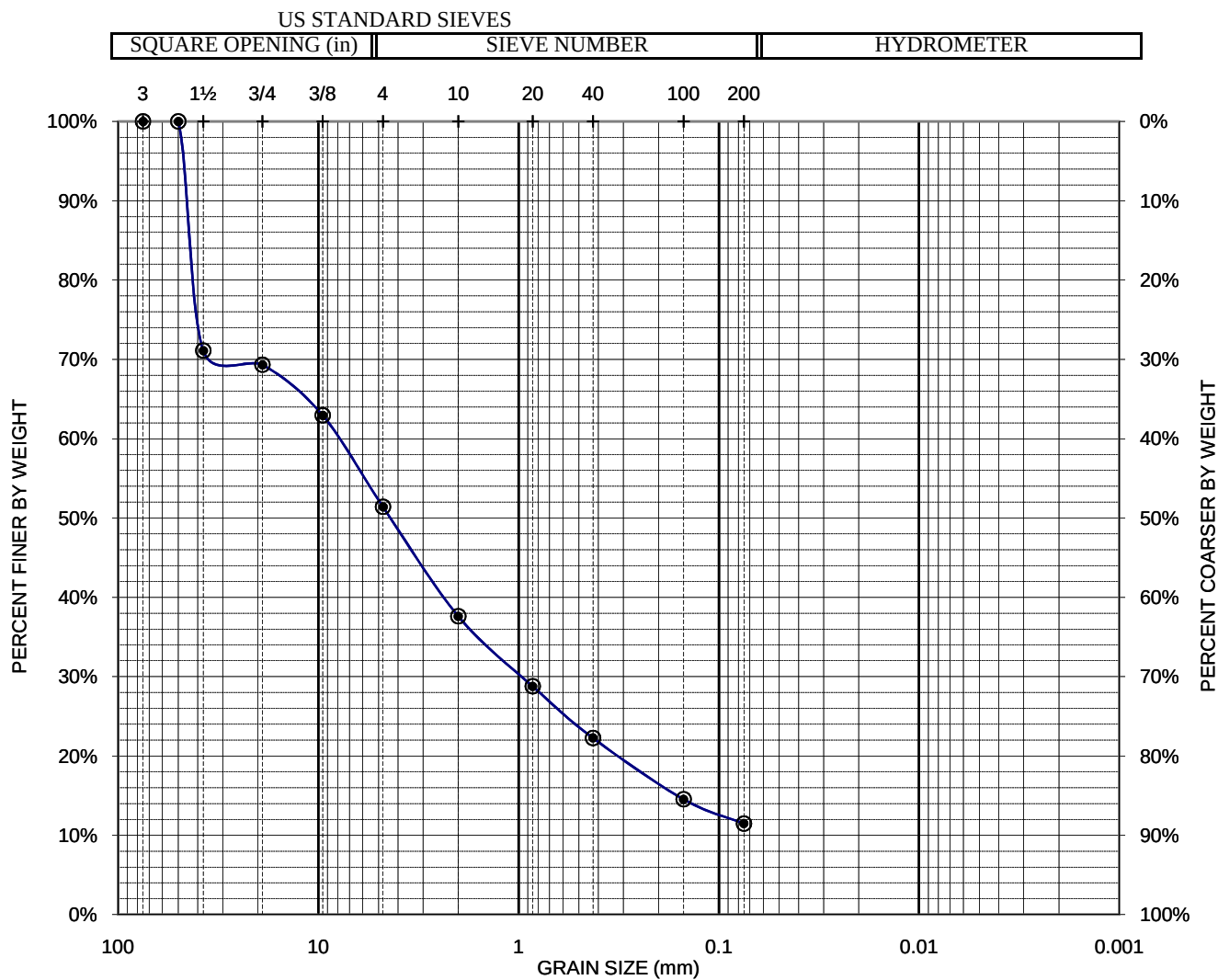
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-3

GRAIN SIZE TEST RESULTS

PROJECT NAME			Butterfield Blvd. Extension		PROJECT No.		2309 E								
DRILL HOLE No.		5		DEPTH (ft)		6.0		SAMPLE		0		DATE OF TEST		11/12/2009	
SOURCE/QUARRY: ---															
DESCRIPTION OF SOIL: WELL GRADED GRAVEL with SAND: Dark brown (10YR 3/3), moist															



REMARKS:

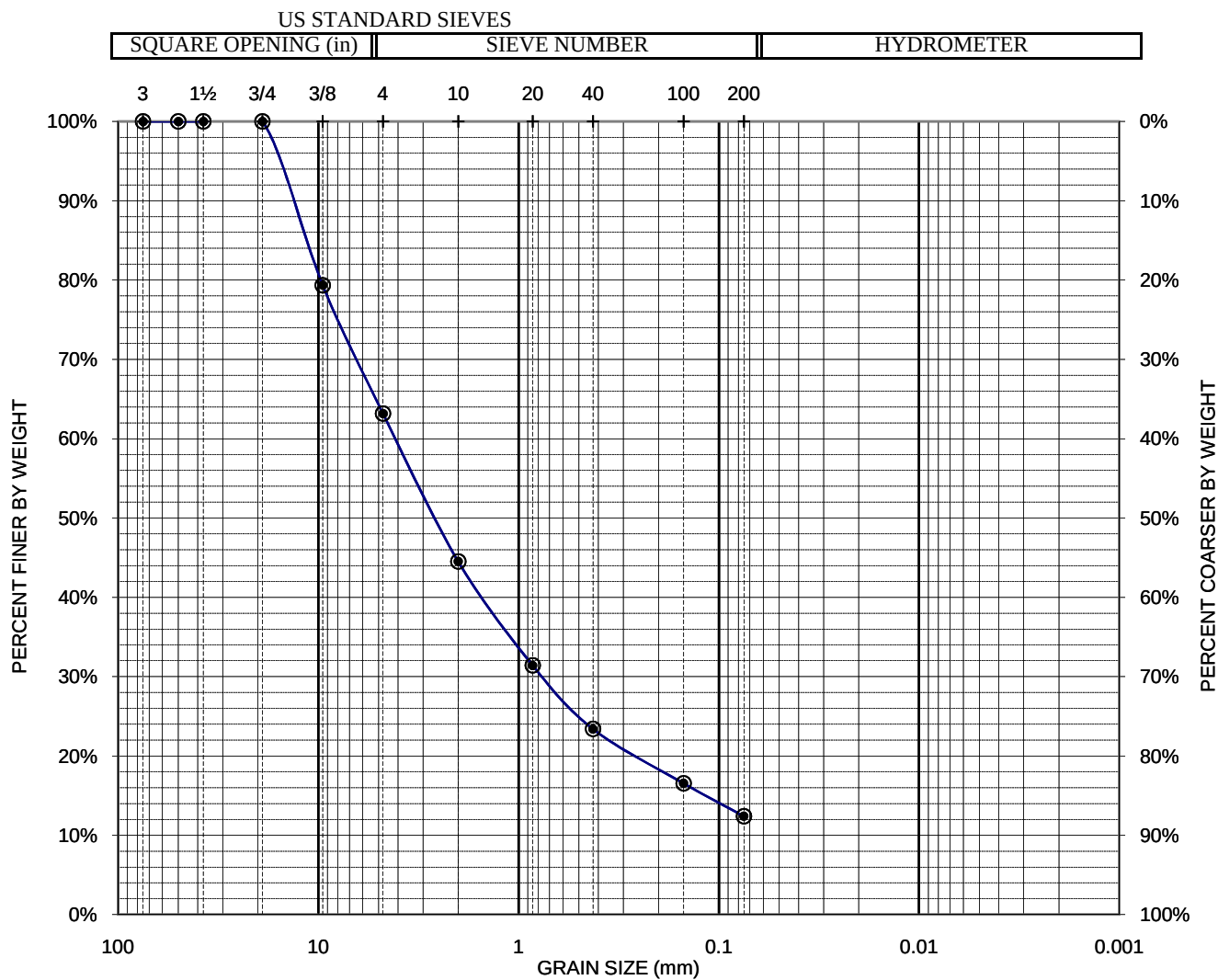
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-4

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension			PROJECT No. 2309 E	
DRILL HOLE No. 6	DEPTH (ft) 14-15	SAMPLE 0	DATE OF TEST	11/12/2009
SOURCE/QUARRY: ---				
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown (10YR 4/3), moist to wet				



REMARKS:

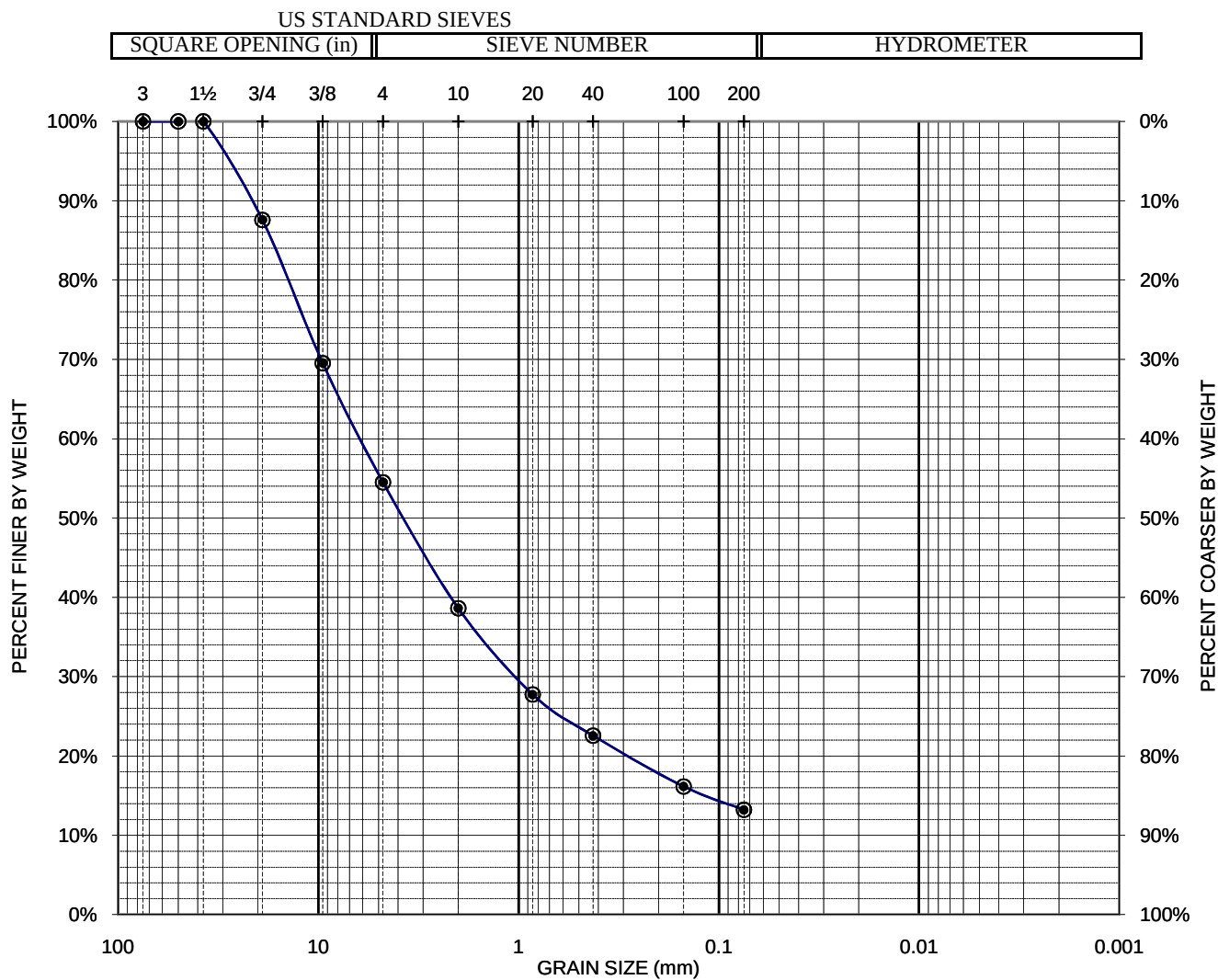
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-5

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 6	DEPTH (ft) 29-30	SAMPLE 0	DATE OF TEST 11/12/2009		
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist to wet					



REMARKS:

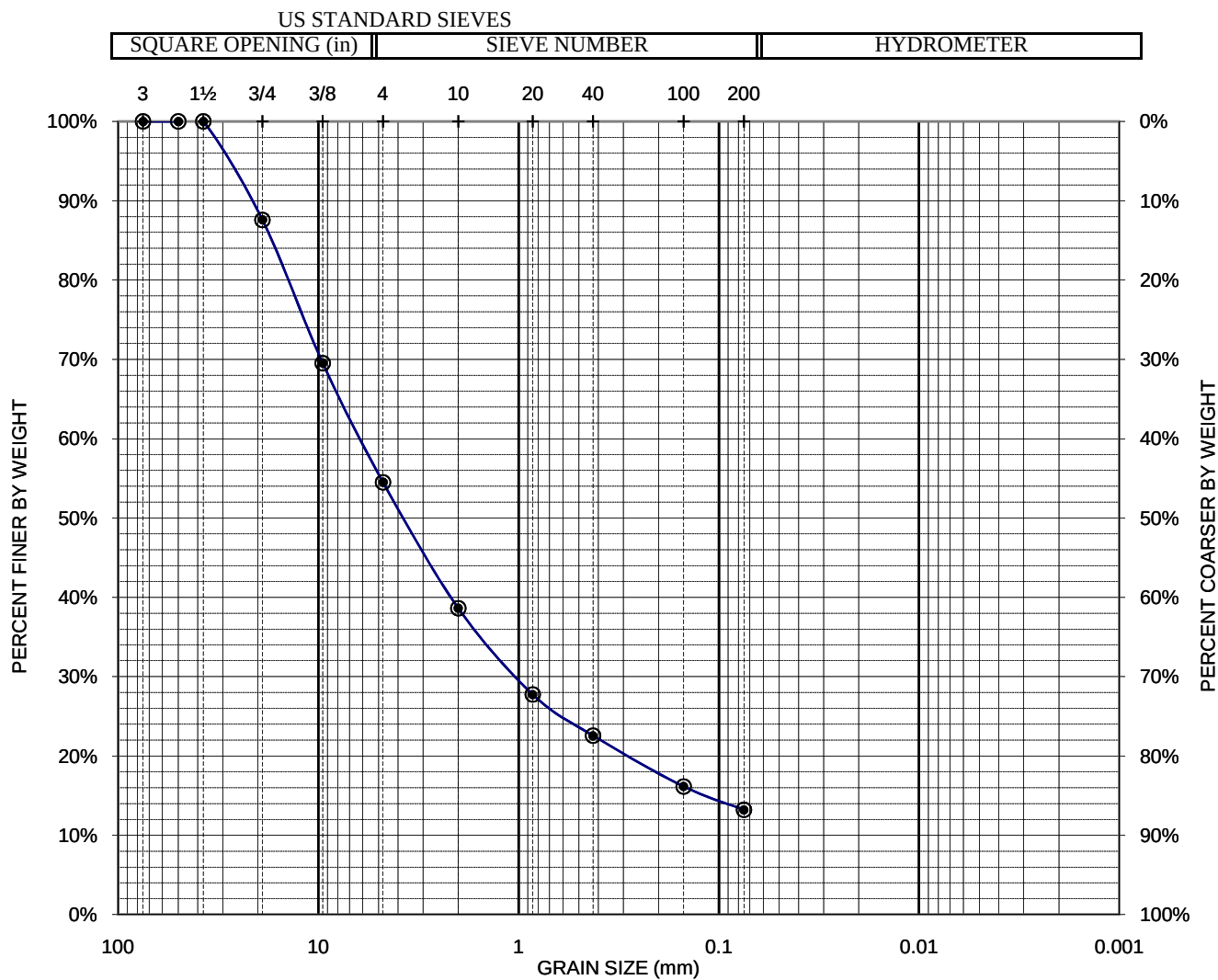
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-6

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 7	DEPTH (ft) 14-15	SAMPLE 0	DATE OF TEST 11/12/2009		
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY GRAVEL with SAND: Dark brown (10YR 3/3), moist					



REMARKS:

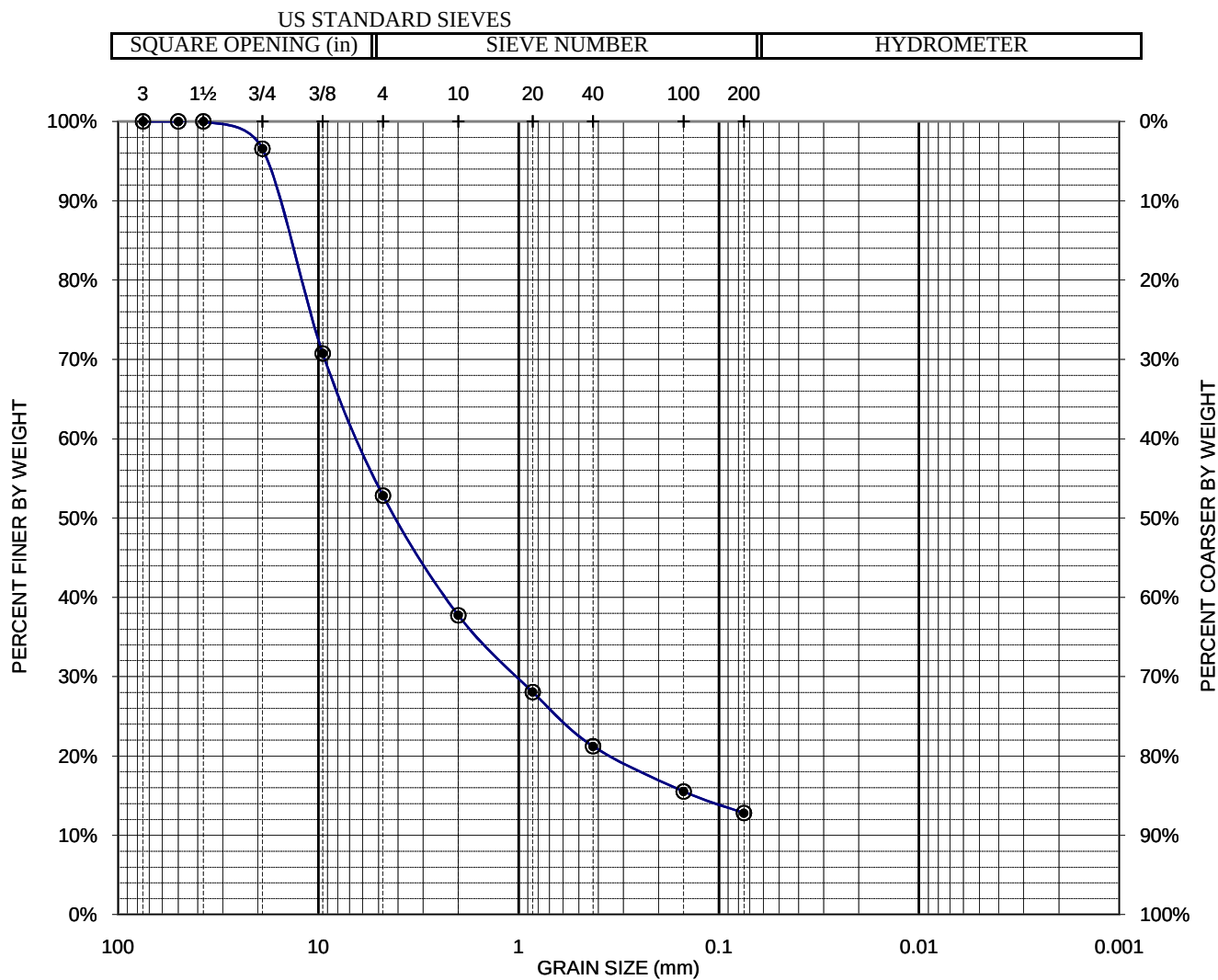
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-7

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension			PROJECT No. 2309 E	
DRILL HOLE No. 8	DEPTH (ft) 9-10	SAMPLE 0	DATE OF TEST	11/12/2009
SOURCE/QUARRY: ---				
DESCRIPTION OF SOIL: CLAYEY GRAVEL with SAND: Brown to dark brown (10YR 4/3 to 3/3), wet				



REMARKS:

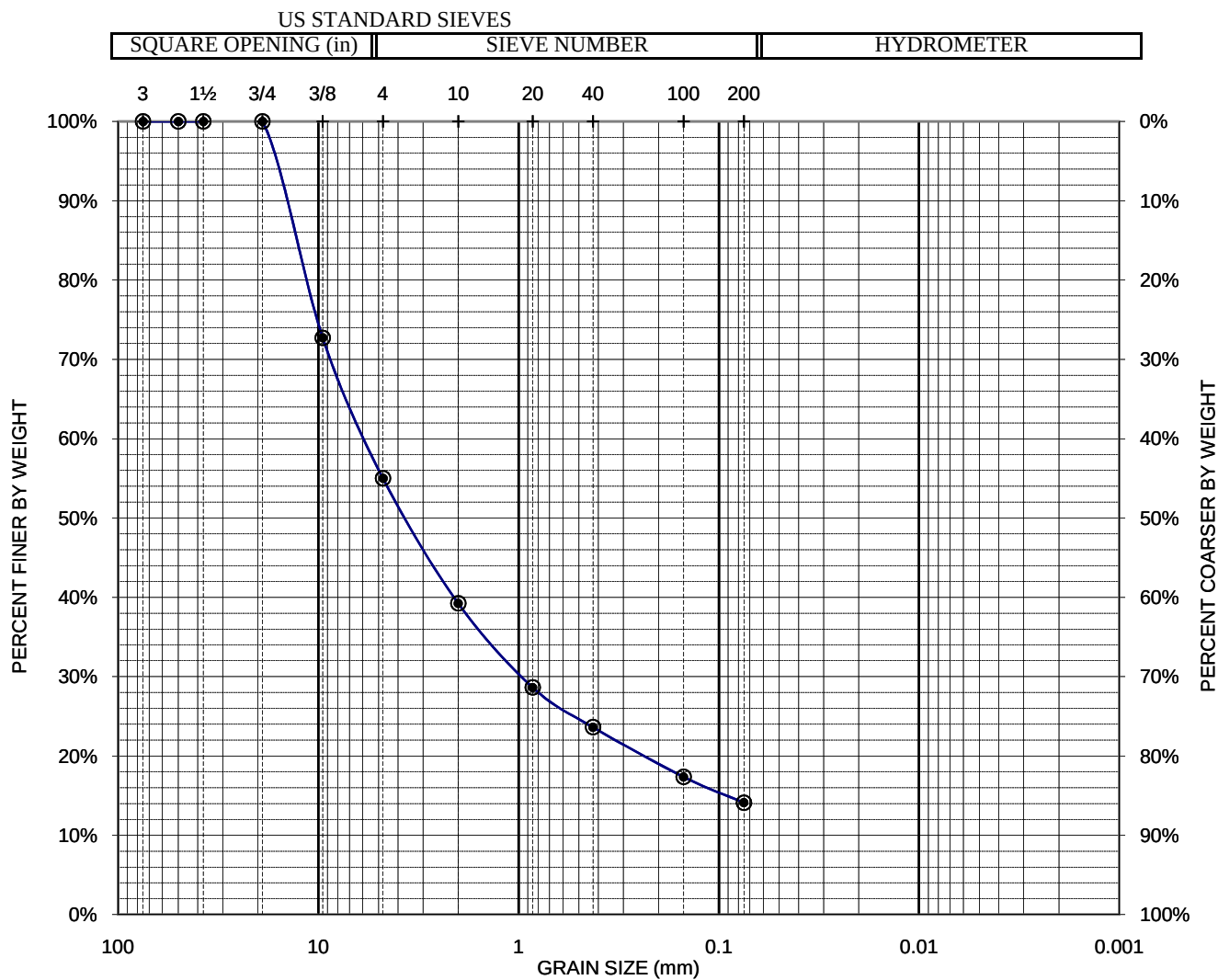
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-8

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 8	DEPTH (ft) 25.5-26.5	SAMPLE 0	DATE OF TEST	11/12/2009	
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY GRAVEL with SAND: Brown (10YR 4/3), moist to wet					



REMARKS:

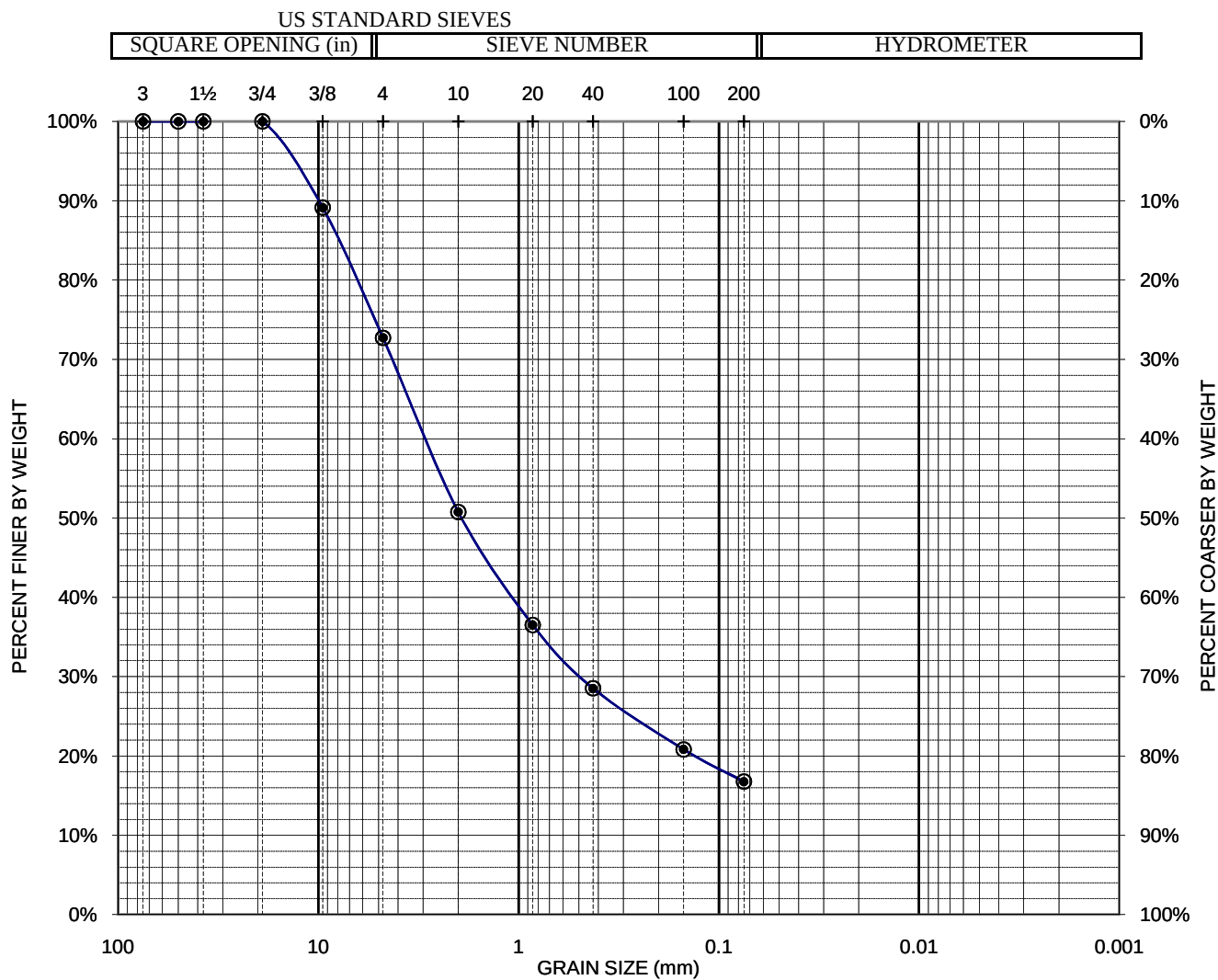
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-9

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield			PROJECT No. 2309E	
DRILL HOLE No. 9	DEPTH (ft) 5.5-6.5'	SAMPLE	DATE OF TEST	11/11/2009
SOURCE/QUARRY: native				
DESCRIPTION OF SOIL: CLAYEY SAND W/GRAVEL: Brown (10YR4/3), wet				



REMARKS:

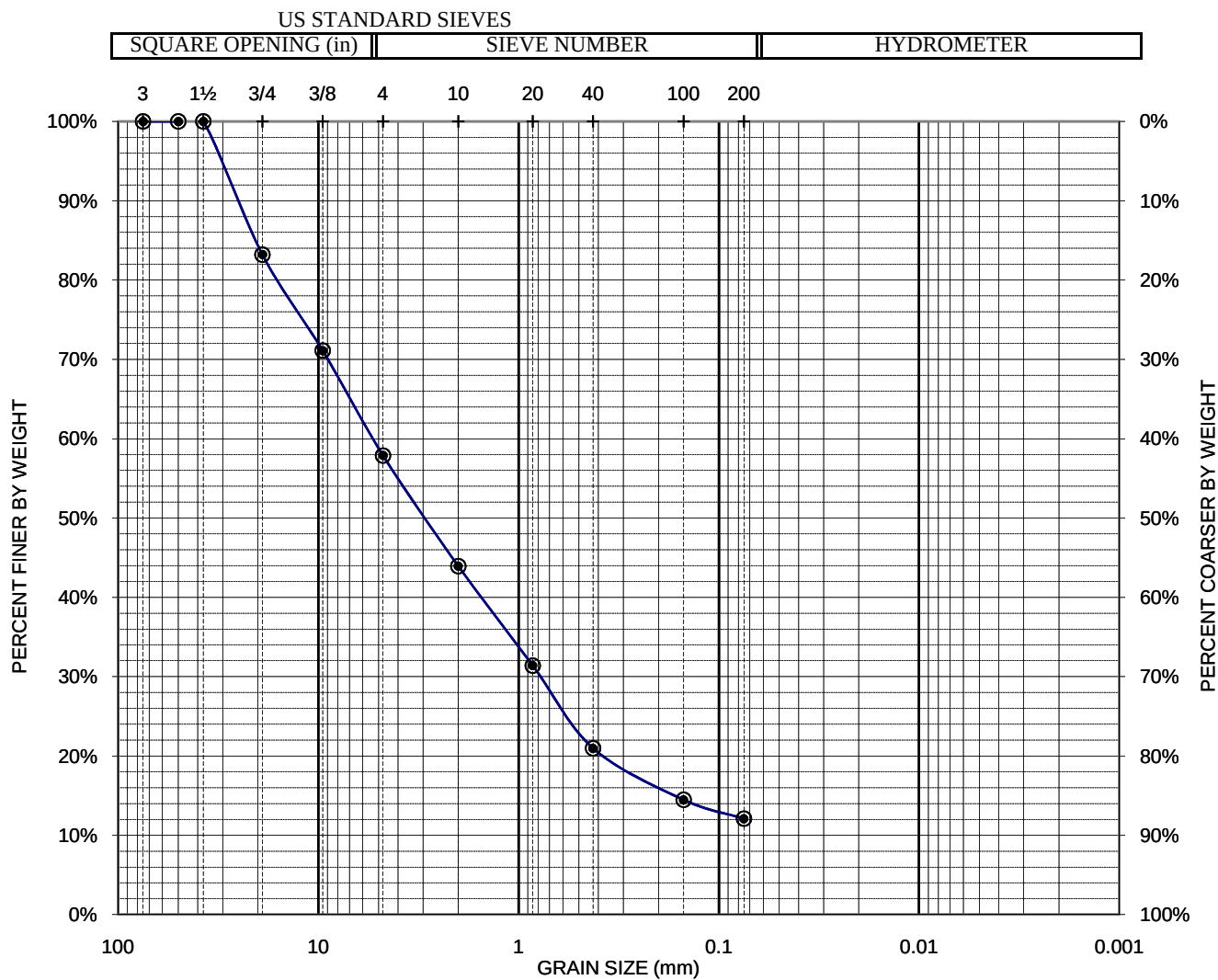
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-10

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 9	DEPTH (ft) 30.5-31.5	SAMPLE 0	DATE OF TEST	11/16/2009	
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown (10YR 4/3), wet					



REMARKS:

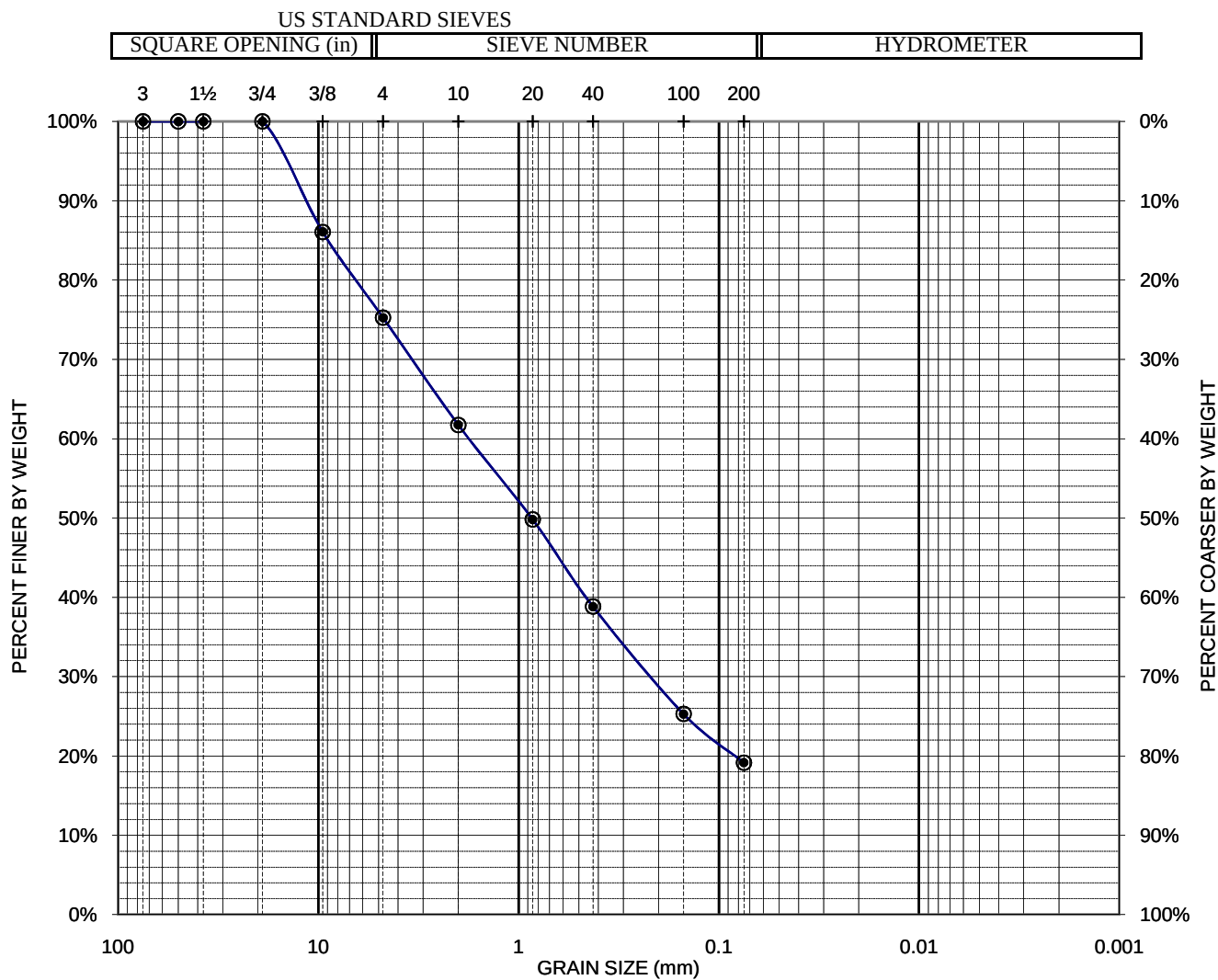
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-11

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 9	DEPTH (ft) 40.5-41.5	SAMPLE 0	DATE OF TEST	11/16/2009	
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown (10YR 4/3), moist					



REMARKS:

PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-12

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension

PROJECT No. 2309 E

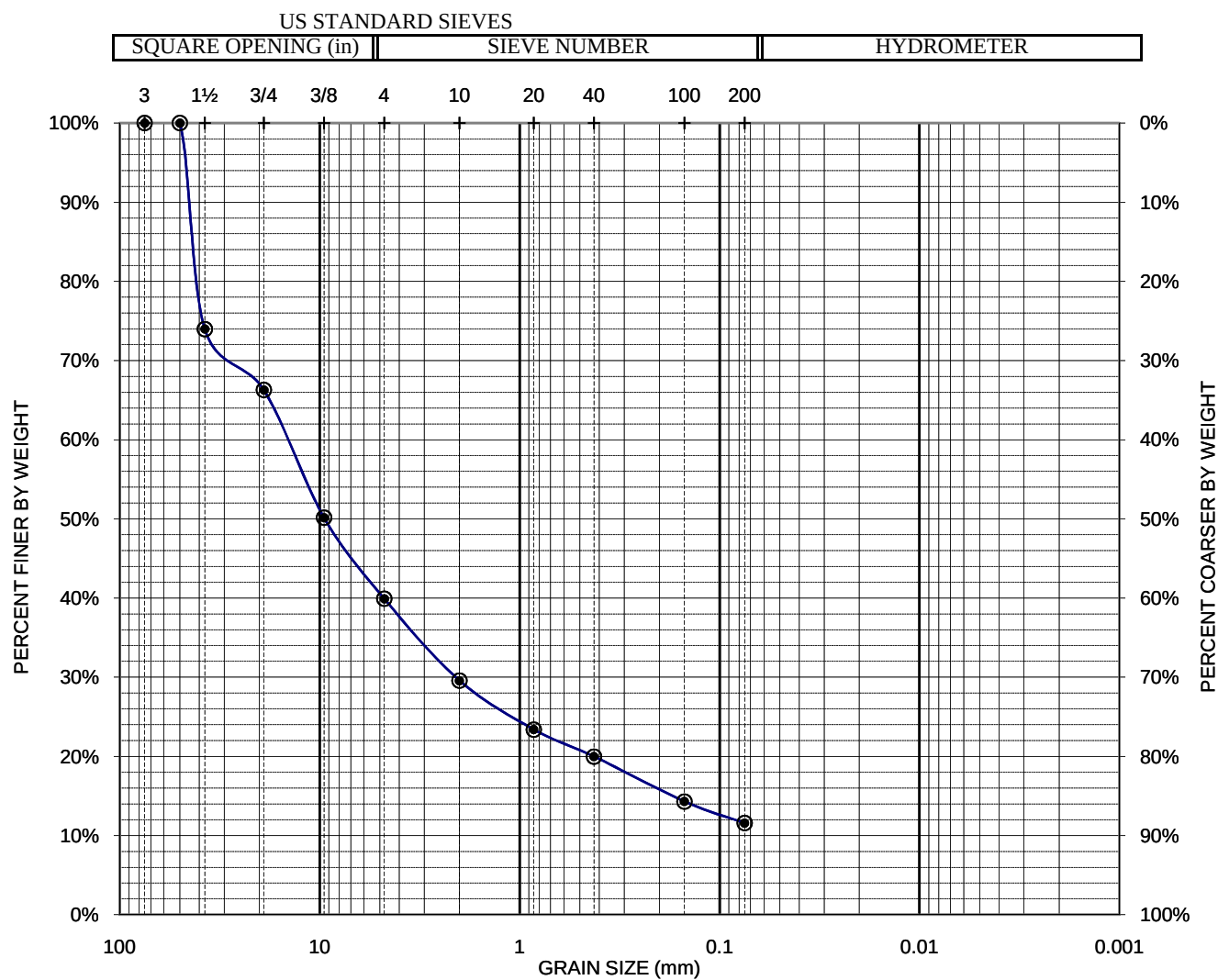
DRILL HOLE No. 12

DEPTH (ft) 5.5

SAMPLE 0

DATE OF TEST 11/16/2009

SOURCE/QUARRY: ---

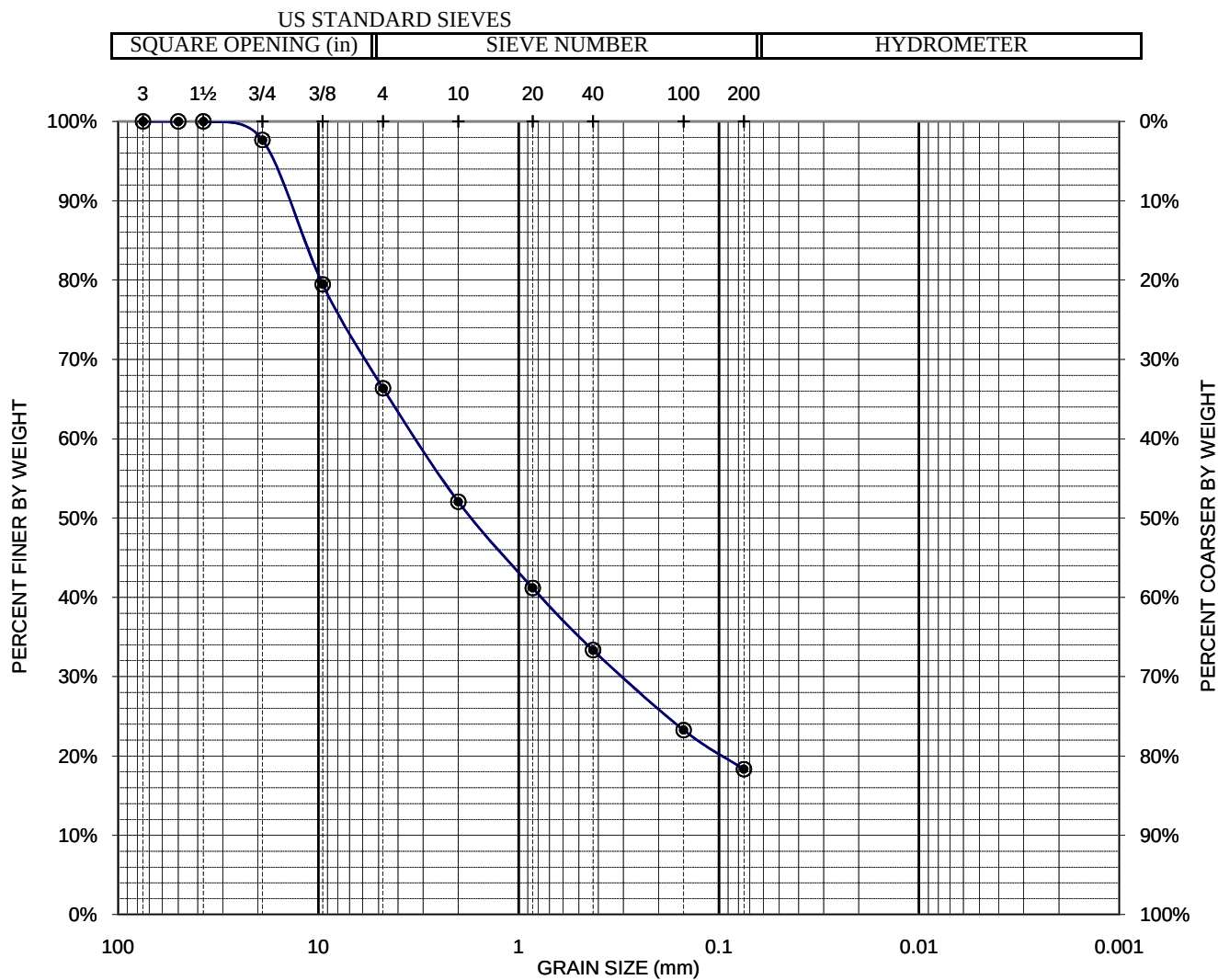
DESCRIPTION OF SOIL: POORLY GRADED GRAVEL with SAND and CLAY: Brown (10YR 4/3). moist

REMARKS:
PACIFIC GEOTECHNICAL ENGINEERING

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Figure C-13

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 13	DEPTH (ft) 5.5-6.0	SAMPLE 0	DATE OF TEST	11/17/2009	
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown (10YR 3/3), moist					



REMARKS:

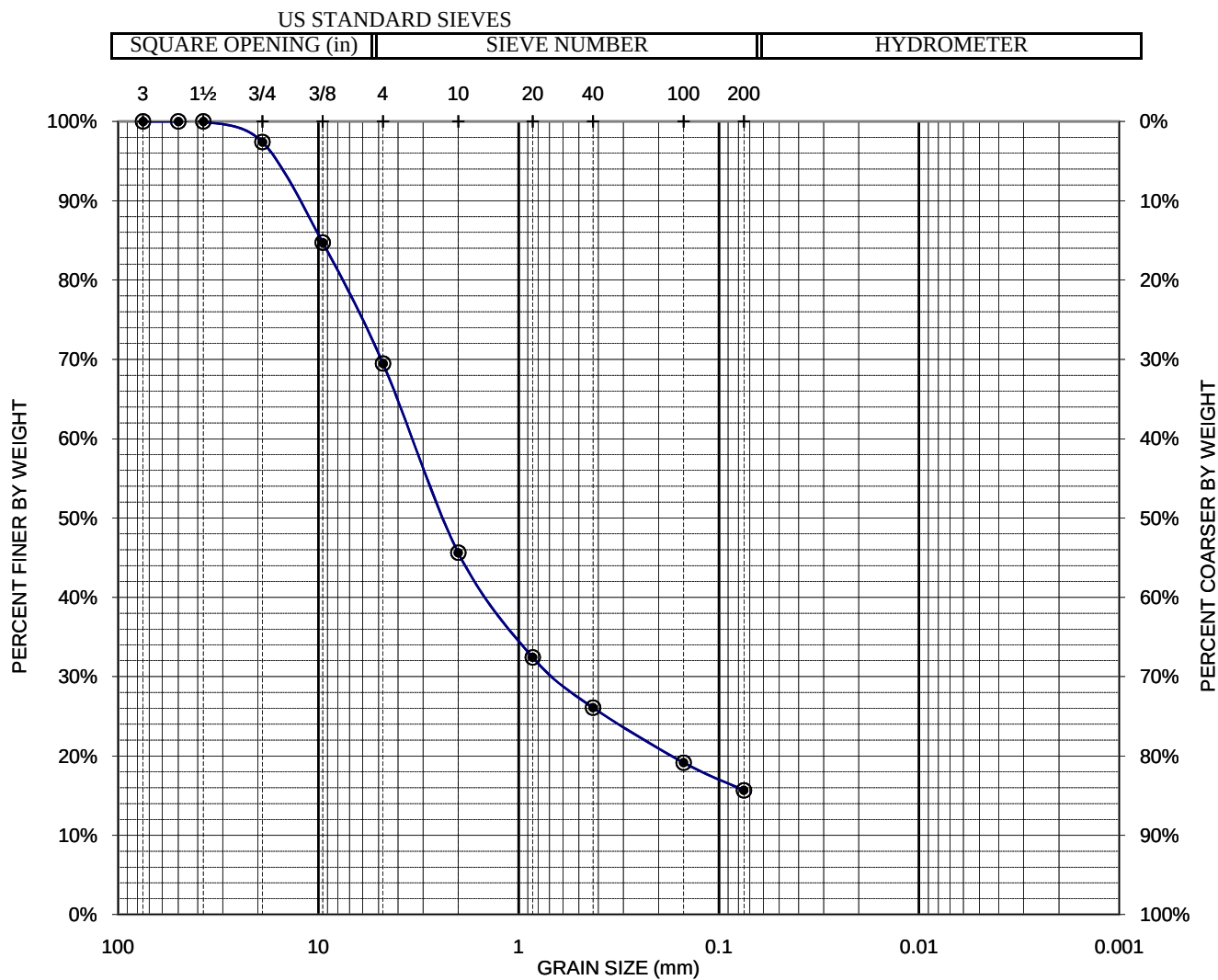
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-14

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 13	DEPTH (ft) 14-15	SAMPLE 0	DATE OF TEST 11/17/2009		
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown (10YR 3/3), moist					



REMARKS:

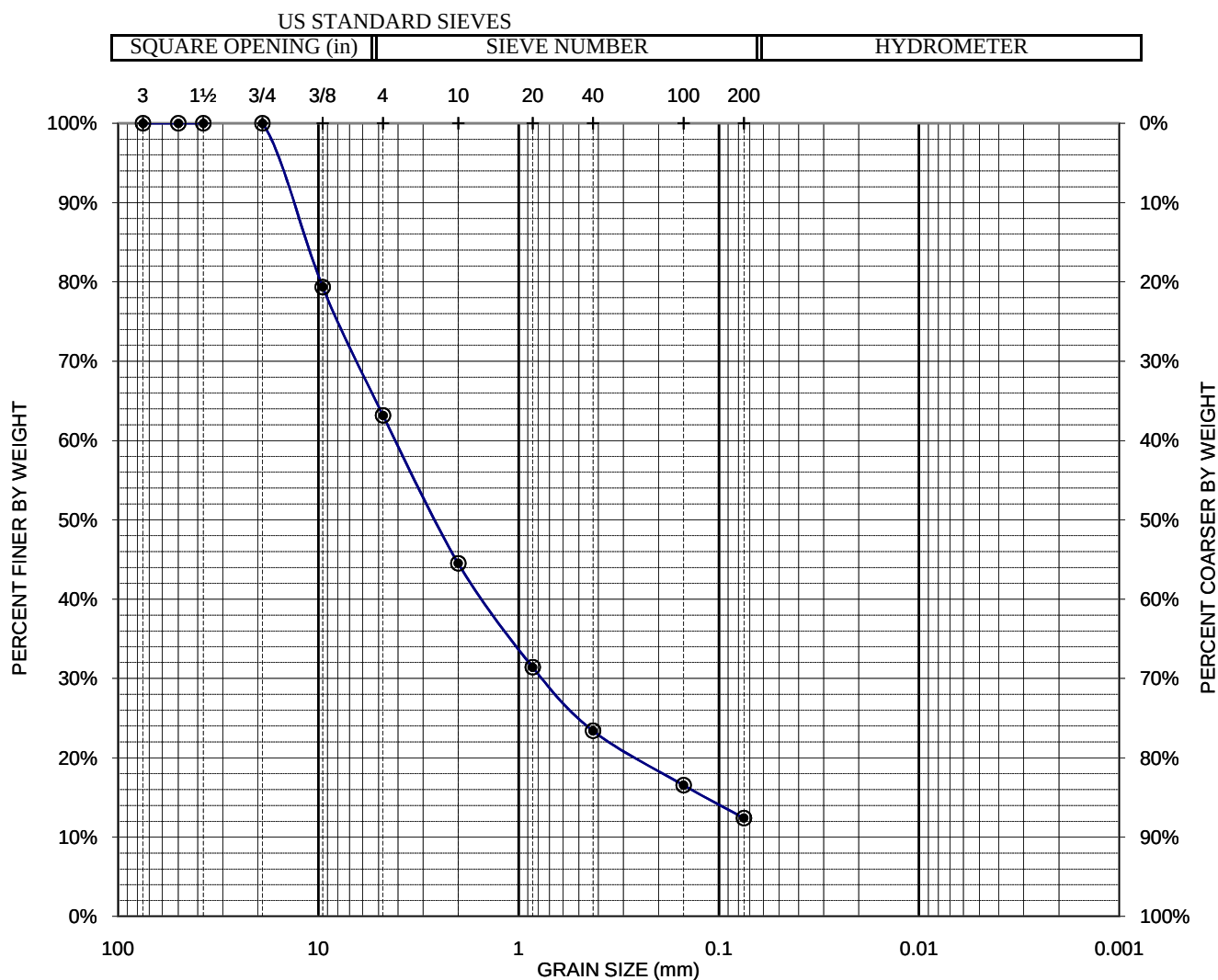
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-15

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension			PROJECT No. 2309 E	
DRILL HOLE No. 14	DEPTH (ft) 9-10	SAMPLE 0	DATE OF TEST	11/9/2009
SOURCE/QUARRY: ---				
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown (10YR 3/3), moist				



	COARSE	FINE	COARSE	MEDIUM	FINE	
COBBLES	GRAVEL		SAND			SILT & CLAY
	36.8%		50.7%			12.4%

REMARKS:

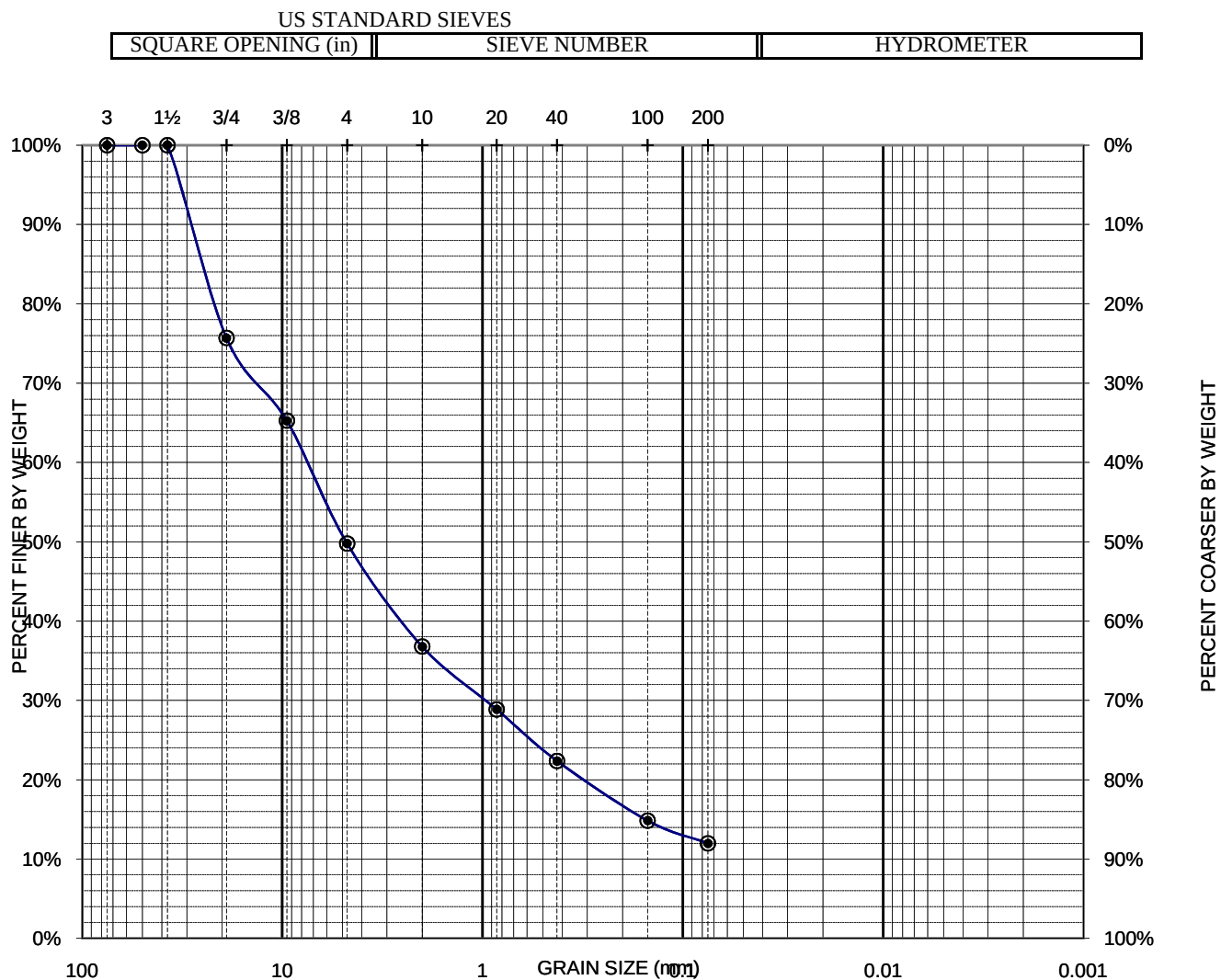
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-16

GRAIN SIZE TEST RESULTS

PROJECT NAME			Butterfield Blvd. Extension		PROJECT No.		2309 E								
DRILL HOLE No.		15		DEPTH (ft)		5.5-6.5		SAMPLE		0		DATE OF TEST		11/12/2009	
SOURCE/QUARRY: ---															
DESCRIPTION OF SOIL: CLAYEY GRAVEL with SAND: Brown (10YR 4/3), moist to wet															



REMARKS:

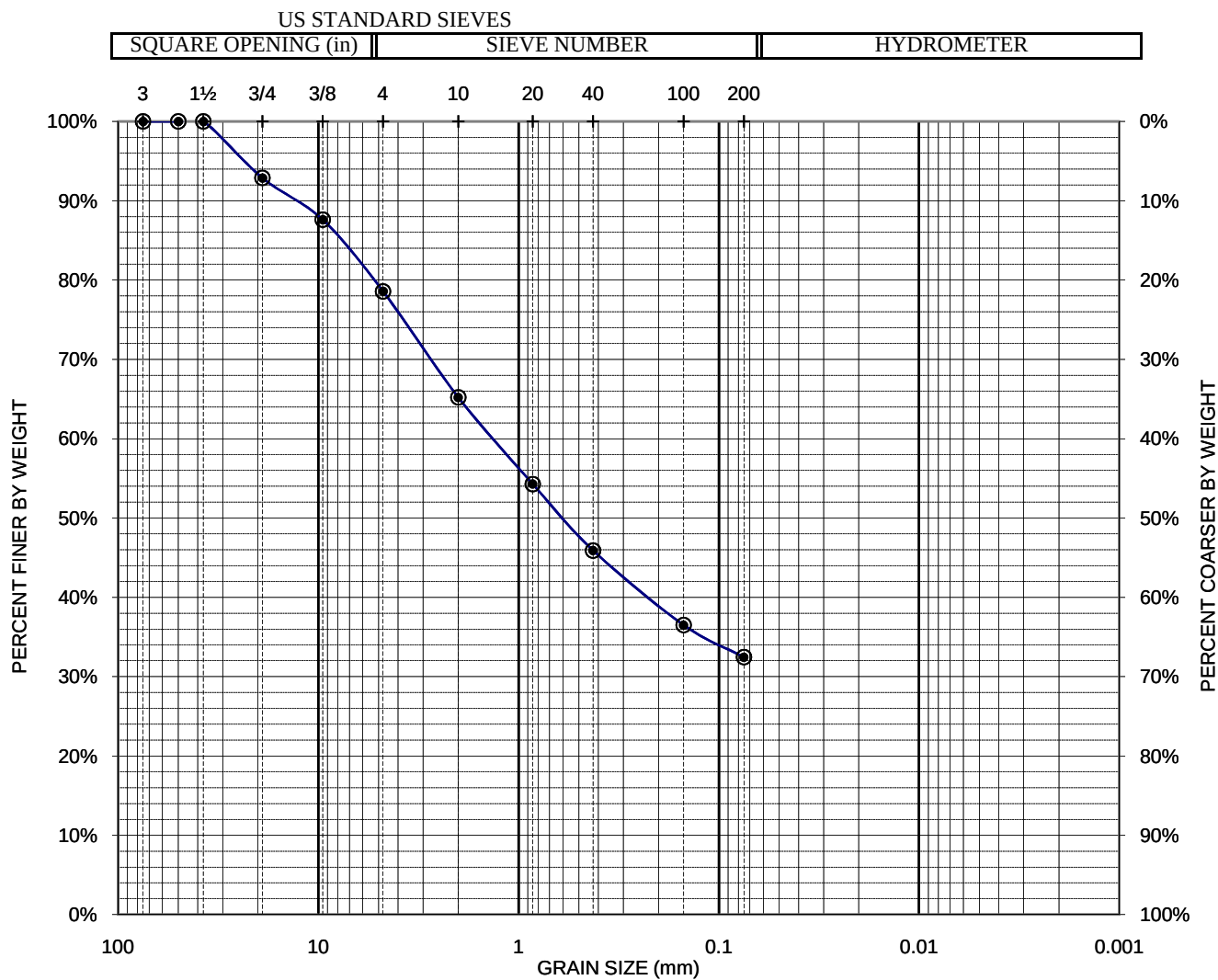
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-17

GRAIN SIZE TEST RESULTS

PROJECT NAME			Butterfield Blvd. Extension		PROJECT No.		2309 E								
DRILL HOLE No.		16		DEPTH (ft)		3-4		SAMPLE		0		DATE OF TEST		11/9/2009	
SOURCE/QUARRY: ---															
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Brown to dark brown (10YR 4/3 to 3/3), moist															



REMARKS:

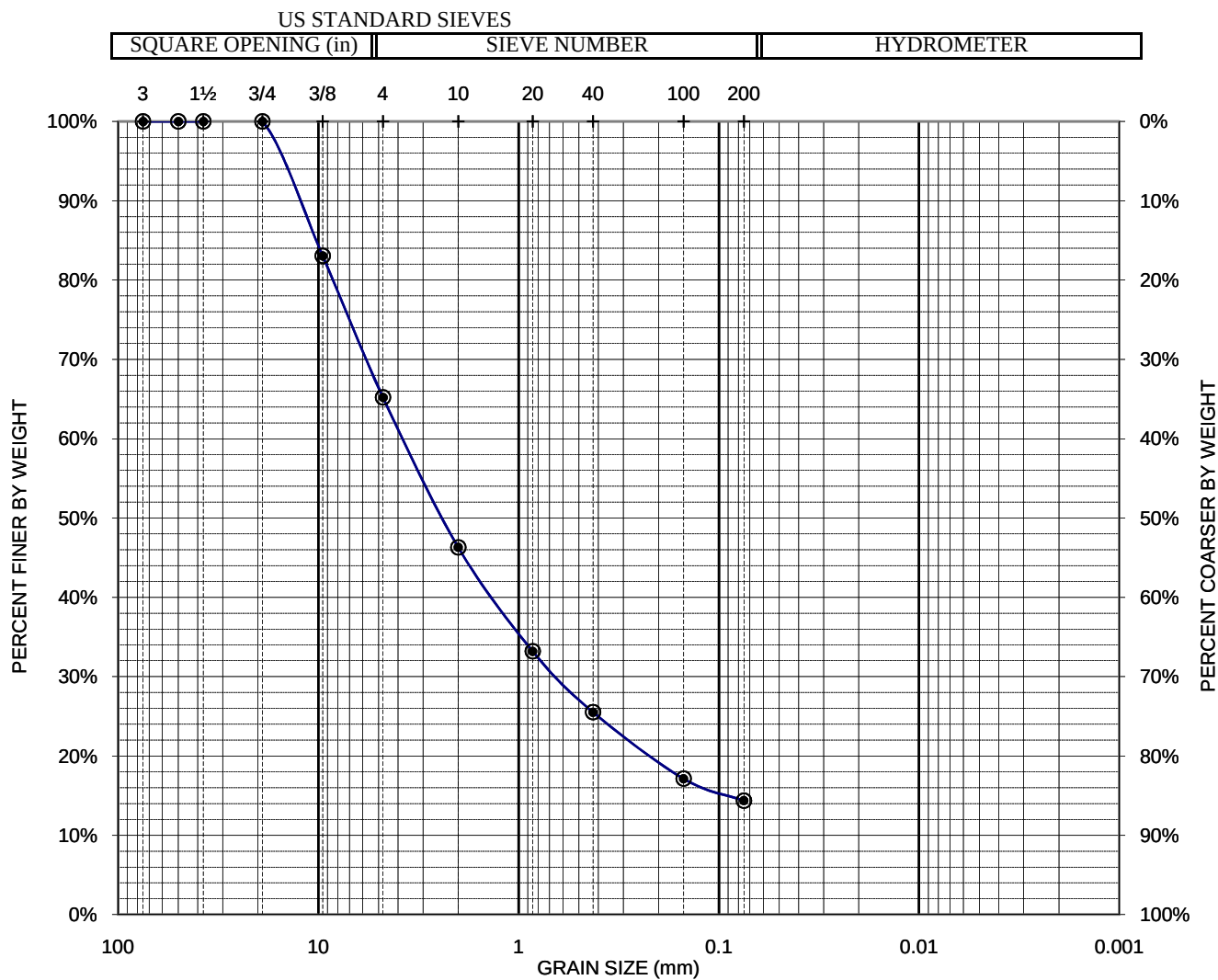
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-18

GRAIN SIZE TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension				PROJECT No. 2309 E	
DRILL HOLE No. 17	DEPTH (ft) 5.5-6.0	SAMPLE 0	DATE OF TEST	11/9/2009	
SOURCE/QUARRY: ---					
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Dark yellowish brown (10YR 3/4), moist					



REMARKS:

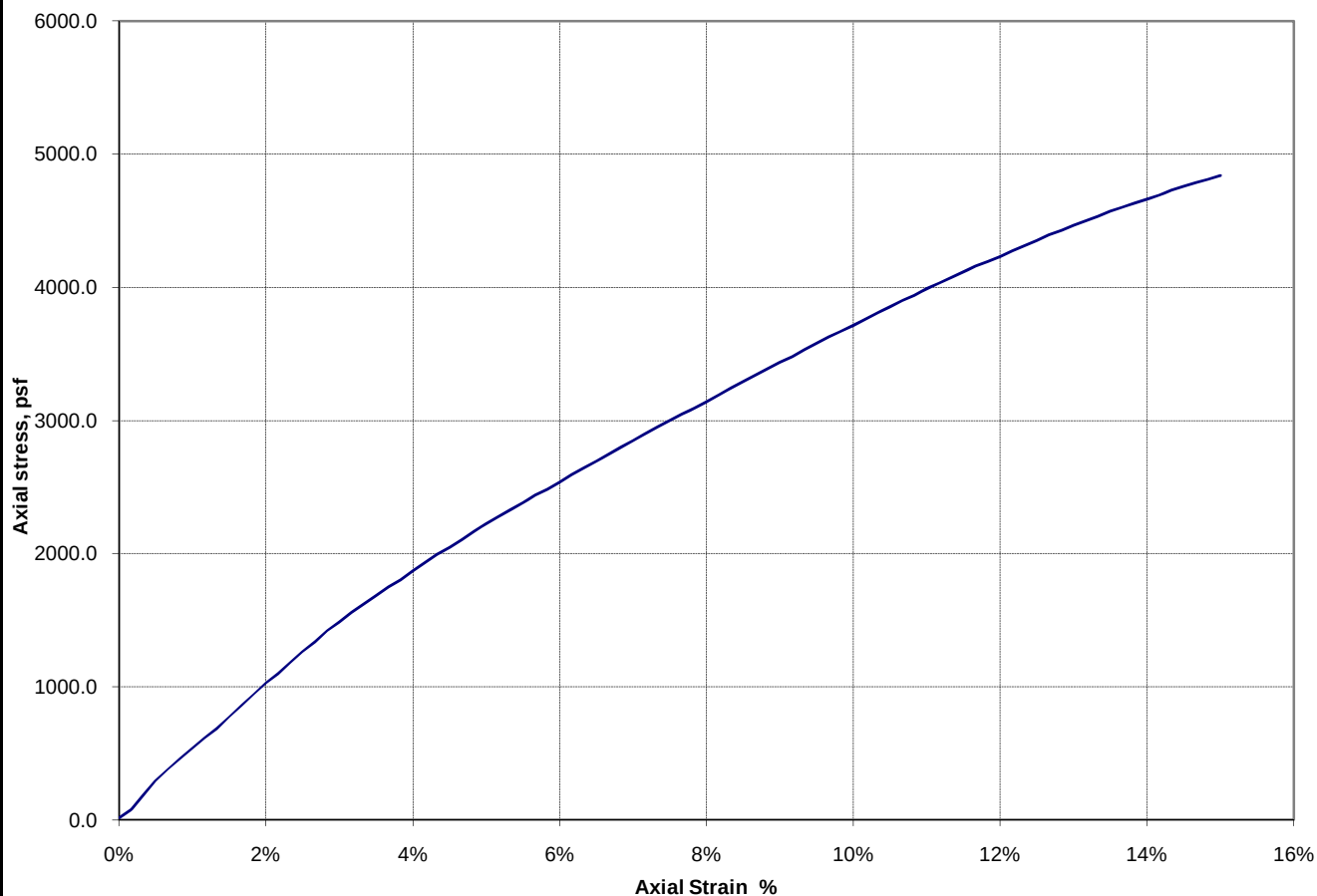
PACIFIC GEOTECHNICAL ENGINEERING

RevOct20070

Figure C-19

UNCONFINED COMPRESSION TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension			PROJECT No. 2309 E
DRILL HOLE No. 10	DEPTH (ft) 36.0	SAMPLE	DATE OF TEST 11/16/2009
DESCRIPTION OF SOIL CLAY: Mottled yellowish brown (10YR 5/4) and strong brown (7.5YR 5/6), moist			
LENGTH OF SAMPLE: 6.00 in.		WATER CONTENT: 27%	
DIAMETER OF SAMPLE: 2.37 in.		DRY DENSITY: 100 pcf	
HEIGHT TO DIA. RATIO: 2.5		MAX COMPRESSIVE STRENGTH: 4839 psf	
STRAIN RATE: 1.23% per minute		STRAIN AT MAX STRENGTH: 15.0%	



REMARKS: Maximum strength taken at 15% strain.

Rev 032806

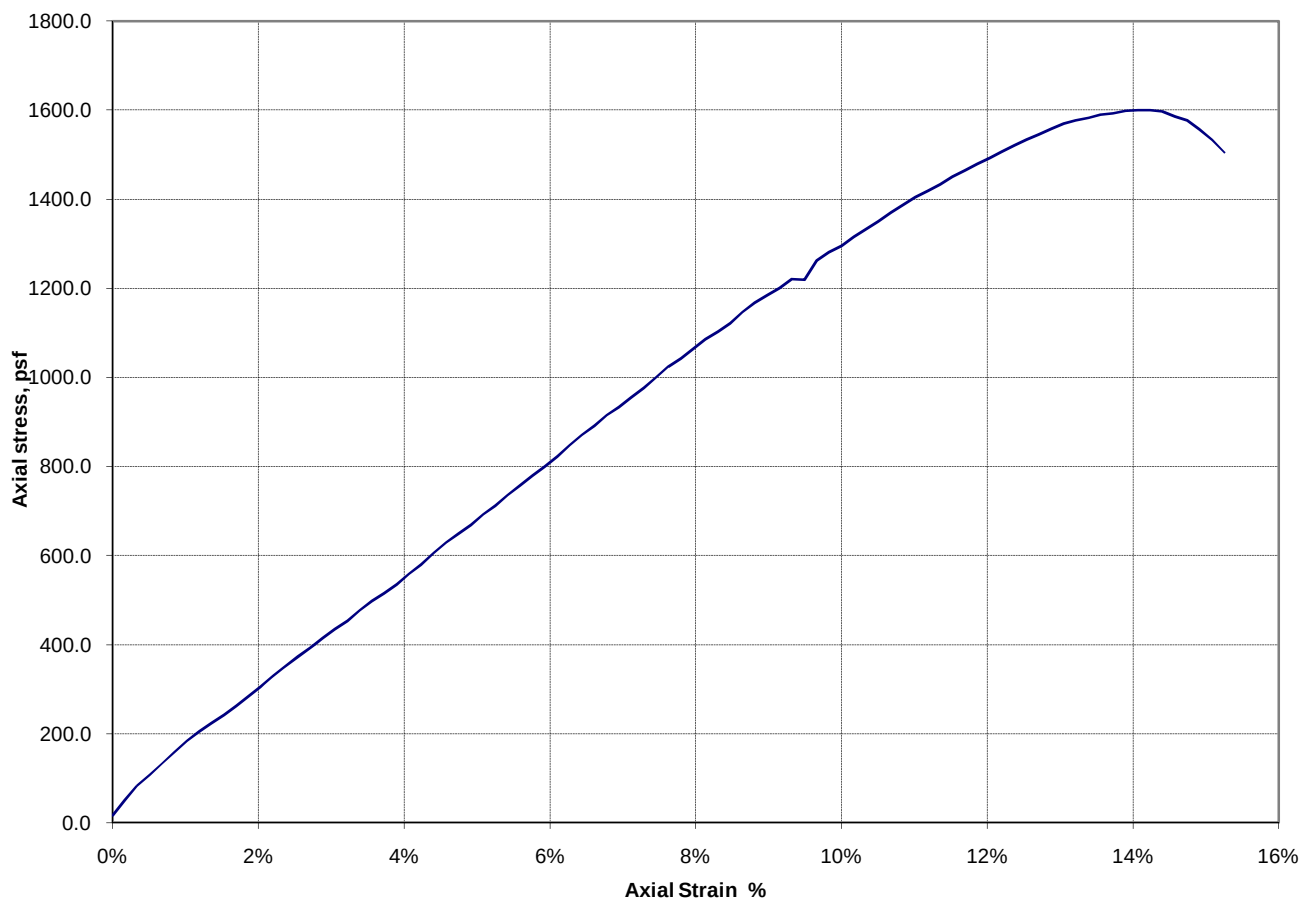
PACIFIC GEOTECHNICAL ENGINEERING

Figure C-20

Attachment: Appendix 8: Appendix D - Geotechnical and Foundation Investigation Report (2382 : Butterfield Boulevard Park Grant)

UNCONFINED COMPRESSION TEST RESULTS

PROJECT NAME Butterfield Blvd. Extension			PROJECT No. 2309 E
DRILL HOLE No. 12	DEPTH (ft) 14.5	SAMPLE	DATE OF TEST 11/16/2009
DESCRIPTION OF SOIL LEAN CLAY/CLAY: Mottled pale brown (10YR 6/3) and dark yellowish brown (10YR 4/6), moist			
LENGTH OF SAMPLE: 5.90 in.		WATER CONTENT: 22%	
DIAMETER OF SAMPLE: 2.40 in.		DRY DENSITY: 107 pcf	
HEIGHT TO DIA. RATIO: 2.5		MAX COMPRESSIVE STRENGTH: 1600 psf	
STRAIN RATE: 1.30% per minute		STRAIN AT MAX STRENGTH: 14.1%	



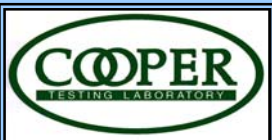
REMARKS:

Rev 032806

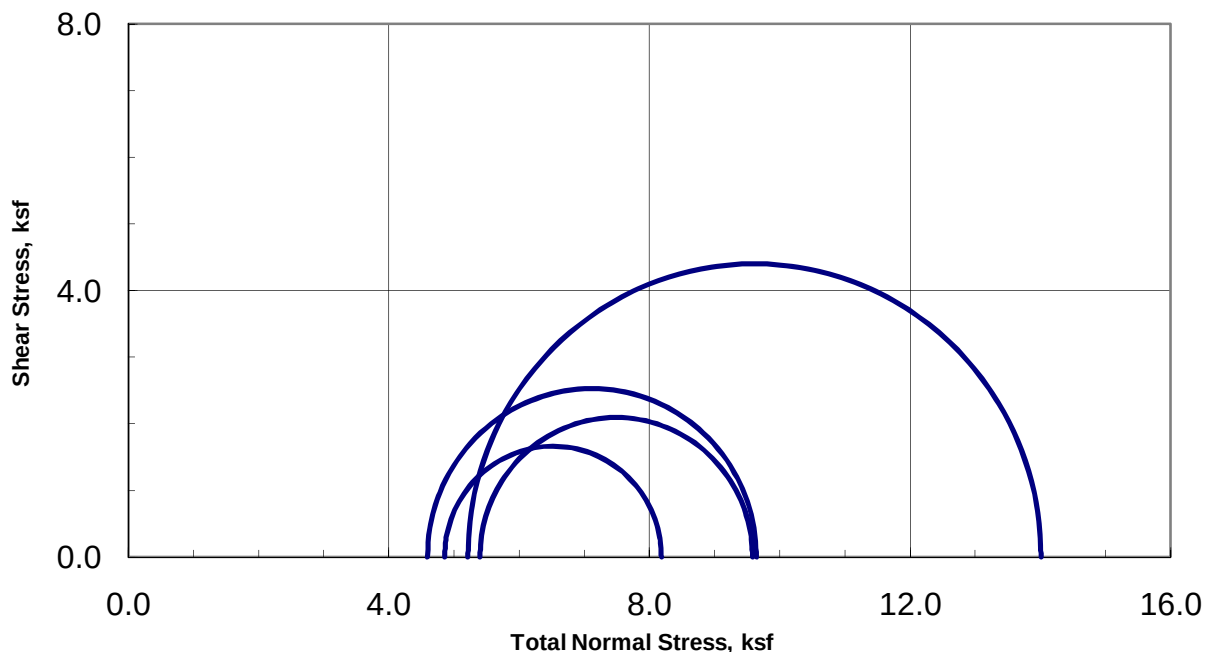
PACIFIC GEOTECHNICAL ENGINEERING

Figure C-21

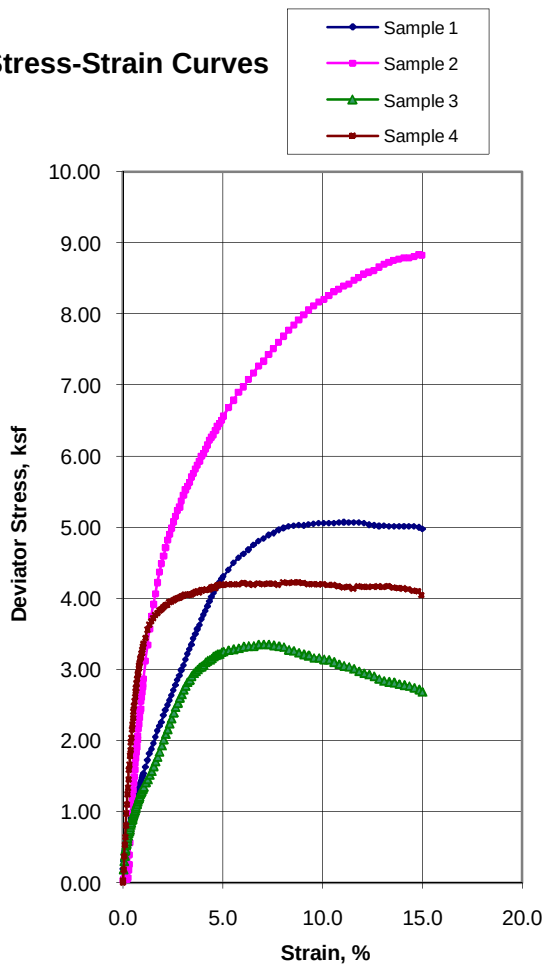
Attachment: Appendix 8: Appendix D - Geotechnical and Foundation Investigation Report (2382 : Butterfield Boulevard Park Grant)



Unconsolidated-Undrained Triaxial Test ASTM D-2850



Stress-Strain Curves



Sample Data

	1	2	3	4
Moisture %	26.7	23.3	37.9	45.3
Dry Den,pcf	94.9	103.3	80.6	75.8
Void Ratio	0.776	0.631	1.092	1.225
Saturation %	92.9	99.8	93.8	99.8
Height in	6.00	5.03	6.00	5.02
Diameter in	2.85	2.45	2.85	2.43
Cell psi	31.9	36.2	33.7	37.5
Strain %	10.80	14.80	6.80	8.00
Deviator, ksf	5.070	8.833	3.351	4.224
Rate %/min	1.00	1.00	1.00	1.00
in/min	0.060	0.050	0.060	0.050
Job No.:	226-185			
Client:	Pacific Geotechnical Engineering			
Project:	Butterfield Blvd. Extension - 2309E			
Boring:	DH-6	DH-8	DH-10	DH-10
Sample:				
Depth ft:	47-49.5	56	50-52.5	60

Visual Soil Description

Sample #	
1	Brown CLAY, trace Sand
2	Strong Brown CLAY w/ Sand
3	Gray & Brown CLAY
4	Bluish Gray CLAY

Remarks:

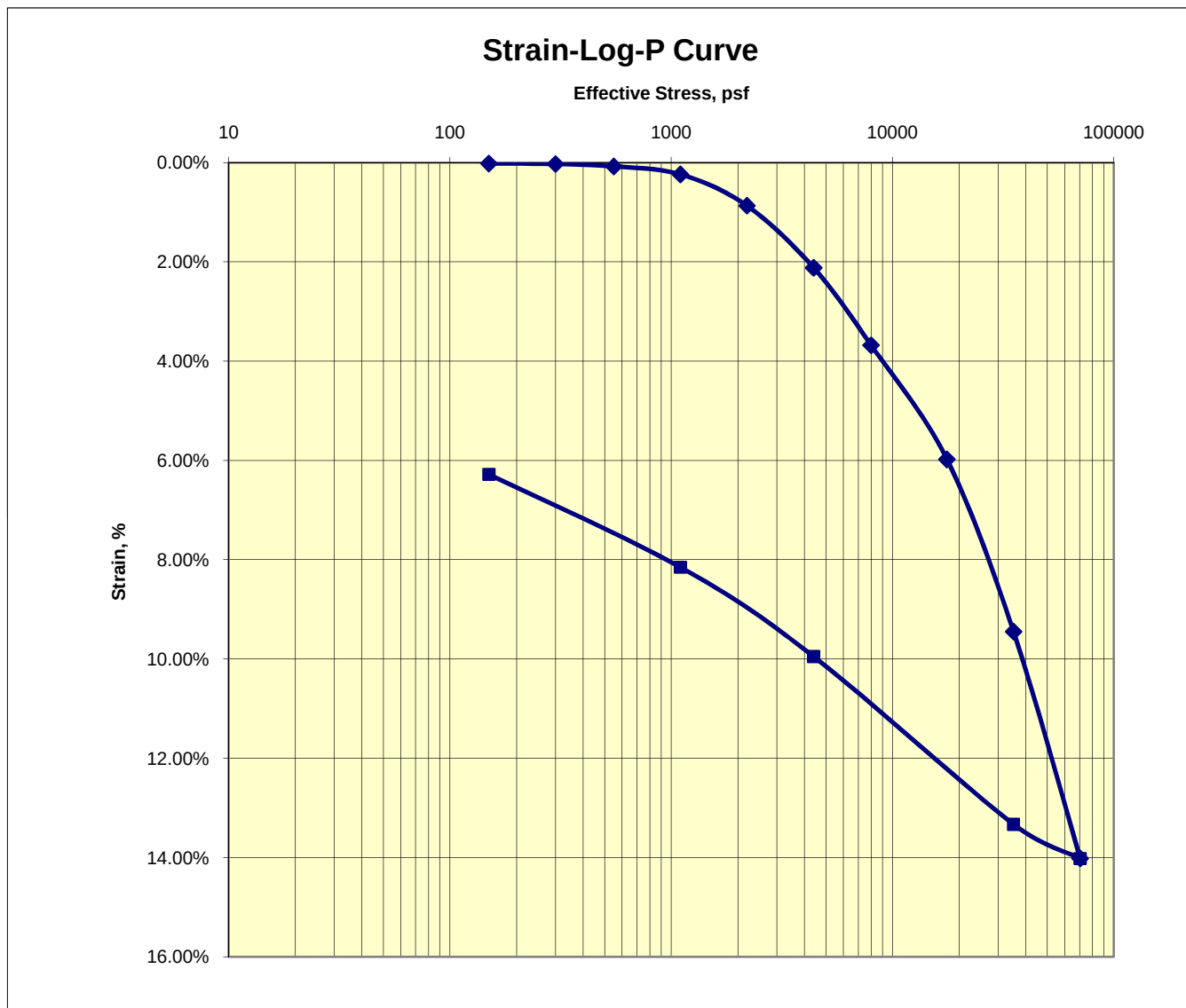
Figure C-22



Consolidation Test

ASTM D2435

Job No.: 226-185	Boring: DH-8	Run By: MD
Client: Pacific Geotechnical Eng.	Sample:	Reduced: PJ
Project: Butterfield Blvd. Extension - 2309E	Depth, ft.: 47-49.5	Checked: PJ/DC
Soil Type: Reddish Brown CLAY, trace Sand		Date: 11/19/2009



Ass. Gs =	2.8	Initial	Final
Moisture %:		27.5	27.4
Dry Density, pcf:		94.4	99.0
Void Ratio:		0.851	0.765
% Saturation:		90.6	100

Remarks: The sample tube was egg-shaped. In order to minimize the chance of testing a disturbed sample, this test was run on material about 4 inches above the end of the tube.

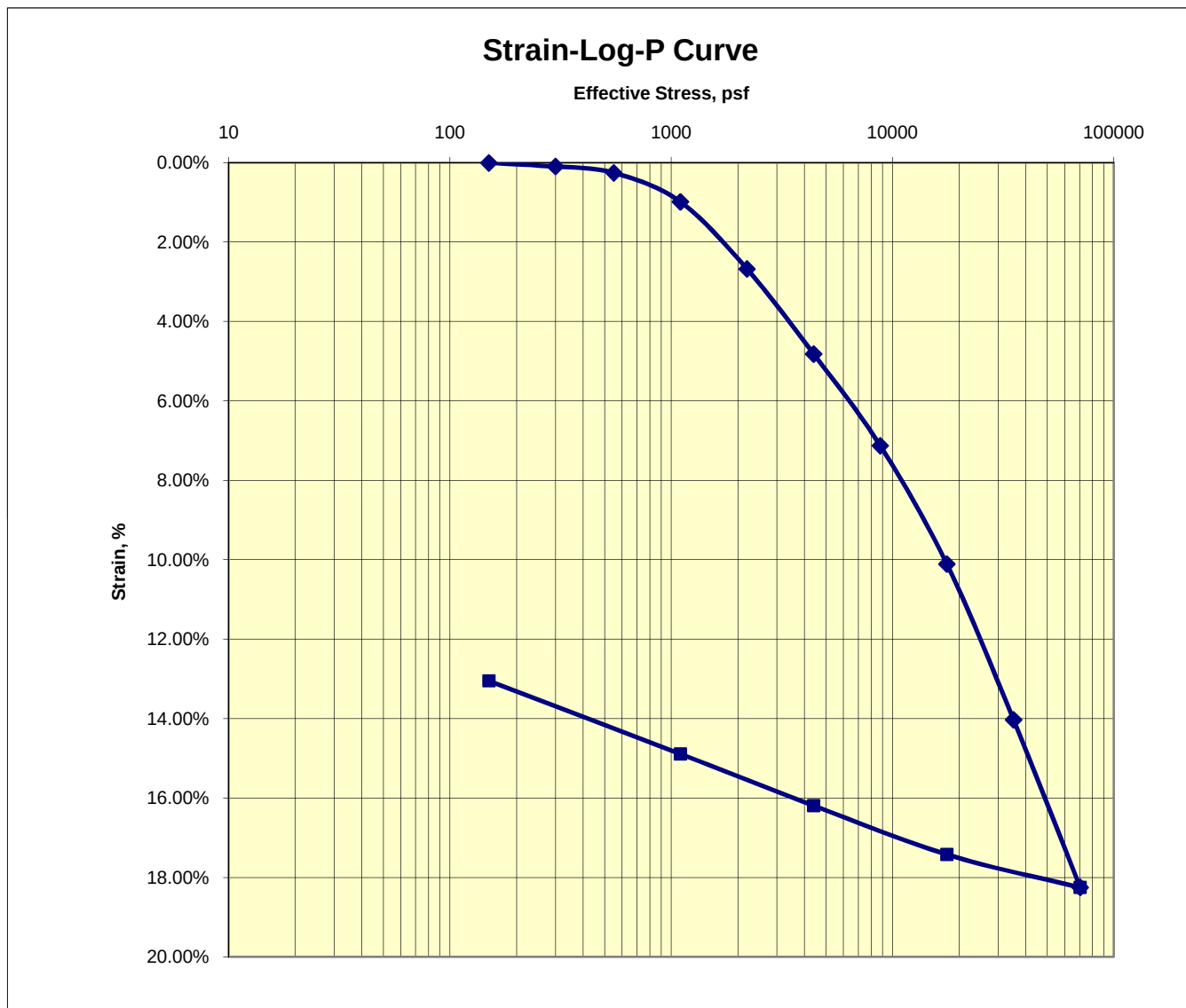
Figure C-23



Consolidation Test

ASTM D2435

Job No.: 226-185	Boring: DH-9	Run By: MD
Client: Pacific Geotechnical Eng.	Sample:	Reduced: PJ
Project: Butterfield Bld. Extension - 2309E	Depth, ft.: 55-57.5	Checked: PJ/DC
Soil Type: Reddish Brown CLAY w/ Sand (pending PI results)		Date: 11/20/2009



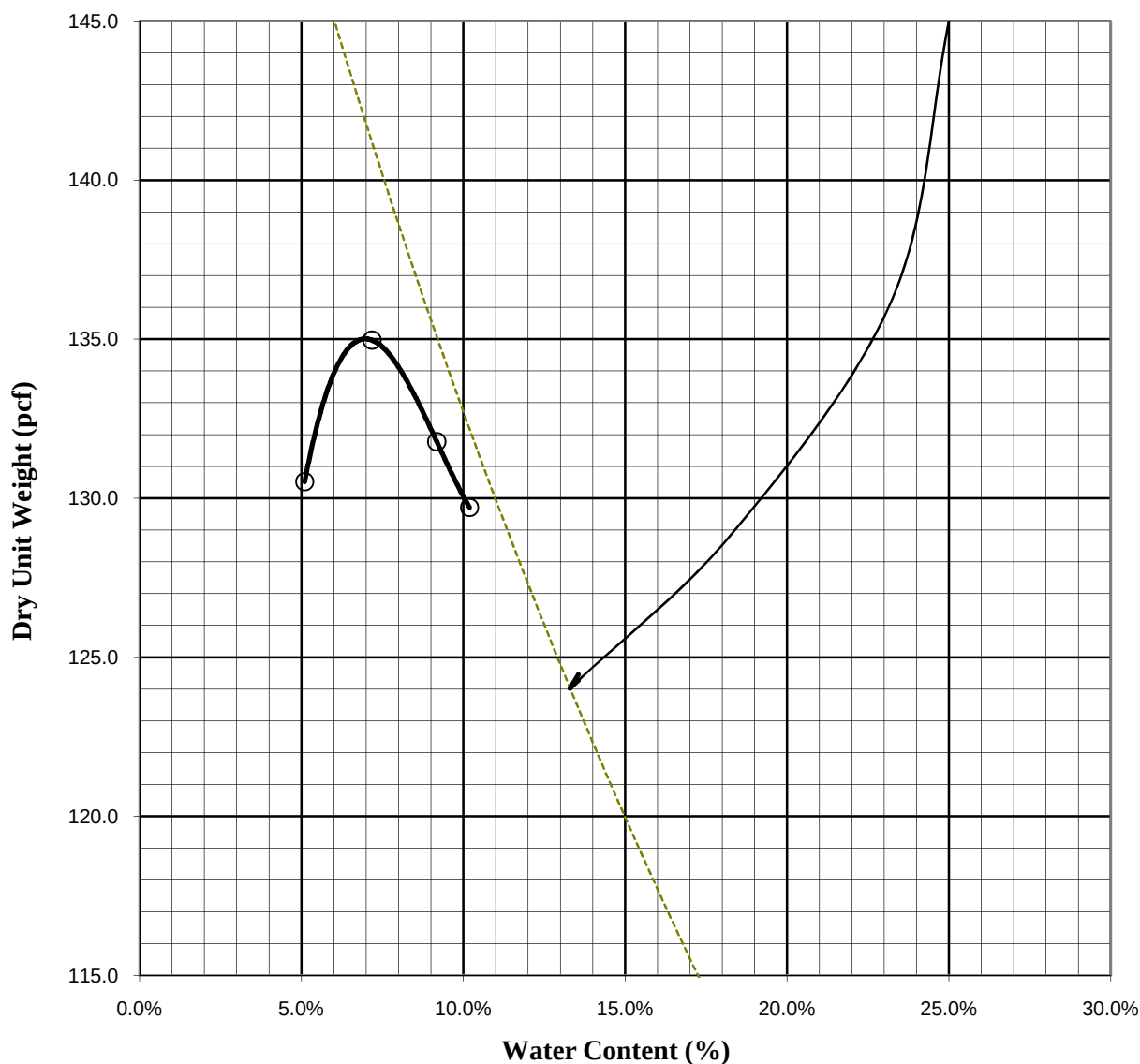
Ass. Gs = 2.8	Initial	Final	Remarks: The sample tube was badly dented and egg-shaped. In order to minimize the chance of testing a disturbed sample, this test was run on material from near the top of the tube.
Moisture %:	21.4	20.9	
Dry Density, pcf:	96.6	110.3	
Void Ratio:	0.810	0.585	
% Saturation:	73.9	100	

Figure C-24

COMPACTION TEST RESULTS

PROJECT NAME: Butterfield Blvd. Extension			PROJ. No.: 2309/E
TEST & METHOD ASTM D1557-91 C	SAMPLE: B-6 DH-7	DEPTH: 0.0-3.0'	DATE: 11/6/2009
DESCRIPTION OF SOIL: CLAYEY SAND with GRAVEL: Pale Brown (10YR 6/4), moist-dry			
MAXIMUM DRY UNIT WEIGHT(pcf): 135.0		OPTIMUM WATER CONTENT(%): 7.0	

ZERO AIR VOIDS FOR SPECIFIC GRAVITY = 2.7



Rev010306

PACIFIC GEOTECHNICAL ENGINEERING

Figure C-25



R-value Test Report (Caltrans 301)

Job No.:	226-185	Date:	11/19/09	Initial Moisture,	1.9%
Client:	Pacific Geotechnical Engineering	Tested	MD	R-value by	70
Project:	Butterfield Blvd. Extension - 2309E	Reduced	RU	Stabilometer	
Sample	B1;DH12 @ 0-2'	Checked	DC	Expansion	20 psf
Soil Type:	Brown Clayey SAND w/ Gravel				
Specimen Number	A	B	C	D	Remarks:
Exudation Pressure, psi	184	800	306		
Prepared Weight, grams	1300	1300	1300		
Final Water Added, grams/cc	105	80	90		
Weight of Soil & Mold, grams	3339	3274	3248		
Weight of Mold, grams	2120	2107	2091		
Height After Compaction, in.	2.64	2.55	2.52		
Moisture Content, %	10.2	8.2	9.0		
Dry Density, pcf	126.9	128.1	127.6		
Expansion Pressure, psf	0.0	34.4	21.5		
Stabilometer @ 1000					
Stabilometer @ 2000	77	21	35		
Turns Displacement	3.98	3.98	3.7		
R-value	44	81	71		

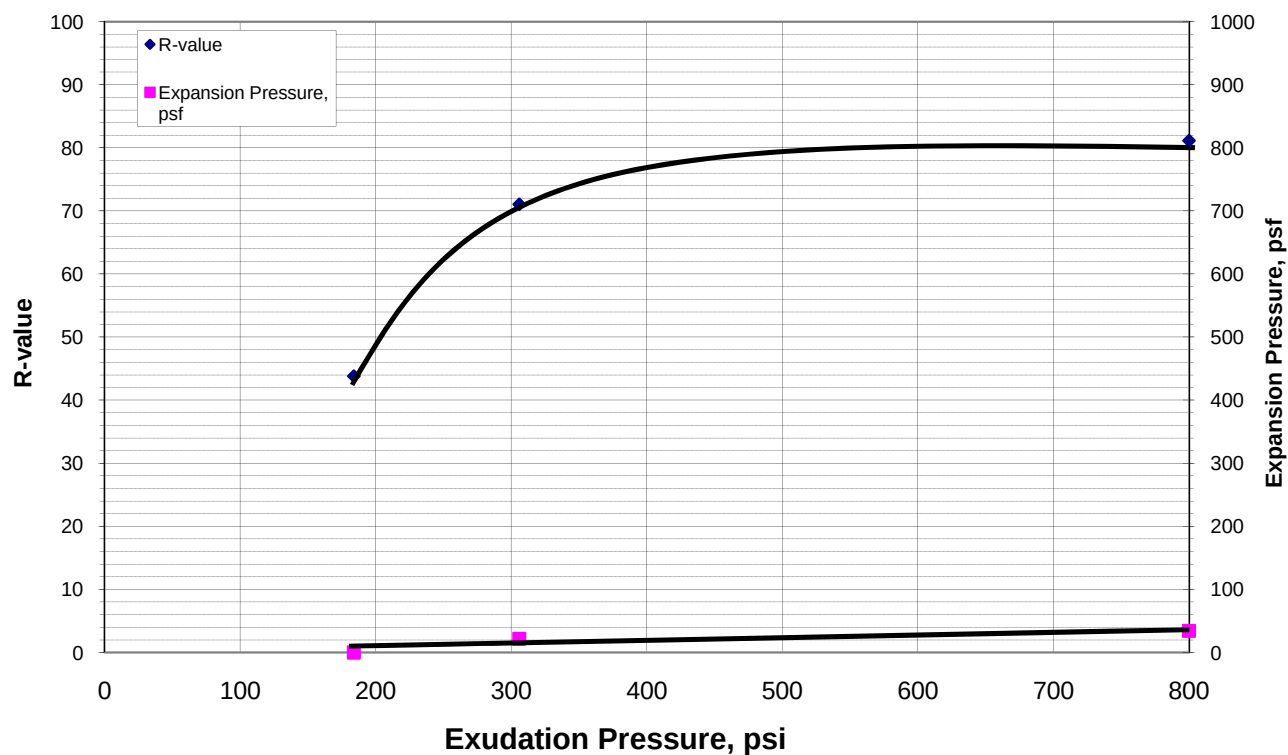


Figure C-26



R-value Test Report (Caltrans 301)

Job No.:	226-185	Date:	11/19/09	Initial Moisture,	2.0%
Client:	Pacific Geotechnical Engineering	Tested	MD	R-value by	
Project:	Butterfield Blvd. Extension - 2309E	Reduced	RU	Stabilometer	66
Sample	B2;DH1 @ 0-2'	Checked	DC	Expansion	
Soil Type:	Brown Clayey SAND w/ Gravel			Pressure	40 psf
Specimen Number	A	B	C	D	Remarks:
Exudation Pressure, psi	790	238	540		
Prepared Weight, grams	1300	1300	1300		
Final Water Added, grams/cc	90	100	95		
Weight of Soil & Mold, grams	3261	3305	3263		
Weight of Mold, grams	2079	2104	2093		
Height After Compaction, in.	2.57	2.65	2.52		
Moisture Content, %	9.0	9.8	9.4		
Dry Density, pcf	127.7	125.0	128.5		
Expansion Pressure, psf	64.5	30.1	38.7		
Stabilometer @ 1000					
Stabilometer @ 2000	24	51	27		
Turns Displacement	4	3.8	3.9		
R-value	79	62	76		

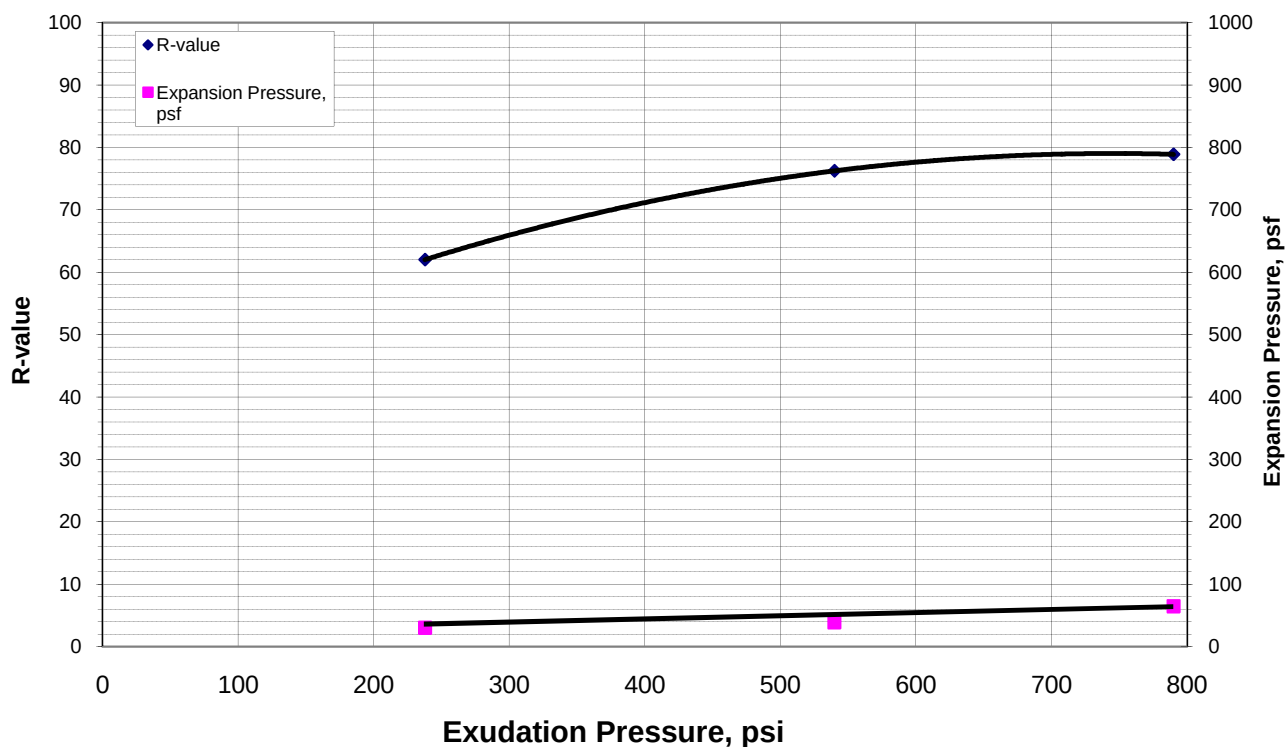


Figure C-27



R-value Test Report (Caltrans 301)

Job No.:	226-185	Date:	11/19/09	Initial Moisture,	11.3%
Client:	Pacific Geotechnical Engineering	Tested	MD	R-value by	12
Project:	Butterfield Blvd. Extension - 2309E	Reduced	RU	Stabilometer	
Sample	B3;DH15 @ 0-2'	Checked	DC	Expansion	0 psf
Soil Type:	Brown Clayey SAND				
Specimen Number	A	B	C	D	Remarks:
Exudation Pressure, psi	280	223	330		
Prepared Weight, grams	1200	1200	1200		
Final Water Added, grams/cc	50	65	33		
Weight of Soil & Mold, grams	3232	3179	3176		
Weight of Mold, grams	2100	2093	2100		
Height After Compaction, in.	2.6	2.54	2.45		
Moisture Content, %	15.9	17.3	14.4		
Dry Density, pcf	113.7	110.3	116.3		
Expansion Pressure, psf	0.0	0.0	0.0		
Stabilometer @ 1000					
Stabilometer @ 2000	137	144	131		
Turns Displacement	3.74	4.1	3.35		
R-value	11	6	14		

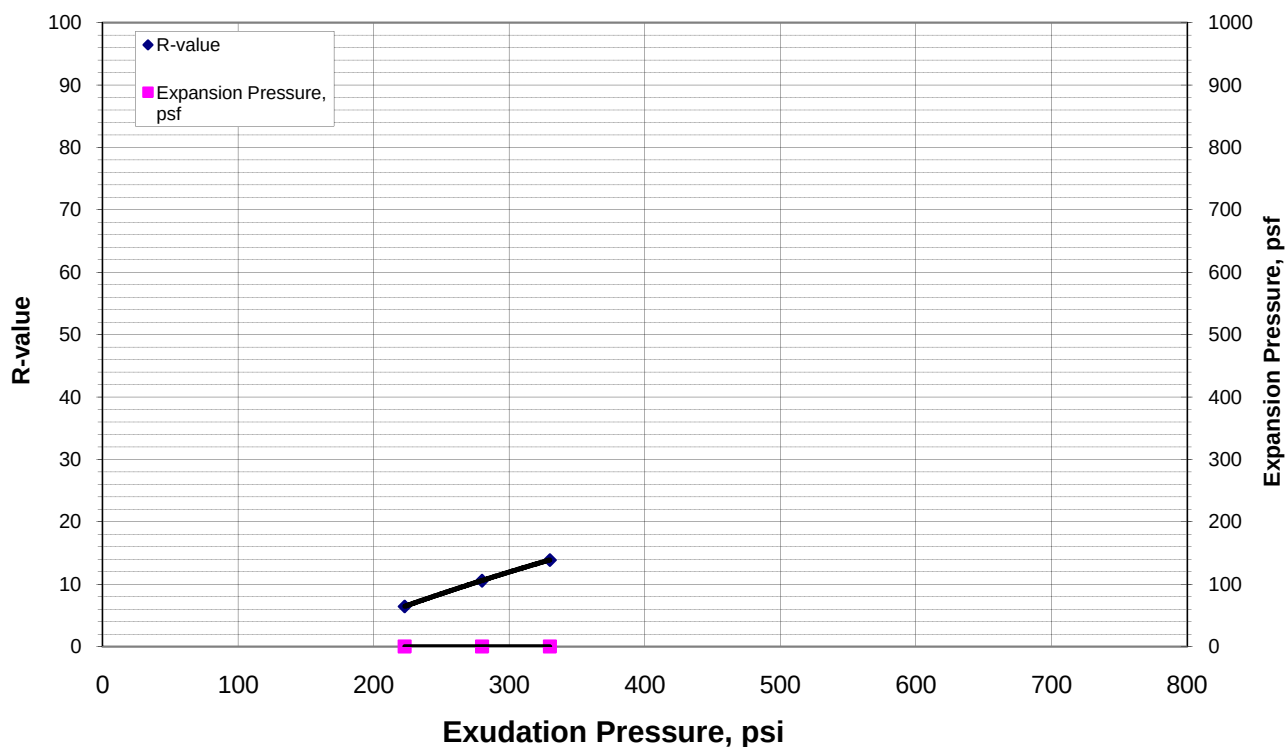


Figure C-28



R-value Test Report (Caltrans 301)

Job No.:	226-185	Date:	11/16/09	Initial Moisture,	1.9%	
Client:	Pacific Geotechnical Engineering	Tested	MD	R-value by	56	
Project:	Butterfield Blvd. Extension - 2309E	Reduced	RU	Stabilometer		
Sample	B4;DH14 @ 0-2'	Checked	DC	Expansion	0 psf	
Soil Type: Brown Sandy CLAY w/ Gravel				Pressure		
Specimen Number		A	B	C	D	Remarks:
Exudation Pressure, psi	122	800	249	328		
Prepared Weight, grams	1300	1300	1300	1300		
Final Water Added, grams/cc	110	95	103	99		
Weight of Soil & Mold, grams	3351	3244	3318	3307		
Weight of Mold, grams	2107	2100	2093	2120		
Height After Compaction, in.	2.7	2.45	2.68	2.56		
Moisture Content, %	10.5	9.3	9.9	9.6		
Dry Density, pcf	126.3	129.4	125.9	128.1		
Expansion Pressure, psf	0.0	0.0	0.0	0.0		
Stabilometer @ 1000						
Stabilometer @ 2000	100	32	71	52		
Turns Displacement	4.45	3.55	4.1	3.9		
R-value	29	73	48	59		

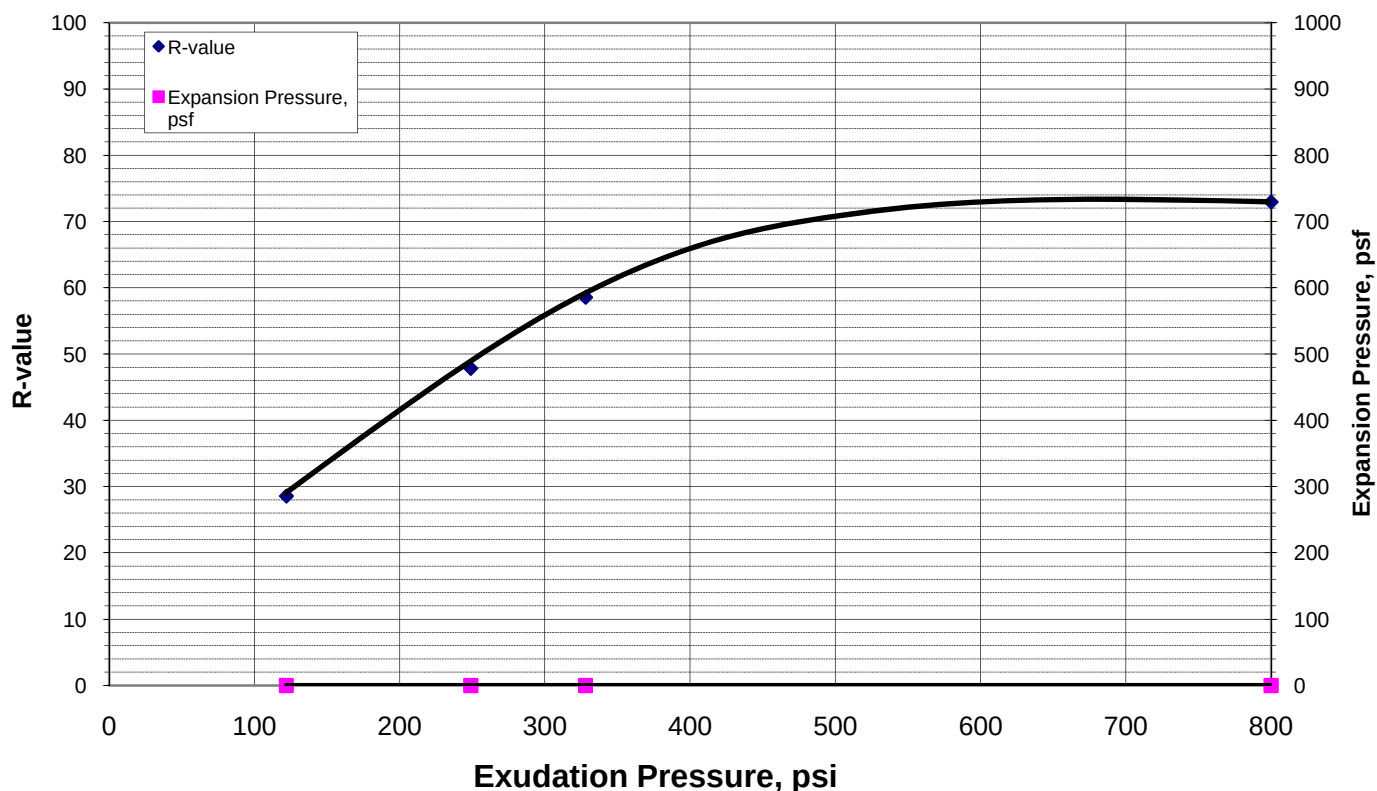


Figure C-29



R-value Test Report (Caltrans 301)

Job No.:	226-185	Date:	11/16/09	Initial Moisture,	2.2%
Client:	Pacific Geotechnical Engineering	Tested	MD	R-value by	
Project:	Butterfield Blvd. Extension - 2309E	Reduced	RU	Stabilometer	44
Sample	B5;DH13 @ 0-2'	Checked	DC	Expansion	
Soil Type:	Brown Clayey SAND w/ Gravel			Pressure	40 psf
Specimen Number	A	B	C	D	Remarks:
Exudation Pressure, psi	248	572	800		
Prepared Weight, grams	1300	1300	1300		
Final Water Added, grams/cc	100	85	80		
Weight of Soil & Mold, grams	3334	3287	3247		
Weight of Mold, grams	2086	2078	2096		
Height After Compaction, in.	2.64	2.57	2.4		
Moisture Content, %	10.1	8.9	8.5		
Dry Density, pcf	130.0	130.8	133.8		
Expansion Pressure, psf	30.1	77.4	86.0		
Stabilometer @ 1000					
Stabilometer @ 2000	82	55	32		
Turns Displacement	3.74	3.6	3.5		
R-value	42	59	72		

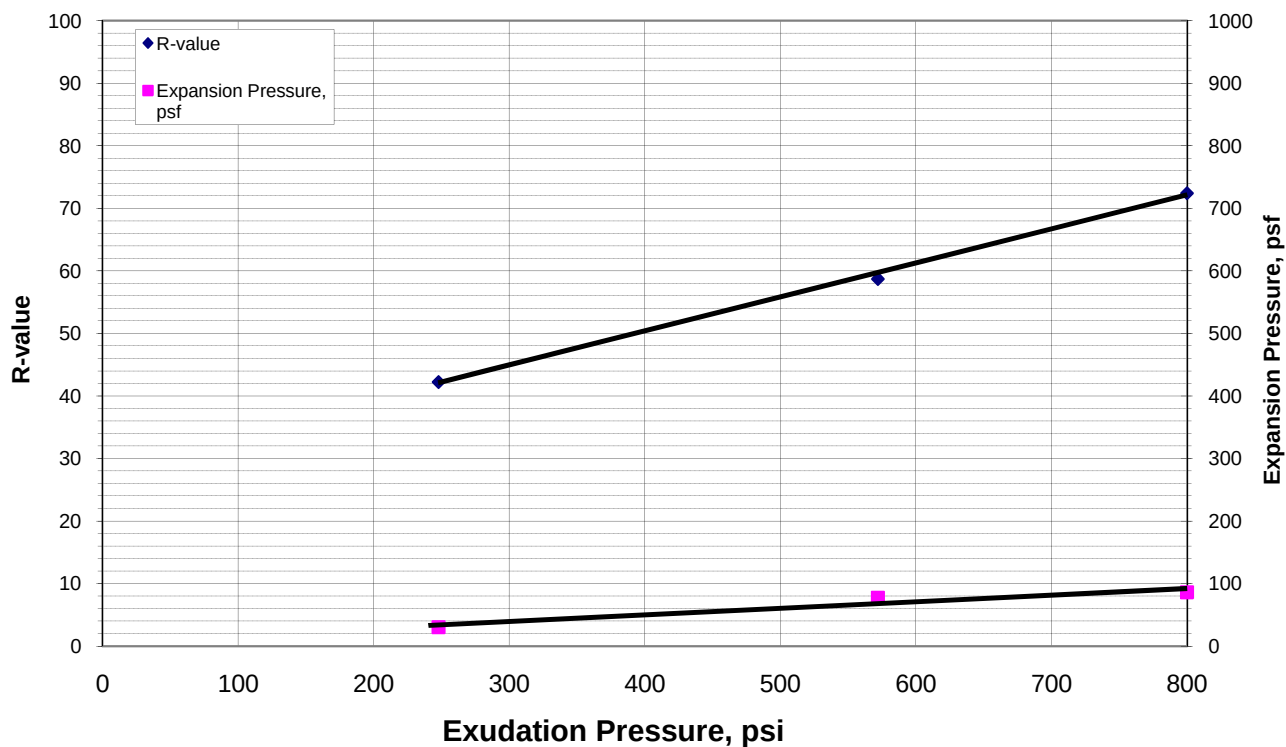


Figure C-30



R-value Test Report (Caltrans 301)

Job No.:	226-185	Date:	11/16/09	Initial Moisture,	2.5%
Client:	Pacific Geotechnical Engineering	Tested	MD	R-value by	51
Project:	Butterfield Blvd. Extension - 2309E	Reduced	RU	Stabilometer	
Sample	B7;DH3 @ 0-2'	Checked	DC	Expansion	0 psf
Soil Type:	Brown Clayey SAND w/ Gravel				
Specimen Number	A	B	C	D	Remarks:
Exudation Pressure, psi	190	555	341	620	
Prepared Weight, grams	1300	1300	1300	1300	
Final Water Added, grams/cc	90	80	85	77	
Weight of Soil & Mold, grams	3304	3310	3265	3328	
Weight of Mold, grams	2086	2106	2089	2109	
Height After Compaction, in.	2.62	2.54	2.53	2.58	
Moisture Content, %	9.6	8.8	9.2	8.6	
Dry Density, pcf	128.4	131.9	128.9	131.8	
Expansion Pressure, psf	0.0	0.0	0.0	0.0	
Stabilometer @ 1000					
Stabilometer @ 2000	86	42	59	42	
Turns Displacement	3.6	3.64	3.7	3.65	
R-value	40	66	54	67	

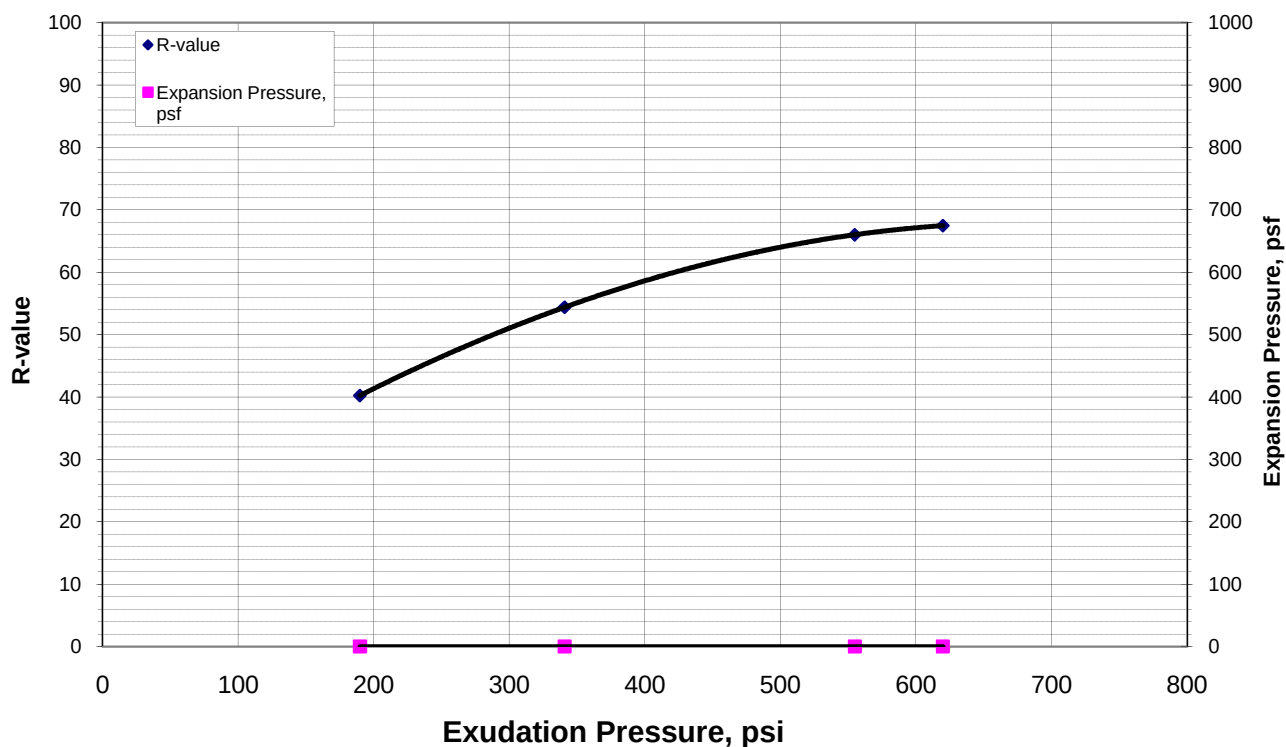


Figure C-31

Client:	Pacific Geotechnical Engineering
Client's Project No.:	Not Indicated
Client's Project Name:	Butterfield
Date Sampled:	6-Nov-09
Date Received:	9-Nov-09
Matrix:	Soil
Authorization:	Chain of Custody

Date of Report: 3-Dec-2009

[illegible]

Method:	226	CT 532/643	CT 532/643	-	CT 422/ASTM D4327	CT 417/ASTM D4327
Detection Limit:	-	-	-	50	15	15
Date Analyzed:	-	30-Nov-2009	30-Nov-2009	-	30-Nov-2009	30-Nov-2009

* Results Reported on an "As Received" Basis

N.D. - None Detected

*** Smaller box used as limited amount of soil

Packet Pg. 515

Attachment: Attachment 8 - Geotechnical and Foundation Investigation Report (2382 : Butterfield Boulevard Park Grant)

Quality Control Summary - All laboratory quality control parameters were found to be within established limits

APPENDIX D

SELECTED REGIONAL FAULT DATA

SELECTED REGIONAL FAULT DATA

Calaveras fault – The Calaveras fault passes through the lower foothills of the Diablo Range and roughly marks the eastern margin of the southern Santa Clara Valley. The creeping southern segment of this fault merges with the San Andreas fault near Hollister. The northern and central segments of the Calaveras fault have generated a number of earthquakes greater than moment magnitude (M_w) 5.0 during historic time alone: 1861, 1897, 1899, 1911, 1943, 1949, 1955, 1979, and 1984 (Witter and others, 2003). All but the first of these occurred on the central segment. The magnitudes for many of these earthquakes were fairly close, suggesting a characteristic earthquake of M_w 6.2 for the central segment. Current research (CGS, 1996, 2003; WGCEP, 2003) indicates that the maximum earthquakes for the northern, central and southern segments of the Calaveras fault are M_w 6.8, 6.2, and 5.8 respectively. The maximum earthquake for a combined central- and southern-segment rupture would likely be M_w 6.4.

Hayward fault – The Hayward fault forms the eastern margin of the San Francisco Bay basin, and is linked by a step-over at its northern end to the Rodgers Creek fault north of San Pablo Bay, although the behavior of the two faults appears independent (WGCEP, 2003). The last major earthquake on the Hayward fault occurred in 1868 along the southern segment of the fault, and had an estimated magnitude of M_w 6.8. Until recently, it was thought that a similar-magnitude earthquake in 1836 occurred on a northern segment of the fault. However, recent research suggests that the 1836 earthquake occurred somewhere in the vicinity of San Juan Bautista, and not on either the Hayward or San Andreas faults (Toppozada and Borchardt, 1998; Bakun, 1999). The maximum earthquake for a combined northern- and southern-segment rupture of the Hayward fault is estimated to be M_w 6.9 (CGS, 1996; WGCEP, 2003). Seismicity data indicate that the southern end of the Hayward fault joins with the Calaveras fault at depth; the portion of the Hayward fault nearest this junction (“Hayward southeast extension”) is not considered a separate seismic source by the WGCEP (2003).

Monte Vista/Shannon fault – The Monte Vista/Shannon seismic source essentially composites several separately mapped frontal thrust faults along the northeastern margin of the Santa Cruz Mountains. While some of these west-dipping faults are not considered seismically capable, this aggregate seismic source is considered capable of a M_w 6.7 earthquake (CGS, 2003).

Monterey Bay/Tularcitos fault – This relatively short fault lies essentially within Monterey Bay, and it accommodates some of the right-lateral slip carried solely by the San Gregorio fault in areas farther north, in addition to reverse motion. This fault is considered capable of a M_w 7.3 earthquake (CGS, 1996, 2003), and it is included in the CGS statewide probabilistic seismic hazards model (CGS, 2003).

San Andreas fault – The San Andreas fault system extends about 700 miles through California, passing through the greater Bay Area from beyond Pt. Reyes to the north, down the San Francisco Peninsula, and extending on beyond Hollister to the south. This fault has generated at least four large, damaging earthquakes during historic time: 1838, 1857, 1906 and 1989. The earthquake of 1838 probably occurred on the Peninsula segment of the fault; it had an estimated magnitude of M_w 6.8 (Bakun, 1999) to M_w 7.5 (Toppozada and Borchardt, 1998). The earthquake of 1857 occurred in San Luis Obispo County; it had an estimated magnitude of approximately M_w 7.9. The 1906 earthquake was probably centered just offshore of the Golden Gate of San Francisco Bay, and had an estimated magnitude of M_w 7.9. The 1989 Loma Prieta earthquake was epicentered in the Santa Cruz Mountains. This M_w 6.9 earthquake caused 64 deaths, about 4,000 injuries and about 6 billion dollars of damage in the Bay Area.

The maximum earthquake for the Peninsula segment of the San Andreas fault is currently considered to be $M_w7.1$ (CGS, 2003; WGCEP, 2003). The maximum earthquake for the Santa Cruz Mountains segment is considered to be $M_w7.0$. Both segments were considered by the CGS (1996) to have the same 400-year return intervals for the maximum earthquake, although more recent work suggests a shorter return interval (e.g. Hall and others, 1999). A “1906”-style rupture involving several segments would likely be an $M_w7.9$ event (WGCEP, 2003), and is considered more likely than a multiple-segment event involving the Peninsula and Santa Cruz Mountains segments (WCCEP, 2003).

San Gregorio fault – The San Gregorio fault is a part of the San Andreas fault system located offshore of Monterey Bay. The fault comes onshore near Año Nuevo near the San Mateo/Santa Clara County line, and it is transitional northward to the Seal Cove fault. The northern segment of the fault has a relatively high slip rate of 7mm/yr (+/- 3mm) and is considered to have a maximum earthquake of $M_w7.2$, while the southern portion is capable of a $M_w7.0$ (CGS, 2003; WGCEP, 2003). A combined northern- and southern-segment rupture would likely be a maximum of $M_w7.4$.

Sargent fault - The Sargent fault is considered part of the San Andreas fault system as it splays off from the San Andreas fault north of the City of Santa Cruz. Like other thrust faults east of the San Andreas fault, the Sargent fault is thought to be tectonically coupled with the San Andreas fault at depth. However, Nolan and others (1995) suggest that the Sargent fault may not be tectonically coupled with the San Andreas, and that movement may be associated with distributed shear across the region. The WGCEP (2003) has deleted this fault as a seismic source from their probabilistic model; formerly (WGCEP, 1996) it was considered capable of a $M_w6.8$ earthquake.

Zayante-Vergeles fault – The Zayante-Vergeles fault accommodates strike-slip and reverse motion. It lies largely parallel to and west of the San Andreas fault in northern San Benito, Monterey, and southern Santa Cruz Counties. The CGS (2003) considers it to be capable of a $M_w7.0$ earthquake.



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PHASE II SHALLOW SOIL SAMPLING PROGRAM (Confirmation Sampling for Transition to Recreational Land Use)

July 7, 2019



View of Site from Butterfield Boulevard, looking South

Subject Site:

**Butterfield Blvd. & Monterey Road
Morgan Hill, California**

Santa Clara County APN:
817-060-002 & 817-060-64

Prepared for:

**City of Morgan Hill
Community Services Department
c/o: Anthony Eulo**

17575 Peak Avenue
Morgan Hill, California 95037

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1.0	INTRODUCTION AND SCOPE OF WORK.....	1
1.1	Fieldwork	2
1.2	Soil Sample Testing and Results.....	3
2.0	CONCLUSIONS & RECOMMENDATIONS.....	4
2.1	Phase II Shallow Soil Evaluation Conclusions	4
3.0	LIMITATIONS.....	4

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Figure 2: *Vicinity Aerial Map*

Figure 3: *Site Aerial Map with Soil Sample Locations*

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Table 1: *Soil – Total Petroleum Hydrocarbons & Metals*

Table 2: *Soil - Pesticides*

APPENDICES

APPENDIX A: *Phase II Field Notes, Photo sheets, Geologic Logs, and Field Methodology*

APPENDIX B: *State-Certified Analytical Laboratory Results*





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Phase II Shallow Soil Sampling Program
Shallow Soil Screening Evaluation for Potential Transition to Recreational Land Use
(Butterfield Blvd. & Monterey Road, Morgan Hill, see Figure 1)

1.0 INTRODUCTION AND SCOPE OF WORK

A Phase II Soil Sampling Program was completed to evaluate the Site for:

1. Potential land use transition of an ~8-acre agricultural parcel to a recreational (unrestricted) land use. The preliminary development plans include construction of a dirt bike track, recreation field, and parking lot for the City of Morgan Hill (see tentative land use development plan below).
2. Landfill acceptance of surface/shallow soils in case redevelopment plans generate surplus soils that need to be removed from the Site.

Aerial photos generated from a previously completed *Phase I Environmental Site Assessment*¹ documented a history of ranch and agricultural land use. The City of Morgan Hill originally acquired a larger, 18-acre property as part of the now completed extension of Butterfield Road (see Aerial Vicinity Map, Figure 2). It is our understanding that proposed redevelopment of ~8-acres of undeveloped land left over from the original parcels will be redeveloped into a dirt bike track, asphalt parking lot, and a grass field area (see proposed development clip, below).



¹: AEI Consultants report: *Phase I Environmental Site Assessment for APNS 817-06-002 & -003*, completed in June 12, 2009.

Shallow soil sampling is being completed to confirm there are no unacceptable contaminants of concern present that would inhibit transition to a recreational land use. Shallow soil sampling and analyses rationale was based on established, risk-based testing and sample collection protocols were conducted in accordance with the California Department of Toxic Substances Control (DTSC) *Interim Guidance for Sampling Agricultural Properties*², which is designed to address agricultural land use transition to school sites and residential land uses. Shallow soil samples were collected from across the field (see Figure 3).

1.1 Fieldwork

Pre-drill inspections included walking and flagging the Site, identifying accessible boring locations, clearing tall grass and bushes near boring locations, and contacting Underground Service Alert (USA) for utility clearance. A private utility locator was also retained to clear the boring locations for potential underground utility conflicts.

On June 11, 2019, twenty-four (24), four-foot deep soil cores were obtained from across the open field (all soil sample locations are shown on Figure 3). The soil samples were collected using a GeoProbe track rig using a stainless-steel drive shaft and factory-clean acetate liners. Soil cores were inspected by experienced field staff and examined for any evidence of contamination (i.e., odor, discoloration, or detections of VOCs via a hand-held photoionization meter). **No evidence of soil impacts was observed in any of the continuously cored soil borings.** Groundwater was not encountered at any of these shallow soil boring locations.

Sampling Protocol: In accordance with sampling frequency recommended in the DTSC guidance document, our staff obtained samples from a total of sixteen (16) locations for this ~8-acre Site.

- Soil from two sample depths per location were obtained for laboratory testing (i.e., from 0-to-6 inches, and 18-to-24 inches).
- In addition, at each location, one deeper sample was collected and held for potential vertical delineation testing, if necessary.

Two (2) additional, 4-point composites were collected for landfill acceptance screening. All boring locations were backfilled with native material. Field observations, photo sheets, and field methodology for drilling and sample collection are documented in Appendix A.

²: DTSC Guidance Document: *Interim Guidance for Sampling Agricultural Properties*, August 2008.
- <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Aq-Guidance-Rev-3-August-7-2008-2.pdf>

1.2 Soil Sample Testing and Results

Soil samples collected at locations across the Site were collected at the following locations and depths (sample locations on Figure 3; results are summarized on Tables 1 & 2; and the lab report is included as Appendix B):

A. For DTSC, Risk-Based Clearance for Recreational (unrestricted) Land Use:

a) Sample Testing: Four-point composite soil samples were collected from separate areas across the Site to confirm historical land uses at the the 8-acre Site pose no risk to human health and safety for recreational (unrestricted) land use (see Figure 3). Specifically, surficial (0.5 feet) and deeper (1.5-feet) soil samples collected from the following four areas for lab testing:

- **Area 1** (A, B, C, & D) collected from depths of 0.5 and 1.5 ft below ground surface (bgs);
- **Area-2** (A, B, C, & D) collected from depths of 0.5 and 1.5 ft bgs;
- **Area-3** (A, B, C, & D) collected from depths of 0.5 and 1.5 ft bgs; and
- **Area-4** (A, B, C, & D) collected from depths of 0.5 and 1.5 ft bgs;

Each 4-point composite sample was homogenized at the State-certified laboratory and tested for **Organochloride (persistent) Pesticides by EPA Method 8081** (results on Table 1)

As per the DTSC protocol, four discrete soil samples were also obtained from depths of 0.5 feet and 1.5 feet below ground surface for laboratory testing of **Arsenic by EPA Method 6010**:

- **Area 1(A), Area 2(A), Area 3(A), and Area 4(A)**;

b) Laboratory Results (Persistent Pesticides): As summarized on Table 1, only trace detections of the suite of persistent pesticide compounds were detected, all of which were well below human health-based thresholds. Specifically, the persistent compounds DDE, DDT, and Dieldrin were the only compounds detected across the Site at trace levels at levels that are well below all agency-established screening thresholds.

Laboratory Results (Arsenic): Arsenic concentrations in the San Francisco bay region detected below **11 mg/kg** are generally considered to be naturally occurring and not the result of urban contaminants such as arsenate pesticides. Relatively low-concentrations of arsenic detected at the subject Site ranged from **2.7 to 6.22 mg/kg** – these detected concentrations are within the range of naturally-occurring levels.

B. Additional Testing for Non-Hazardous Landfill Clearance of Potential Surplus Soils:

- **Landfill (LF)-1** (A, B, C, & D) collected from depths of 0.5 only; and
- **Landfill (LF)-2** (A, B, C, & D) collected from depths of 0.5 only

a) Sample Testing: The non-hazardous (Class III) landfill's acceptance engineer required all surficial (0.5-ft bgs) composite samples which include the two LF composites as well as the four (4) areas sampled for DTSC, risk-based clearance (six samples total). The composites were tested for:

- **Chlorinated Pesticides** by EPA Method 8081
- **TPH Diesel/Motor Oil** by EPA Method 8015
- **CAM 17 Metals** by EPA Method 6010/7470

b) Laboratory Results (landfill acceptance of surplus soils): Landfill acceptance of potential surplus soils generated during redevelopment earthworks were evaluated based on criteria established at John Smith Road Class III (non-hazardous) Landfill located at 2650 John Smith Road in Hollister. Results indicate that these soils should be able to be accepted to the John Smith Road Landfill. Note: Five (5) of the samples contained chromium concentrations that would require an additional solubility test prior to acceptance.

2.0 CONCLUSIONS & RECOMMENDATIONS

2.1 Phase II Shallow Soil Evaluation Conclusions

We have performed a standard of care, *Phase II Soil Sampling Program* in conformance with protocols established in ASTM Practice E1527-13, for subject parcels located at the intersection of Butterfield Boulevard and Monterey Road in Morgan Hill. This *Phase II Soil Sampling Program* was completed to evaluate the Site for the following two purposes:

1. Risk-Based Clearance: Standard of care evaluation testing of soil quality was completed to confirm whether residual, persistent pesticides were present in shallow soils at unacceptable concentrations for transition to recreational (unrestricted) use. Risk-based testing and sample collection protocols were conducted in accordance with the State DTSC guidance designed to address agricultural land use transition to school sites and unrestricted land uses. And,
2. Non-Hazardous Landfill Acceptance of Surplus Soils During Redevelopment: Samples were also collected to confirm whether potential shallow surplus soils would be accepted to a non-hazardous, Class III landfill in the event there are surplus soils generated during Site redevelopment.

The State-certified laboratory results of samples collected from across the Site indicated only trace concentrations of contaminants of concern were detected, all well below regulatory residential *Environmental Screening Levels* (ESL's) established to be protective of human health and safety. **It is therefore our professional opinion that the limited, trace impacts detected at the Site do not pose an unacceptable risk to human health or the environment for land use transition to recreational.**

3.0 LIMITATIONS

Our service consists of professional opinions and recommendations made in accordance with generally accepted geologic and engineering principles and practices. This warranty is in lieu of all others, either

express or implied. The analysis and conclusions in this report are based on sampling and testing which are necessarily limited. Additional data from future work may lead to modification of the opinions expressed herein.

All work related to this investigation and remediation at this Site is done under the direct supervision of a Professional Geologist or Engineer, registered in California, and experienced in environmental assessment and remediation.

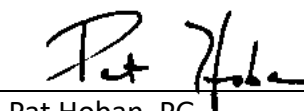
If you have any questions regarding this report, or any aspect of this project, please contact us at (831) 722-3580.

Sincerely,

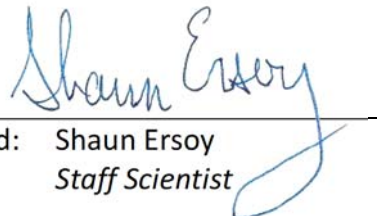
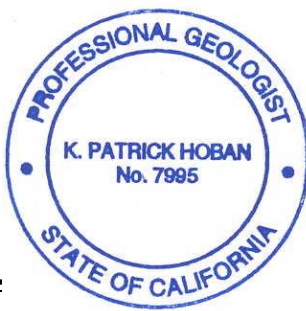
Weber, Hayes and Associates

A California Corporation

By:



Pat Hoban, PG
Senior Geologist



And: Shaun Ersoy
Staff Scientist

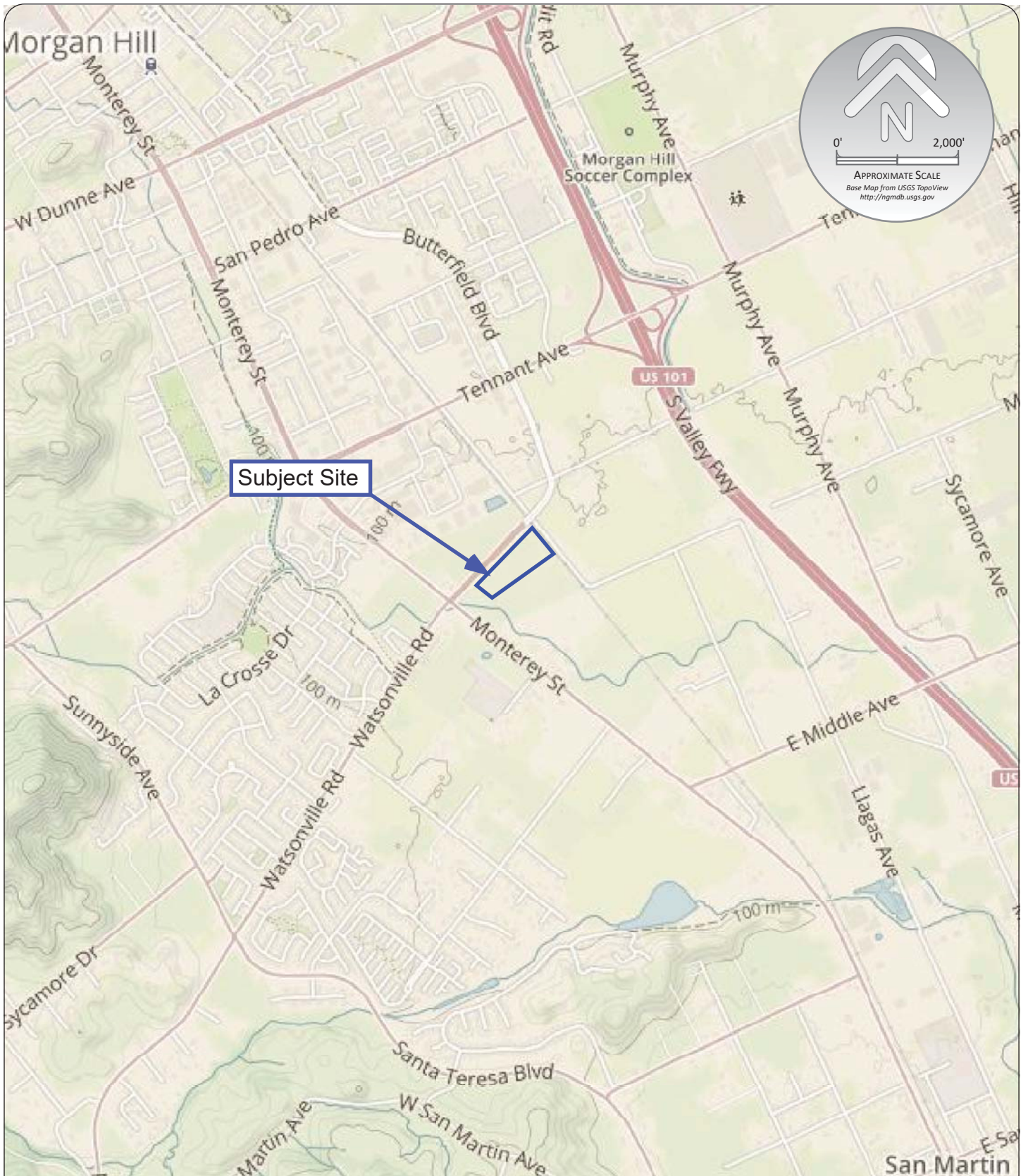
FIGURES

FIGURE 1: *Location Map*

FIGURE 2: *Vicinity Map*

FIGURE 3: *Site Map – Current Layout*

FIGURE 4: *Sample Locations*



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LOCATION MAP PHASE II ENVIRONMENTAL SITE ASSESSMENT

SITE: MORGAN HILL - PARK SITE
 ADDRESS: BUTTERFIELD BLVD, MORGAN HILL, CA 95037

DATE: JULY 2019

REVISIONS/NOTES:

FIGURE
1
 Project
 2X925



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VICINITY MAP PHASE II ENVIRONMENTAL SITE ASSESSMENT

SITE: MORGAN HILL - PARK SITE
 ADDRESS: BUTTERFIELD BLVD, MORGAN HILL, CA 95037

DATE: JULY 2019

REVISIONS/NOTES:

FIGURE 2
 Project 2X925

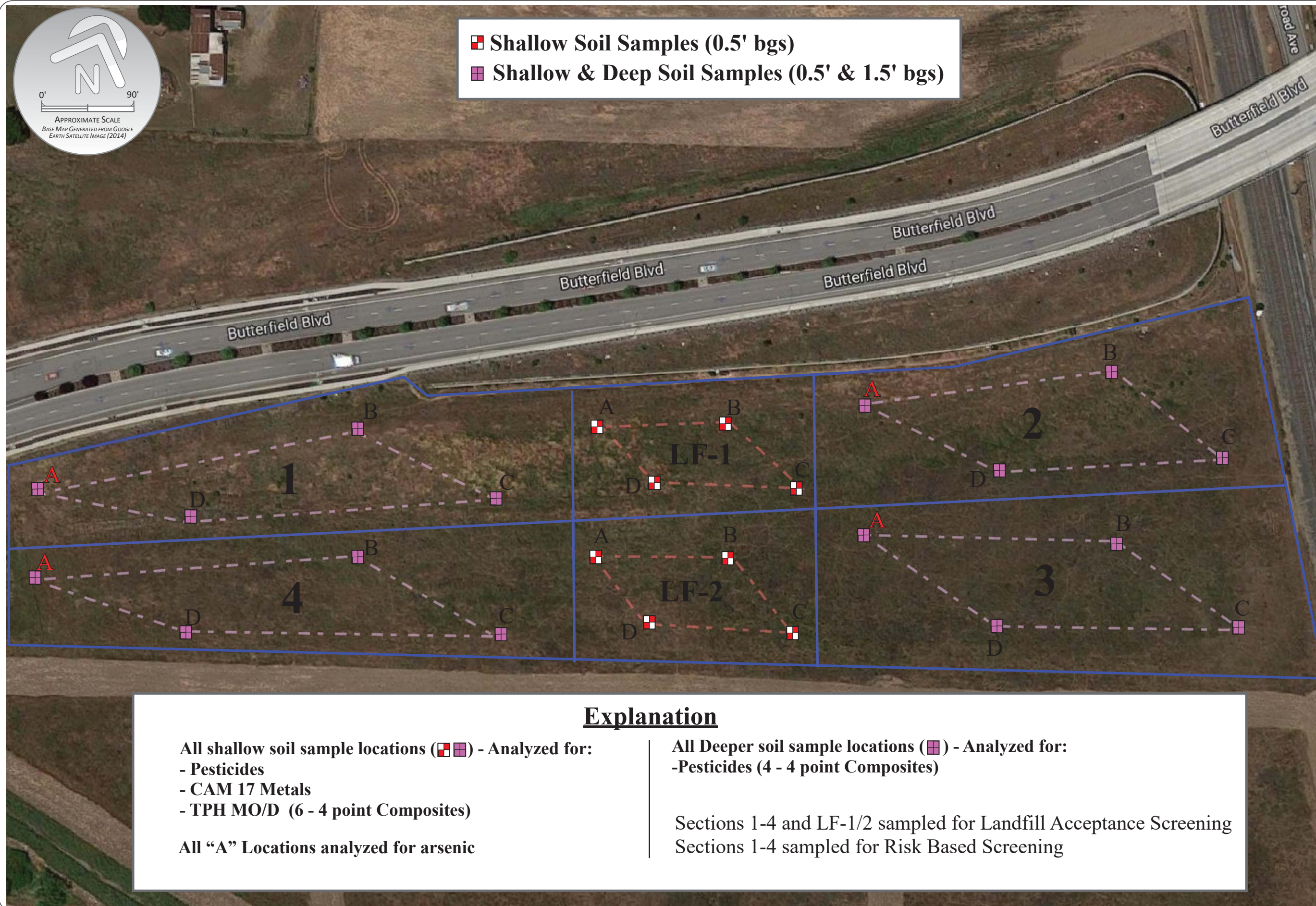


FIGURE 3
Project 2X925

SOIL SAMPLE LOCATION MAP PHASE II ENVIRONMENTAL SITE ASSESSMENT

SITE: MORGAN HILL - PARK SITE
ADDRESS: BUTTERFIELD BLVD, MORGAN HILL, CA 95037

DATE: JULY 2019

REVISIONS/NOTES:



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TABLES

TABLE 1: *Soil Sample Analytical Results – Pesticides*

TABLE 2: *Soil Sample Analytical Results – TPH, Metals*

Table 1
Soil Sampling Results
Chlorinated Persistent Pesticides
Butterfield Boulevard, Morgan Hill, CA
Sampled on June 11th 2019

All soil results are in milligrams per Kilogram (mg/Kg)

Sample Information			Chlorinated (persistent) Pesticides by EPA 8081A																				
Sample ID	Sample Type	Depth (ft)	ALDRIN	ALPHA BHC	BETA BHC	DELTA BHC	GAMMA BHC	4,4-DDD	4,4-DDE	4,4-DDT	DIELDRIN	ENDOSULFAN I	ENDOSULFAN II	ENDOSULFAN SULFATE	ENDRIN	ENDRIN ALDEHYDE	ENDRIN KETONE	HEPTACHLOR	HEPTACHLOR EPOXIDE	HEXACHLORO-BENZENE	METHOXY-CHLOR	CHLORDANE	TOXAPHENE
1(A,B,C,D)	Composite	0.5	<0.000248	<0.0213	<0.0213	<0.0213	<0.0213	<0.0213	0.0210 J	0.00331 J	0.000270 J	<0.000228	<0.000245	<0.0213	<0.000233	<0.0213	<0.0213	<0.0213	<0.000402	<0.000238	<0.000282	<0.0415	<0.426
1(A,B,C,D)	Composite	1.5	<0.000250	<0.0214	<0.0214	<0.0214	<0.0214	<0.0214	0.00234 J	0.00107 J	0.000107 J	<0.000230	<0.000247	<0.0214	<0.000235	<0.0214	<0.0214	<0.0214	<0.000405	<0.000240	<0.000284	<0.0418	<0.429
2(A,B,C,D)	Composite	0.5	<0.000250	<0.0215	<0.0215	<0.0215	<0.0215	<0.0215	0.00134 J	0.000455 J	0.000164 J	<0.000230	<0.000247	<0.0215	<0.000235	<0.0215	<0.0215	<0.0215	<0.000406	<0.000241	<0.000285	<0.0419	<0.430
2(A,B,C,D)	Composite	1.5	<0.000258	<0.0221	<0.0221	<0.0221	<0.0221	<0.0221	<0.0221	<0.0221	<0.0000985	<0.000237	<0.000255	<0.0221	<0.000242	<0.0221	<0.0221	<0.0221	<0.000418	<0.000248	<0.000293	<0.0432	<0.443
3(A,B,C,D)	Composite	0.5	<0.000249	<0.0214	<0.0214	<0.0214	<0.0214	<0.0214	0.000871 J	0.000335 J	<0.0000951	<0.000229	<0.000246	<0.0214	<0.000234	<0.0214	<0.0214	<0.0214	<0.000404	<0.000239	<0.000283	<0.0417	<0.428
3(A,B,C,D)	Composite	1.5	<0.000251	<0.0215	<0.0215	<0.0215	<0.0215	<0.0215	<0.0215	<0.0215	<0.0000957	<0.000230	<0.000247	<0.0215	<0.000235	<0.0215	<0.0215	<0.0215	<0.000406	<0.000241	<0.000285	<0.0419	<0.430
4(A,B,C,D)	Composite	0.5	<0.000249	<0.0214	<0.0214	<0.0214	<0.0214	<0.0214	0.00548 J	<0.0214	<0.0000952	<0.000229	<0.000246	<0.0214	<0.000234	<0.0214	<0.0214	<0.0214	<0.000404	<0.000240	<0.000284	<0.0417	<0.428
4(A,B,C,D)	Composite	1.5	<0.000251	<0.0216	<0.0216	<0.0216	<0.0216	<0.0216	0.000321 J	<0.0216	<0.0000959	<0.000231	<0.000248	<0.0216	<0.000236	<0.0216	<0.0216	<0.0216	<0.000407	<0.000241	<0.000286	<0.0420	<0.431
LF-1(A,B,C,D)	Composite	0.5	<0.000266	<0.0228	<0.0228	<0.0228	<0.0228	<0.0228	0.000660 J	0.000371 J	<0.000102	<0.000244	<0.000262	<0.0228	<0.000250	<0.0228	<0.0228	<0.0228	<0.000431	<0.000255	<0.000302	<0.0445	<0.456
LF-2(A,B,C,D)	Composite	0.5	<0.000247	<0.0212	<0.0212	<0.0212	<0.0212	<0.0212	0.00106 J	0.000342 J	<0.0000944	<0.000227	<0.000244	<0.0212	<0.000232	<0.0212	<0.0212	<0.0212	<0.000401	<0.000238	<0.000281	<0.0414	<0.424
Laboratory's Reported Detection Limit (RDL)			0.000233 (MDL)	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.000089 (MDL)	0.000214 (MDL)	0.00023 (MDL)	0.02	0.000219 (MDL)	0.02	0.02	0.02	0.000378 (MDL)	0.000224 (MDL)	0.000265 (MDL)	0.039 (MDL)	0.4
Environmental Screening Levels (ESLs) ⁽¹⁾ Environmental Screening Levels (ESLs) ⁽¹⁾ Direct Exposure Residential / Commercial / Con. Worker			0.035 / 0.15 (1)	NE	NE	NE	0.55 / 2.5 (16)	2.7 / 12 (81)	1.8 / 8.3 (57)	1.9 / 8.5 (57)	0.037 / 0.16 (1.1)	420 / 5,800 (1,500)	420 / 5,800 (1,500)	NE	21 / 290 (74)	NE	NE	0.12 / 0.53 (3.7)	0.062 / 0.28 (1.9)	0.18 / 0.78 (7.7)	350 / 4,800 (1,200)	0.48 / 2.2 (14)	0.51 / 2.2 (14)
" Tier 1 ESL " (all possible pathways & land uses) Human Health (HH), Leachability (L), Ecologic (Eco), Odor (O)			0.0024 (ECO)	NE	NE	NE	0.0074 (L)	2.7 (HH)	0.33 (ECO)	0.0011 (ECO)	0.00046 (L)	0.0098 (L)	0.0098 (L)	NE	0.0011 (ECO)	NE	NE	0.12 (HH)	0.00018 (L)	0.0008 (L)	0.013 (L)	0.0085 (ECO)	0.51 (HH)
DTSC Note 3 Modified Screening Levels Residential / Commercial ⁽²⁾			0.039 / 0.18	0.086 / 0.36	0.3 / 1.3	NE	0.57 / 2.5	1.9 / 9.6	2 / 9.3	1.9 / 8.5	0.034 / 0.14	470 / 7,000	470 / 7,000	470 / 7,000	19 / 250	19 / 250	19 / 250	0.13 / 0.63	0.0.07 / 0.33	0.21 / 0.96	320 / 4,100	0.44 / 1.5	0.49 / 2.1

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

Table 1
Soil Sampling Results
Chlorinated Persistent Pesticides
Butterfield Boulevard, Morgan Hill, CA
Sampled on June 11th 2019
All soil results are in milligrams per Kilogram (mg/Kg)

Sample Information			Chlorinated (persistent) Pesticides by EPA 8081A																				
Sample ID	Sample Type	Depth (ft)	ALDRIN	ALPHA BHC	BETA BHC	DELTA BHC	GAMMA BHC	4,4-DDD	4,4-DDE	4,4-DDT	DIELDRIN	ENDOSULFAN I	ENDOSULFAN II	ENDOSULFAN SULFATE	ENDRIN	ENDRIN ALDEHYDE	ENDRIN KETONE	HEPTACHLOR	HEPTACHLOR EPOXIDE	HEXACHLORO-BENZENE	METHOXY-CHLOR	CHLORDANE	TOXAPHENE

Notes

1 = **Environmental Screening Levels (ESLs):** Regional Water Quality Control Board (San Francisco Bay Region) guideline document: *Screening for Environmental Concerns at Sites With Contaminated Soil and Groundwater* (Final version, 2019). The ESLs are intended to provide quantitative risk-based guidance on whether further assessment or remediation of contamination is warranted <https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/new/ESL_Summary_Tables_24Jan19_Rev1.pdf >

TIER 1 ESL = The most conservative Environmental Screening Level (ESL) across all potential pathways including leaching, human health, ecologic ("Terrestrial Habitat"), volatilization (inhalation).

L = Indicates the lowest ESL is based on a **potential Leaching pathway** (for groundwater protection).

HH = Indicates the lowest ESL is based on a **potential Human Health & Safety Pathway** (ingestion, inhalation, dermal).

ECO = Indcates the lowest ESL is based on a **potential Terrestrial Habitat pathway**.

O = Indicates the lowest ESL is based on a **potential "odor nuisance"** (i.e. 100 mg/kg for gasoline).

2 = **CA DTSC Soil Screening Levels:** From the California Department of Toxic Substances Control (DTSC), Office of Human and Ecological Risk (HERO), Human Health Risk Assessment (HHRA) Note Number 3, Table 1, June 2018. **If no DTSC screening level is established then the corresponding US EPA RSL is provided.**

US EPA Region 9 Soil Regional Screening Levels (RSLs): From *US EPA Regional Screening Levels for Soil* (<https://semspub.epa.gov/work/HQ/197414.pdf>) , last updated November-2018 using the Summary Table [based on Carcinogenic Target Risk (TR) =1E-6, Noncancer Hazard Index (HI) =1.0].

NE = Threshold Not Established

J = A "J-flag" indicates the laboratory detected the compound, but at a concentration below the laboratory's reporting limit (RDL), but above its method (mimimum) detection limit (MDL). Considered an estimate.

RDL= Laboratory Reported Detection Limit

MDL= Laboratory Method Detection Limit

<= = A "less than" symbol indicates no detectable concentrations (i.e., the laboratory **did not** detect the contaminant at the concentration shown).

BOLD = A laboratory result was detected (i.e., detected above the Laboratorys Reported Detection *Limit* (RDL).

BOLD = Analytical result detected at a concentration that is above the Commercial ESL.

BOLD = Analytical result detected at a concentration that is above the Residential ESL.

BOLD = Analytical result detected at a concentration that is above the most conservative Tier 1 threshold.

Hazardous Waste Thresholds

"TOTAL" (TTLC) Concentration Limit (mg/kg)	1.4	4	4	4	4	1	1	1	8	--	--	--	0.2	0.2	0.2	4.7	4.7	4.7	100	2.5	5
"SOLUBLE" (STLC/TCLP) Concentration Limit (mg/L)	0.14/--	0.4/0.4	0.4/0.4	0.4/0.4	0.4/0.4	0.1/--	0.1/--	0.1/--	0.8/--	--	--	--	0.02/0.02	0.02/0.02	0.02/0.02	0.47/0.008	0.47/0.008	0.47/0.008	10/10	0.25/0.03	0.5/0.5

Table 2: Summary of Soil Analytical Results
Total Petroleum Hydrocarbons & CAM 17 Metals Analysis
Butterfield Boulevard, Morgan Hill
Sampled on June 11th 2019

All soil results are in milligrams per Kilogram (mg/Kg)

Sample Information			Total Petroleum Hydrocarbons (TPH) by EPA Method 8015		CAM-17 Metals by EPA Method 6010B																
Sample ID	Sample Type	Depth (ft)	TPH Diesel (C12-C22)	TPH Motor Oil (C22-C40)	Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium TTLC mg/Kg	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc
1A - d0.5	Discrete	0.5	--	--	--	3.1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
1(A,B,C,D)	Composite	0.5	2.96 J	41.4	0.834 J	2.94	187	0.347	0.324 J	47.9	11.5	27.7	13.1	0.0659	0.304 J	65	<2.13	<1.06	<2.13	44.6	64.5
1A - d1.5	Discrete	1.5	--	--	--	2.91	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
2A - d0.5	Discrete	0.5	--	--	--	4.71	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
2(A,B,C,D)	Composite	0.5	4.27 J	18.63	<2.15	5.26	232	0.448	0.356 J	65.6	14.7	32.2	13.9	0.0482 B	0.222 J	84.4	<2.15	<1.07	<2.15	56.6	79.1
2A - d1.5	Discrete	1.5	--	--	--	4.7	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3A - d0.5	Discrete	0.5	--	--	--	6.22	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3(A,B,C,D)	Composite	0.5	<42.8	96.8	<2.14	4.43	223	0.453	0.381 J	55.9	15.9	30.1	19.5	0.0617	0.387 J	86.9	0.937 J	<1.07	<2.14	57.8	78.6
3A - d1.5	Discrete	1.5	--	--	--	5.01	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
4A - d0.5	Discrete	0.5	--	--	--	2.77	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
4(A,B,C,D)	Composite	0.5	2.92 J	20.45	<2.14	3.74	214	0.403	0.339 J	65.6	15.7	30.3	13.5	0.0569	<0.535	91.7	1.23 J	<1.07	<2.14	60.9	71.3
4A - d1.5	Discrete	1.5	--	--	--	3.79	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
LF-1(A,B,C,D)	Composite	0.5	5.57	32.8	<2.28	4.79	239	0.387	0.441 J	60.5	16.6	32.9	12.6	0.0558 B	0.411 J	82.8	1.42 J	<1.14	<2.28	60.7	77.9
LF-2(A,B,C,D)	Composite	0.5	5.07	34.1	<2.12	4.44	201	0.401	0.347 J	66.3	13.5	29.8	13.4	0.0504 B	0.229 J	77.1	1.00 J	<1.06	<2.12	50.4	71.2
Environmental Screening Levels (ESLs) ⁽¹⁾																					
Lowest ESL for All Possible Pathways ("Tier 1"): Residential or Commercial Land Use (construction worker)			260 / 1,200 (1,100)	12,000 / 180,000 (54,000)	11 / 160 (50)	0.067 / 0.31	15,000 / 220,000 (3,000)	16 / 230 (27)	78 / 1,100 (51)	Not Established	23 / 350 (28)	3,100 / 47,000 (14,000)	80 / 320 (160)	13 / 190 (44)	390 / 5,800 (1,800)	820 / 11,000 (86)	390 / 5,800 (1,700)	390 / 5,800 (1,800)	0.78 / 12 (3.5)	390 / 5,800 (470)	23,000 / 350,000 110,000
"Tier 1 ESL" (all possible pathways & land uses) Basis = Human Health (HH), Leachability (L), Ecologic (Eco), or Odor (O)			260 (HH)	1,600 (ECO)	11 (HH)	0.067 (HH)	390 (ECO)	5 (ECO)	1.9 (ECO)	160 (ECO)	23 (HH)	180 (ECO)	32 (ECO)	13 (HH)	6.9 (ECO)	86 (HH) construction worker	2.4 (ECO)	25 (ECO)	0.78 (HH)	18 (ECO)	340 (ECO)
DTSC-Modified Screening Levels ⁽²⁾ (for human health risk) Residential or Commercial Land Use			Not Established	Not Established	31 / 470	0.11 / 0.36	15,000 / 220,000	15 / 210	5.2 / 7.3	36,000 / 170,000	23 / 350	3,100 / 47,000	80 / 320	1.0 / 4.4	390 / 5,800	490 / 3,100	390 / 5,800	390 / 1,500	0.78 / 12	390 / 1,000	23,000 / 350,000

Non-Hazardous Landfill Acceptance (solubility testing triggers)
(need to check for Soluble concentration if total concentration exceeds the following)

If the initial "total" result exceeds 10x the STLC, then need to obtain soluble quantity by STLC		150	50	1,000	7.5	10	50	800	250	50	2	3,500	200	10	50	70	240	2,500
If the initial "total" result exceeds 10x the STLC, then need to obtain soluble quantity by TLCP		--	100	2,000	--	20	100	--	--	100	4	--	--	20	100	--	--	--

Table 2: Summary of Soil Analytical Results
Total Petroleum Hydrocarbons & CAM 17 Metals Analysis
Butterfield Boulevard, Morgan Hill
Sampled on June 11th 2019

All soil results are in milligrams per Kilogram (mg/Kg)

Sample Information			Total Petroleum Hydrocarbons (TPH) by EPA Method 8015		CAM-17 Metals by EPA Method 6010B																
Sample ID	Sample Type	Depth (ft)	TPH Diesel (C12-C22)	TPH Motor Oil (C22-C40)	Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium TTL mg/Kg	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc

Hazardous Waste Threshold (Concentration Limits)

"TOTAL" (TTL) Concentration Limit (mg/kg)		500	500	10,000	75	100	2,500	8,000	2,500	1,000	20	3,500	2,000	100	500	700	2,400	5,000
"SOLUBLE" (STLC/TCLP) Concentration Limit (mg/L)		15	5	100	1	--	5	80	25	5	0.2	350	20	1	5	7	24	250

BOLD =	A laboratory result was detected (i.e., detected above the <i>Reported Detection Limit</i> (RDL)).
BOLD =	Lab result was detected above the ESL or DTSC Residential Land Use Threshold .
BOLD =	Lab result was detected above the ESL or DTSC Commercial Land Use or Construction Worker Threshold .
BOLD =	Lab result was detected at a concentration that is above the most conservative Tier 1 threshold
BOLD =	Lab result was detected above the Commercial Land Use ESL <i>but below the Naturally Occuring (background) Concentration</i>
BOLD =	A laboratory result was detected above the hazardous waste threshold requiring a wet extraction test (STLC)

1 = **Environmental Screening Levels (ESLs):** Regional Water Quality Control Board (San Francisco Bay Region) guideline document: *Screening for Environmental Concerns at Sites With Contaminated Soil and Groundwater* (Final version, 2019). The ESLs are intended to provide quantitative risk-based guidance on whether further assessment or remediation of contamination is warranted <https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/new/ESL_Summary_Tables_24Jan19_Rev1.pdf >

TIER 1 ESL = The most conservative Environmental Screening Level (ESL) across all potential pathways including leaching, human health, ecologic ("Terrestrial Habitat"), volatilization (inhalation).

L = Indicates the lowest ESL is based on a **potential Leaching pathway** (for groundwater protection).

HH = Indicates the lowest ESL is based on a **potential Human Health & Safety Pathway** (ingestion, inhalation, dermal).

ECO = Indicates the lowest ESL is based on a **potential Terrestrial Habitat pathway**.

O = Indicates the lowest ESL is based on a **potential "odor nuisance"** (i.e. 100 mg/kg for gasoline).

2 = **CA DTSC Soil Screening Levels:** From the California Department of Toxic Substances Control (DTSC), Office of Human and Ecological Risk (HERO), Human Health Risk Assessment (HHRA) Note Number 3, Table 1, June 2018. **If no DTSC screening level is established then the corresponding US EPA RSL is provided.**

US EPA Region 9 Soil Regional Screening Levels (RSLs): From *US EPA Regional Screening Levels for Soil*. (<https://semspub.epa.gov/work/HQ/197414.pdf>) , last updated November-2018 using the Summary Table [based on Carcinogenic Target Risk (TR) =1E-6, Noncancer Hazard Index (HI) =1.0].

RDL = Reported Detection Limit = is the laboratory-determined value that is 2 to 5 times above the Method Detection Limit (MDL) that can be reproduced in a manner that results in a 99% confidence level and is both accurate and precise.

ND = Non Detection
NE = Not Established
'--' = Not Analyzed

J = Laboratory reports that the detection value is between MDL and RDL, and should be considered an estimate.

^ = Detection and Quantitation Limits are raised due to sample dilution
<= A "less than" symbol indicates no detectable concentrations (i.e., the laboratory **did not** detect the contaminant at the concentration show

APPENDIX A

Field Documentation

Field Notes and Photo Sheets

Field Methodology for Hydraulic Driven Probe

Field Methodology for Shallow Soil Sampling



WEBER, HAYES & ASSOCIATES
Hydrogeology and Environmental Engineering
120 Westgate Drive, Watsonville, CA 95076
831.722.3580 // www.weber-hayes.com

Text Page /

INDICATE ATTACHMENTS THAT APPLY

- _____ Site Map
- _____ Data Sheets
- _____ Geologic Logs
- 7 Photo Sheets
- _____ COC's
- _____ Chargeable Materials

Client: City of Morgan Hill	Date: 5-29-19
Site Location: Morgan Hill - Butterfield Blvd + Monterey Rd	Study #:
Field Tasks: ☐ Drilling ☐ Sampling ☒ Other (see below): USA/Flagging/Utility Inspection	Weather Conditions: clear
Personnel / Company On-Site: Shawn Ersoy (w/ha)	

TIME:

11:50 Arrive on Site

- Scope Sight
- Site is completely grown over with weeds, ground is uneven and highly compacted in most areas. No overhead lines above site.
- Only access to site is along Railroad Ave
- Fiber line signs along tracks.
- U.S.A. all corners of site and along Butterfield Blvd.
- Flagged off every corner of the site noting each section
- Flagged USA on Butterfield Blvd.

2:25 Sergio private utility check arrives

- Scout location for utility and drill rig access to site
- Best current point of entry for drill rig is on intersection of Monterey Road and Butterfield Blvd.

3:00 - Leave Site

Signature of Field Personnel & Date



Weber, Hayes & Associates
Hydrogeology and Environmental Engineering
120 Westgate Dr, Watsonville, CA 95076
831.722.3580 / www.weber-hayes.com

Page ____ of ____

Project / Client: <u>Morgan Hill Phase II</u>		Project #: <u>2x915</u>
Site Location: <u>Butterfield Blvd.</u>		Date: <u>6/11/19</u>
Field tasks: <u>Collecting Shallow Soil Samples</u>		Weather: <u>Hot/sunny</u>
Personnel / Company On-Site: <u>Trinity (Jeff, Garry)</u>		
Attachments: Site Map ____ Data Sheets ____ Geologic Logs ____ Photos ____ COC ____ Chargeable Materials ____		

Time:	Notes:
0700	- Arrived onsite. Jeff & Garry showed up around 0710 with small track rig. Already hot and sunny. Prepping for sampling.
0740	- Starting track rig up. Starting at 4A. Plan is to get all locations as we move East.
0812	- Finished 1A & 4A. Moving to 1D
0826	- Finished 4D & 1D. Moving east to 4B & 1B
0856	- Moving to 1C & 4C
0910	- Moving onto the LF-2A and LF-1A
0941	- Moving onto LF-1B & 2B
1012	- LF-2C & 1B have been completed. Sun is blazing already. Moving to 3A & 2A
1045	- Moving to 3B & 1B
1120	- Finished all borings. Packing up and will ship samples
1145	- Demobilizing

Signature of Field Personnel & Date

Soil Boring Field Data Sheet
Pacifica 2x812

Sample ID	Depth (feet)	Odor or Discoloration?	PID Measurements	Other Observations (Groundwater Level, Deep Coarse Sand Depth, etc.)
1A	0.5		0.0	silty/dry sand
	1.5		0.0	silty dry sand
	3		0.1	darker sand with fines & gravels
1B	0.5		0.0	
	1.5		0.0	
	3		0.2	
1C	0.5		0.0	
	1.5		0.0	
	3		0.1	
1D	0.5		0.1	
	1.5		0.0	
	3		0.3	
2A	0.5		0.0	
	1.5		0.0	
	3		0.0	
2B	0.5		0.1	
	1.5		0.0	
	3		0.2	
2C	0.5		0.0	
	1.5		0.1	
	3		0.1	
2D	0.5		0.0	
	1.5		0.0	
	3		0.0	

Soil Boring Field Data Sheet
Pacifica 2x812

Sample ID	Depth (feet)	Odor or Discoloration?	PID Measurements	Other Observations (Groundwater Level, Deep Coarse Sand Depth, etc.)
3A	0.5		0.0	silty sand ↓ more gravels (large gravels)
	1.5		0.1	
	3		0.2	
3B	0.5		0.1	
	1.5		0.1	
	3		0.0	
3C	0.5		0.0	
	1.5		0.1	
	3		0.1	
3D	0.5		0.0	
	1.5		0.0	
	3		0.1	
4A	0.5		0.1	
	1.5		0.0	
	3		0.2	
4B	0.5		0.2	
	1.5		0.3	
	3		0.0	
4C	0.5		0.0	
	1.5		0.0	
	3		0.1	
4D	0.5		0.0	silty sand reddish-brown (fines ~ 30%) clayey
	1.5		0.0	
	3		0.1	

Gravels < 7mm

Soil Boring Field Data Sheet
Pacifica 2x812

Sample ID	Depth (feet)	Odor or Discoloration?	PID Measurements	Other Observations (Groundwater Level, Deep Coarse Sand Depth, etc.)
LF-1A	0.5		0.0	-Sandy clay
	1.5		0.1	-Gravel Rocks at base
LF-1B	0.5		0.1	H
	1.5		0.0	
LF-1C	0.5		0.0	H
	1.5		0.0	
LF-1D	0.5		0.0	sandy clay
	1.5		0.1	
LF-2A	0.5		0.1	-Sandy Silt
	1.5		0.2	-gravel w/ silt SAND
LF-2B	0.5		0.2	Silty sand
	1.5		0.2	gravel/rocks near base @ 4'
LF-2C	0.5		0.3	H
	1.5		0.1	
LF-2D	0.5		0.0	H
	1.5		0.0	

PID shoe
leave at
each hole



All Shallow locations: OCP - CAM 17 - TPH MO/D (6 - 4 point Composites) Arsenic (4 Discrete -all A Locations)
All Deeper locations: OCP (4 - 4 point Composites) Arsenic (4 Discrete -all A Locations)
Sections 1-4 and LF-1/2 are for Landfill Acceptance Screening
Sections 1-4 are for Risk Based Screening

Shallow Only
Shallow & Deep

FIGURE 1
Project 2X9XX

SITE MAP
APPROXIMATE SAMPLE LOCATION MAP
SITE: MORGAN HILL - PARK SITE
ADDRESS: BUTTERFIELD BLVD, MORGAN HILL, CA 95037

DATE: _____
REVISIONS/NOTES: _____

**WEBER, HAYES & ASSOCIATES**
Hydrogeology and Environmental Engineering
120 Westgate Drive, Watsonville, CA
831.722.3580 / www.weber-hayes.com



Track rig was used due to the limited access to the Site



Trinity Drilling conducting soil cores at pre-marked locations with hydraulic driven probe track rig.





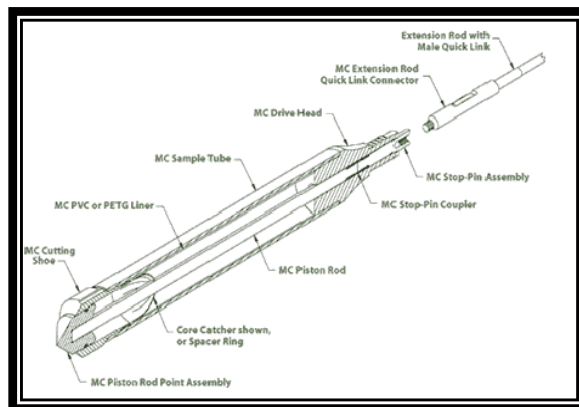
Soil Cores were logged and separated by depth for submission to laboratory



FIELD METHODOLOGY FOR: HYDRAULIC DRIVEN PROBES

Using Macro-Core®, Large Bore® or Dual Tube® Hydraulic Driven Probes

Direct push exploratory borings are “drilled” with a Hydraulic Driven Probe drill rig, which hydraulically vibrates and drives steel probes into the soil. This sampling technology has the ability for either continuous or discrete sampling using a 4-foot long nickel-plated sampling probes fitted with clear acetate liners. During coring operations, the sampler remains open as it is driven into undisturbed soil over its entire 4-foot sampling interval.



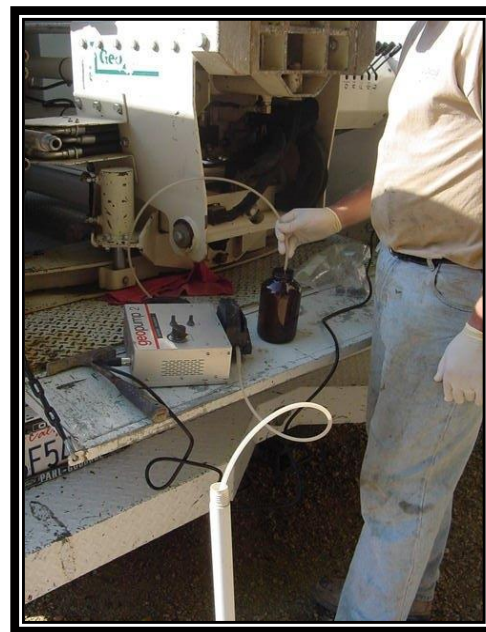
The soil cores are logged by an experienced geologist using the Unified Soil Classification System (USCS), noting in particular, the lithology of the soils, moisture content, and any unusual odor or discoloration. Relatively undisturbed soil samples are obtained for both lithologic logging and laboratory analysis. A portion of individual soil cores are stored in a sealed plastic bags for field screening of hydrocarbons and/or volatile organic compounds by an Photoionization Detector (PID). Vapor readings in parts per million (ppm) are recorded on the boring logs. The PID is also used during drilling for monitoring the work area for site safety.

All drilling equipment is decontaminated prior to arriving on-site to prevent possible transfer of contamination from another site. The sampling probe and all other soil sampling equipment are thoroughly cleaned between each borehole by washing in a Liqui-Nox or Alconox solution followed by a double rinsing with distilled water to prevent the transfer of contamination.

After drilling, all exploratory boreholes are grouted with continuous pour neat cement grout from the bottom of the borehole to the ground surface.

Samples Targeted for Laboratory Analysis:

Soil samples targeted for laboratory analysis are immediately cut from the acetate sample liner and protected at both ends with Teflon tape, sealed with non-reactive caps, taped, labeled, placed in a plastic ZipLock baggie, and immediately stored in an insulated container chilled to a temperature of 4 degree Celsius. Soil samples selected for Volatile Organic Compound (VOC) analysis will follow field preservation protocols according to EPA Method 5035, as described in DTSC's *Guidance Document for the Implementation of United States Environmental Protection Agency Method 5035*:



Methodologies for Collection, Preservation, Storage, and Preparation of Soils to be Analyzed for Volatile Organic Compounds, dated November 2004.

Groundwater samples are collected after temporary PVC casing is placed in the hole and at least one borehole volume is purged and groundwater is visually observed to be free of sediment. Relatively representative groundwater samples are either: 1) collected with a peristaltic pump and dedicated polyethylene tubing and dispensed directly into containers specifically prepared for the analyses (groundwater encountered at depths of less than 27 feet bgs) or 2) collected by mechanically lifting groundwater through a clean stainless steel foot valve and dedicated polyethylene and dispensed directly into containers specifically prepared for the analyses (groundwater encountered at depths greater than 27 feet bgs where a peristaltic pump cannot be used). Samples being analyzed for dissolved metals will be preserved and acidified by the testing laboratory following their receipt of samples. Once collected, groundwater sample containers are placed in ZipLock bags and are stored in an insulated container chilled to a temperature of 4 degree Celsius.

All samples are transported in chilled coolers to a State-certified laboratory under appropriate chain-of-custody documents. Soil samples that may be put on “hold” for potential future analysis will be stored in a dedicated sample freezer, be frozen, and stored under chain-of-custody documentation. Hold times will be confirmed with the testing laboratory to ensure that potential analysis of any “hold” samples will be analyzed within the laboratory hold times.

Field Methodology for Shallow Soil Sampling

This following provides detailed descriptions of methods used during shallow soil sampling investigations. Included are specifications for shallow soil sampling with a slide hammer, and decontamination procedures.

Shallow Soil Sampling Procedures: A backhoe, two person power auger, or a hand auger is used to get to a point immediately above the sampling depth.

Once at the desired sampling depth, a slide hammer is used to drive a clean stainless steel liner encased in the slide hammer sampling shoe to obtain a relatively undisturbed sample. The slide hammer consists of a metal rod with one end containing a threaded sampling shoe containing a beveled cutting head. A pre-cleaned brass or stainless steel sample liner is installed within the sampling shoe prior to sampling. The slide hammer consists of a weighted sliding handle which slides up and down a connecting rod, and which is used to drive the sampling shoe into undisturbed, native soils. The handle is manually slid up and down the slide rod which in turn forces the sampling shoe (with liner) into native soils.



Materials retrieved from the sampler is be logged on an as-needed basis by the experienced field geologist using the Unified Soil Classification System (USCS), noting in particular, the lithology of the soils, moisture content, and any unusual odor or discoloration. The liner and relatively undisturbed soils is then be removed from the sampling shoe, protected at both ends with Teflon tape, sealed with non-reactive caps, taped, and immediately stored in an insulated container cooled with blue ice at a temperature of 4 degree Celsius or less. Samples targeted for analysis are transported under appropriate chain-of-custody documentation to a State-certified laboratory performing the targeted analysis.

Upon completion of sampling at the designated location, the location will be backfilled and compacted with the materials that were removed prior to sampling, supplemented by clean imported fill as necessary.

Soil samples selected for Volatile Organic Compound (VOC) analysis will follow field preservation protocols according to EPA Method 5035, as described in DTSC's *Guidance Document for the Implementation of United States Environmental Protection Agency Method 5035: Methodologies for Collection, Preservation, Storage, and Preparation of Soils to be Analyzed for Volatile Organic Compounds*, dated November 2004.

Equipment Decontamination and Containerization Procedures: All sampling equipment is cleaned prior to arriving on site to prevent possible transfer of contamination from another site. In areas suspected of having contamination, sampling equipment is thoroughly cleaned between each sampling runs with Alconox[®] solution (or equivalent) followed by a double rinsing with distilled water to prevent the vertical transfer of contamination, and/or contamination from location to location onsite. Accordingly, all sampling equipment will be cleaned following sampling operations to prevent the possible transfer of contamination. All cleaning rinsate, and wash water produced during the shallow soil sampling and decontamination process will be containerized on site in pails or approved DOT drums until profiling determines appropriate disposal options.

Phase II Environmental Site Assessment
Butterfield Boulevard, Morgan Hill

APPENDIX B

State-Certified Analytical Laboratory Results

Soil Analytical Results (June 11, 2019)

Weber, Hayes & Associates - CA

Sample Delivery Group: L1108278
Samples Received: 06/12/2019
Project Number: 2X925
Description: Morgan Hill Phase II (Soils)

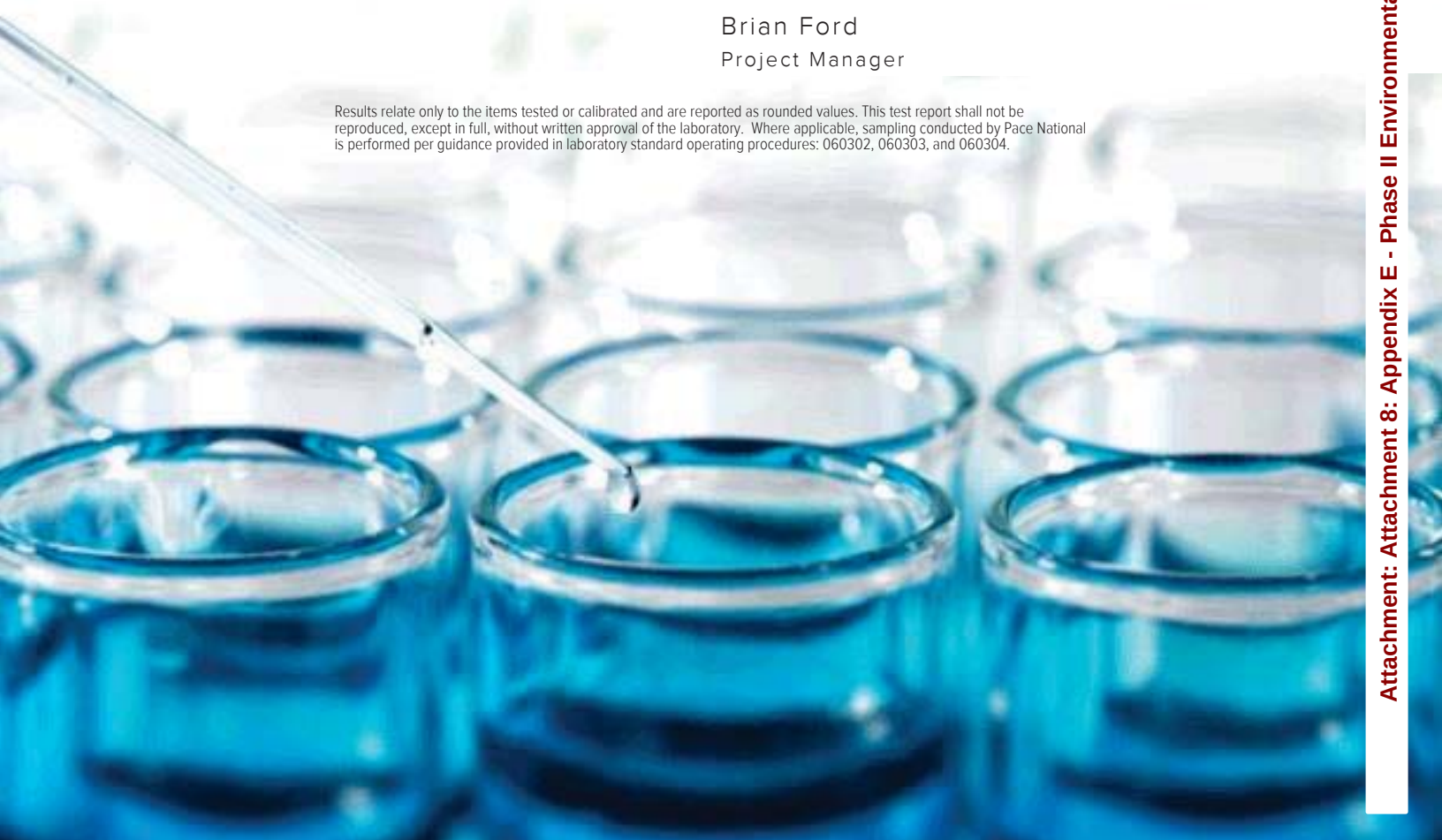
Report To: Ryan Nyberg
120 Westgate Drive
Watsonville, CA 95076

Entire Report Reviewed By:



Brian Ford
Project Manager

Results relate only to the items tested or calibrated and are reported as rounded values. This test report shall not be reproduced, except in full, without written approval of the laboratory. Where applicable, sampling conducted by Pace National is performed per guidance provided in laboratory standard operating procedures: 060302, 060303, and 060304.



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SAMPLE SUMMARY

ONE LAB. NATION

2.1

1A-D0.5 L1108278-01 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:12	CCE	Mt. Juliet, TN

1-D0.5 COMP L1108278-02 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Mercury by Method 7471A	WG1296060	1	06/14/19 08:30	06/14/19 11:03	ABL	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:26	CCE	Mt. Juliet, TN
Semi-Volatile Organic Compounds (GC) by Method 8015	WG1296621	1	06/15/19 10:25	06/16/19 16:35	KME	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 09:31	MTJ	Mt. Juliet, TN

1A-1.5 L1108278-03 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:29	CCE	Mt. Juliet, TN

1-D1.5 COMP L1108278-04 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 09:44	ADF	Mt. Juliet, TN

2A-D0.5 L1108278-05 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:37	CCE	Mt. Juliet, TN

2-D0.5 COMP L1108278-06 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Mercury by Method 7471A	WG1296060	1	06/14/19 08:30	06/14/19 11:05	ABL	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:40	CCE	Mt. Juliet, TN
Semi-Volatile Organic Compounds (GC) by Method 8015	WG1296621	1	06/15/19 10:25	06/16/19 14:41	KME	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 09:56	ADF	Mt. Juliet, TN

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

ACCOUNT:

Weber, Hayes & Associates - CA

PROJECT:

2X925

SDG:

L1108278

DATE/TIME:

06/19/19 16:43

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SAMPLE SUMMARY

ONE LAB. NATION

2.1

2A-1.5 L1108278-07 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295819	1	06/14/19 14:14	06/14/19 14:26	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:43	CCE	Mt. Juliet, TN

2-D1.5 COMP L1108278-08 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 10:09	MTJ	Mt. Juliet, TN

3A-0.5 L1108278-09 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:46	CCE	Mt. Juliet, TN

3-D0.5 COMP L1108278-10 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Mercury by Method 7471A	WG1296060	1	06/14/19 08:30	06/14/19 11:07	ABL	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:49	CCE	Mt. Juliet, TN
Semi-Volatile Organic Compounds (GC) by Method 8015	WG1296621	10	06/15/19 10:25	06/16/19 17:03	KME	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 10:21	MTJ	Mt. Juliet, TN

3A-1.5 L1108278-11 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:52	CCE	Mt. Juliet, TN

3-D1.5 COMP L1108278-12 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 10:33	MTJ	Mt. Juliet, TN

4A-0.5 L1108278-13 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:54	CCE	Mt. Juliet, TN

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

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SAMPLE SUMMARY

ONE LAB. NATION

2.1

4-D0.5 COMP L1108278-14 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Mercury by Method 7471A	WG1296060	1	06/14/19 08:30	06/14/19 11:10	ABL	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 03:57	CCE	Mt. Juliet, TN
Semi-Volatile Organic Compounds (GC) by Method 8015	WG1296621	1	06/15/19 10:25	06/16/19 14:55	KME	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 10:46	MTJ	Mt. Juliet, TN

4A-1.5 L1108278-15 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295822	1	06/14/19 14:00	06/14/19 14:11	KDW	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 04:00	CCE	Mt. Juliet, TN

4-D1.5 COMP L1108278-16 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295824	1	06/14/19 13:31	06/14/19 13:42	KDW	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 10:58	MTJ	Mt. Juliet, TN

LF1-D0.5 COMP L1108278-17 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295824	1	06/14/19 13:31	06/14/19 13:42	KDW	Mt. Juliet, TN
Mercury by Method 7471A	WG1296060	1	06/14/19 08:30	06/14/19 11:16	ABL	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 04:03	CCE	Mt. Juliet, TN
Semi-Volatile Organic Compounds (GC) by Method 8015	WG1296621	1	06/15/19 10:25	06/16/19 16:06	KME	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 11:11	MTJ	Mt. Juliet, TN

LF-2-D0.5 COMP L1108278-18 Solid

				Collected by Ryan Nyberg	Collected date/time 06/11/19 00:00	Received date/time 06/12/19 08:45
Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst	Location
Total Solids by Method 2540 G-2011	WG1295824	1	06/14/19 13:31	06/14/19 13:42	KDW	Mt. Juliet, TN
Mercury by Method 7471A	WG1296060	1	06/14/19 08:30	06/14/19 11:18	ABL	Mt. Juliet, TN
Metals (ICP) by Method 6010B	WG1295984	1	06/14/19 10:56	06/17/19 04:11	CCE	Mt. Juliet, TN
Semi-Volatile Organic Compounds (GC) by Method 8015	WG1296621	1	06/15/19 10:25	06/16/19 15:24	KME	Mt. Juliet, TN
Pesticides (GC) by Method 8081	WG1296553	1	06/17/19 14:12	06/18/19 11:23	MTJ	Mt. Juliet, TN

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

ACCOUNT:

Weber, Hayes & Associates - CA

PROJECT:

2X925

SDG:

L1108278

DATE/TIME:

06/19/19 16:43

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All sample aliquots were received at the correct temperature, in the proper containers, with the appropriate preservatives, and within method specified holding times, unless qualified or notated within the report. Where applicable, all MDL (LOD) and RDL (LOQ) values reported for environmental samples have been corrected for the dilution factor used in the analysis. All Method and Batch Quality Control are within established criteria except where addressed in this case narrative, a non-conformance form or properly qualified within the sample results. By my digital signature below, I affirm to the best of my knowledge, all problems/anomalies observed by the laboratory as having the potential to affect the quality of the data have been identified by the laboratory, and no information or data have been knowingly withheld that would affect the quality of the data.



Brian Ford
Project Manager

Collected date/time: 06/11/19 00:00

L1108278

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	93.2		1	06/14/2019 14:26	WG1295819

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	3.10		0.494	2.15	1	06/17/2019 03:12	WG1295984

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Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	94.0		1	06/14/2019 14:26	WG1295819

Mercury by Method 7471A

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Mercury	0.0659		0.00298	0.0213	1	06/14/2019 11:03	WG1296060

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Antimony	0.834	J	0.798	2.13	1	06/17/2019 03:26	WG1295984
Arsenic	2.94		0.489	2.13	1	06/17/2019 03:26	WG1295984
Barium	187		0.181	0.532	1	06/17/2019 03:26	WG1295984
Beryllium	0.347		0.0745	0.213	1	06/17/2019 03:26	WG1295984
Cadmium	0.324	J	0.0745	0.532	1	06/17/2019 03:26	WG1295984
Chromium	47.9		0.149	1.06	1	06/17/2019 03:26	WG1295984
Cobalt	11.5		0.245	1.06	1	06/17/2019 03:26	WG1295984
Copper	27.7		0.564	2.13	1	06/17/2019 03:26	WG1295984
Lead	13.1		0.202	0.532	1	06/17/2019 03:26	WG1295984
Molybdenum	0.304	J	0.170	0.532	1	06/17/2019 03:26	WG1295984
Nickel	65.0		0.521	2.13	1	06/17/2019 03:26	WG1295984
Selenium	U		0.660	2.13	1	06/17/2019 03:26	WG1295984
Silver	U		0.128	1.06	1	06/17/2019 03:26	WG1295984
Thallium	U		0.691	2.13	1	06/17/2019 03:26	WG1295984
Vanadium	44.6		0.255	2.13	1	06/17/2019 03:26	WG1295984
Zinc	64.5		0.628	5.32	1	06/17/2019 03:26	WG1295984

Semi-Volatile Organic Compounds (GC) by Method 8015

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
C12-C22 Hydrocarbons	2.96	J	0.780	4.26	1	06/16/2019 16:35	WG1296621
C22-C32 Hydrocarbons	17.0		1.41	4.26	1	06/16/2019 16:35	WG1296621
C32-C40 Hydrocarbons	24.4		1.41	4.26	1	06/16/2019 16:35	WG1296621
(S) o-Terphenyl	52.4			18.0-148		06/16/2019 16:35	WG1296621

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000248	0.0213	1	06/18/2019 09:31	WG1296553
Alpha BHC	U		0.000205	0.0213	1	06/18/2019 09:31	WG1296553
Beta BHC	U		0.000322	0.0213	1	06/18/2019 09:31	WG1296553
Delta BHC	U		0.000161	0.0213	1	06/18/2019 09:31	WG1296553
Gamma BHC	U		0.000261	0.0213	1	06/18/2019 09:31	WG1296553
4,4-DDD	U		0.000174	0.0213	1	06/18/2019 09:31	WG1296553
4,4-DDE	0.0210	J	0.000176	0.0213	1	06/18/2019 09:31	WG1296553
4,4-DDT	0.00331	J	0.000283	0.0213	1	06/18/2019 09:31	WG1296553
Dieldrin	0.000270	J	0.0000947	0.00213	1	06/18/2019 09:31	WG1296553
Endosulfan I	U		0.000228	0.0213	1	06/18/2019 09:31	WG1296553
Endosulfan II	U		0.000245	0.0213	1	06/18/2019 09:31	WG1296553
Endosulfan sulfate	U		0.000181	0.0213	1	06/18/2019 09:31	WG1296553
Endrin	U		0.000233	0.0213	1	06/18/2019 09:31	WG1296553
Endrin aldehyde	U		0.000257	0.0213	1	06/18/2019 09:31	WG1296553
Endrin ketone	U		0.000169	0.0213	1	06/18/2019 09:31	WG1296553
Heptachlor	U		0.000107	0.0213	1	06/18/2019 09:31	WG1296553

Collected date/time: 06/11/19 00:00

L1108278

Pesticides (GC) by Method 8081

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Heptachlor epoxide	U		0.000402	0.0213	1	06/18/2019 09:31	WG1296553
Hexachlorobenzene	U		0.000238	0.0213	1	06/18/2019 09:31	WG1296553
Methoxychlor	U		0.000282	0.0213	1	06/18/2019 09:31	WG1296553
Chlordane	U		0.0415	0.213	1	06/18/2019 09:31	WG1296553
Toxaphene	U		0.0383	0.426	1	06/18/2019 09:31	WG1296553
(S) Decachlorobiphenyl	86.8			10.0-135		06/18/2019 09:31	WG1296553
(S) Tetrachloro-m-xylene	87.1			10.0-139		06/18/2019 09:31	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	91.9		1	06/14/2019 14:26	WG1295819

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	2.91		0.500	2.18	1	06/17/2019 03:29	WG1295984

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	93.2		1	06/14/2019 14:26	WG1295819

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000250	0.0214	1	06/18/2019 09:44	WG1296553
Alpha BHC	U		0.000207	0.0214	1	06/18/2019 09:44	WG1296553
Beta BHC	U		0.000325	0.0214	1	06/18/2019 09:44	WG1296553
Delta BHC	U		0.000162	0.0214	1	06/18/2019 09:44	WG1296553
Gamma BHC	U		0.000263	0.0214	1	06/18/2019 09:44	WG1296553
4,4-DDD	U		0.000176	0.0214	1	06/18/2019 09:44	WG1296553
4,4-DDE	0.00234	IJ	0.000177	0.0214	1	06/18/2019 09:44	WG1296553
4,4-DDT	0.00107	IJ	0.000285	0.0214	1	06/18/2019 09:44	WG1296553
Dieldrin	0.000107	IJ	0.0000954	0.00214	1	06/18/2019 09:44	WG1296553
Endosulfan I	U		0.000230	0.0214	1	06/18/2019 09:44	WG1296553
Endosulfan II	U		0.000247	0.0214	1	06/18/2019 09:44	WG1296553
Endosulfan sulfate	U		0.000182	0.0214	1	06/18/2019 09:44	WG1296553
Endrin	U		0.000235	0.0214	1	06/18/2019 09:44	WG1296553
Endrin aldehyde	U		0.000260	0.0214	1	06/18/2019 09:44	WG1296553
Endrin ketone	U		0.000171	0.0214	1	06/18/2019 09:44	WG1296553
Heptachlor	U		0.000108	0.0214	1	06/18/2019 09:44	WG1296553
Heptachlor epoxide	U		0.000405	0.0214	1	06/18/2019 09:44	WG1296553
Hexachlorobenzene	U		0.000240	0.0214	1	06/18/2019 09:44	WG1296553
Methoxychlor	U		0.000284	0.0214	1	06/18/2019 09:44	WG1296553
Chlordane	U		0.0418	0.214	1	06/18/2019 09:44	WG1296553
Toxaphene	U		0.0386	0.429	1	06/18/2019 09:44	WG1296553
(S) Decachlorobiphenyl	85.8			10.0-135		06/18/2019 09:44	WG1296553
(S) Tetrachloro-m-xylene	80.1			10.0-139		06/18/2019 09:44	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	92.1		1	06/14/2019 14:26	WG1295819

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	4.71		0.499	2.17	1	06/17/2019 03:37	WG1295984

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	93.0		1	06/14/2019 14:26	WG1295819

Mercury by Method 7471A

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Mercury	0.0482	<u>B</u>	0.00301	0.0215	1	06/14/2019 11:05	WG1296060

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Antimony	U		0.806	2.15	1	06/17/2019 03:40	WG1295984
Arsenic	5.26		0.494	2.15	1	06/17/2019 03:40	WG1295984
Barium	232		0.183	0.537	1	06/17/2019 03:40	WG1295984
Beryllium	0.448		0.0752	0.215	1	06/17/2019 03:40	WG1295984
Cadmium	0.356	<u>J</u>	0.0752	0.537	1	06/17/2019 03:40	WG1295984
Chromium	65.6		0.150	1.07	1	06/17/2019 03:40	WG1295984
Cobalt	14.7		0.247	1.07	1	06/17/2019 03:40	WG1295984
Copper	32.2		0.570	2.15	1	06/17/2019 03:40	WG1295984
Lead	13.9		0.204	0.537	1	06/17/2019 03:40	WG1295984
Molybdenum	0.222	<u>J</u>	0.172	0.537	1	06/17/2019 03:40	WG1295984
Nickel	84.4		0.527	2.15	1	06/17/2019 03:40	WG1295984
Selenium	U		0.666	2.15	1	06/17/2019 03:40	WG1295984
Silver	U		0.129	1.07	1	06/17/2019 03:40	WG1295984
Thallium	U		0.699	2.15	1	06/17/2019 03:40	WG1295984
Vanadium	56.6		0.258	2.15	1	06/17/2019 03:40	WG1295984
Zinc	79.1		0.634	5.37	1	06/17/2019 03:40	WG1295984

Semi-Volatile Organic Compounds (GC) by Method 8015

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
C12-C22 Hydrocarbons	4.27	<u>J</u>	0.788	4.30	1	06/16/2019 14:41	WG1296621
C22-C32 Hydrocarbons	8.43		1.43	4.30	1	06/16/2019 14:41	WG1296621
C32-C40 Hydrocarbons	10.2		1.43	4.30	1	06/16/2019 14:41	WG1296621
(S) o-Terphenyl	63.1			18.0-148		06/16/2019 14:41	WG1296621

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000250	0.0215	1	06/18/2019 09:56	WG1296553
Alpha BHC	U		0.000207	0.0215	1	06/18/2019 09:56	WG1296553
Beta BHC	U		0.000326	0.0215	1	06/18/2019 09:56	WG1296553
Delta BHC	U		0.000162	0.0215	1	06/18/2019 09:56	WG1296553
Gamma BHC	U		0.000263	0.0215	1	06/18/2019 09:56	WG1296553
4,4-DDD	U		0.000176	0.0215	1	06/18/2019 09:56	WG1296553
4,4-DDE	0.00134	<u>J</u>	0.000177	0.0215	1	06/18/2019 09:56	WG1296553
4,4-DDT	0.000455	<u>J</u>	0.000286	0.0215	1	06/18/2019 09:56	WG1296553
Dieldrin	0.000164	<u>J</u>	0.0000957	0.00215	1	06/18/2019 09:56	WG1296553
Endosulfan I	U		0.000230	0.0215	1	06/18/2019 09:56	WG1296553
Endosulfan II	U		0.000247	0.0215	1	06/18/2019 09:56	WG1296553
Endosulfan sulfate	U		0.000183	0.0215	1	06/18/2019 09:56	WG1296553
Endrin	U		0.000235	0.0215	1	06/18/2019 09:56	WG1296553
Endrin aldehyde	U		0.000260	0.0215	1	06/18/2019 09:56	WG1296553
Endrin ketone	U		0.000171	0.0215	1	06/18/2019 09:56	WG1296553
Heptachlor	U		0.000109	0.0215	1	06/18/2019 09:56	WG1296553

Pesticides (GC) by Method 8081

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Heptachlor epoxide	U		0.000406	0.0215	1	06/18/2019 09:56	WG1296553
Hexachlorobenzene	U		0.000241	0.0215	1	06/18/2019 09:56	WG1296553
Methoxychlor	U		0.000285	0.0215	1	06/18/2019 09:56	WG1296553
Chlordane	U		0.0419	0.215	1	06/18/2019 09:56	WG1296553
Toxaphene	U		0.0387	0.430	1	06/18/2019 09:56	WG1296553
(S) Decachlorobiphenyl	93.0			10.0-135		06/18/2019 09:56	WG1296553
(S) Tetrachloro-m-xylene	88.6			10.0-139		06/18/2019 09:56	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	92.9		1	06/14/2019 14:26	WG1295819

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	4.70		0.495	2.15	1	06/17/2019 03:43	WG1295984

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	90.4		1	06/14/2019 14:11	WG1295822

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000258	0.0221	1	06/18/2019 10:09	WG1296553
Alpha BHC	U		0.000214	0.0221	1	06/18/2019 10:09	WG1296553
Beta BHC	U		0.000335	0.0221	1	06/18/2019 10:09	WG1296553
Delta BHC	U		0.000167	0.0221	1	06/18/2019 10:09	WG1296553
Gamma BHC	U		0.000271	0.0221	1	06/18/2019 10:09	WG1296553
4,4-DDD	U		0.000181	0.0221	1	06/18/2019 10:09	WG1296553
4,4-DDE	U		0.000183	0.0221	1	06/18/2019 10:09	WG1296553
4,4-DDT	U		0.000294	0.0221	1	06/18/2019 10:09	WG1296553
Dieldrin	U		0.0000985	0.00221	1	06/18/2019 10:09	WG1296553
Endosulfan I	U		0.000237	0.0221	1	06/18/2019 10:09	WG1296553
Endosulfan II	U		0.000255	0.0221	1	06/18/2019 10:09	WG1296553
Endosulfan sulfate	U		0.000188	0.0221	1	06/18/2019 10:09	WG1296553
Endrin	U		0.000242	0.0221	1	06/18/2019 10:09	WG1296553
Endrin aldehyde	U		0.000268	0.0221	1	06/18/2019 10:09	WG1296553
Endrin ketone	U		0.000176	0.0221	1	06/18/2019 10:09	WG1296553
Heptachlor	U		0.000112	0.0221	1	06/18/2019 10:09	WG1296553
Heptachlor epoxide	U		0.000418	0.0221	1	06/18/2019 10:09	WG1296553
Hexachlorobenzene	U		0.000248	0.0221	1	06/18/2019 10:09	WG1296553
Methoxychlor	U		0.000293	0.0221	1	06/18/2019 10:09	WG1296553
Chlordane	U		0.0432	0.221	1	06/18/2019 10:09	WG1296553
Toxaphene	U		0.0398	0.443	1	06/18/2019 10:09	WG1296553
(S) Decachlorobiphenyl	95.8			10.0-135		06/18/2019 10:09	WG1296553
(S) Tetrachloro-m-xylene	93.6			10.0-139		06/18/2019 10:09	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	93.9		1	06/14/2019 14:11	WG1295822

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	6.22		0.490	2.13	1	06/17/2019 03:46	WG1295984

Attachment: Attachment 8: Appendix E - Phase II Environmental Site Assessment (2382 : Butterfield Boulevard Park Grant)

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	93.6		1	06/14/2019 14:11	WG1295822

Mercury by Method 7471A

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Mercury	0.0617		0.00299	0.0214	1	06/14/2019 11:07	WG1296060

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Antimony	U		0.802	2.14	1	06/17/2019 03:49	WG1295984
Arsenic	4.43		0.492	2.14	1	06/17/2019 03:49	WG1295984
Barium	223		0.182	0.534	1	06/17/2019 03:49	WG1295984
Beryllium	0.453		0.0748	0.214	1	06/17/2019 03:49	WG1295984
Cadmium	0.381	J	0.0748	0.534	1	06/17/2019 03:49	WG1295984
Chromium	55.9		0.150	1.07	1	06/17/2019 03:49	WG1295984
Cobalt	15.9		0.246	1.07	1	06/17/2019 03:49	WG1295984
Copper	30.1		0.567	2.14	1	06/17/2019 03:49	WG1295984
Lead	19.5		0.203	0.534	1	06/17/2019 03:49	WG1295984
Molybdenum	0.387	J	0.171	0.534	1	06/17/2019 03:49	WG1295984
Nickel	86.9		0.524	2.14	1	06/17/2019 03:49	WG1295984
Selenium	0.937	J	0.663	2.14	1	06/17/2019 03:49	WG1295984
Silver	U		0.128	1.07	1	06/17/2019 03:49	WG1295984
Thallium	U		0.695	2.14	1	06/17/2019 03:49	WG1295984
Vanadium	57.8		0.257	2.14	1	06/17/2019 03:49	WG1295984
Zinc	78.6		0.631	5.34	1	06/17/2019 03:49	WG1295984

Semi-Volatile Organic Compounds (GC) by Method 8015

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
C12-C22 Hydrocarbons	U		7.84	42.8	10	06/16/2019 17:03	WG1296621
C22-C32 Hydrocarbons	32.2	J	14.2	42.8	10	06/16/2019 17:03	WG1296621
C32-C40 Hydrocarbons	64.6		14.2	42.8	10	06/16/2019 17:03	WG1296621
(S) o-Terphenyl	104			18.0-148		06/16/2019 17:03	WG1296621

Sample Narrative:

L1108278-10 WG1296621: Cannot run at lower dilution due to viscosity of extract

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000249	0.0214	1	06/18/2019 10:21	WG1296553
Alpha BHC	U		0.000206	0.0214	1	06/18/2019 10:21	WG1296553
Beta BHC	U		0.000324	0.0214	1	06/18/2019 10:21	WG1296553
Delta BHC	U		0.000161	0.0214	1	06/18/2019 10:21	WG1296553
Gamma BHC	U		0.000262	0.0214	1	06/18/2019 10:21	WG1296553
4,4-DDD	U		0.000175	0.0214	1	06/18/2019 10:21	WG1296553
4,4-DDE	0.000871	J	0.000176	0.0214	1	06/18/2019 10:21	WG1296553
4,4-DDT	0.000335	J	0.000284	0.0214	1	06/18/2019 10:21	WG1296553
Dieldrin	U		0.0000951	0.00214	1	06/18/2019 10:21	WG1296553
Endosulfan I	U		0.000229	0.0214	1	06/18/2019 10:21	WG1296553
Endosulfan II	U		0.000246	0.0214	1	06/18/2019 10:21	WG1296553
Endosulfan sulfate	U		0.000182	0.0214	1	06/18/2019 10:21	WG1296553
Endrin	U		0.000234	0.0214	1	06/18/2019 10:21	WG1296553

Pesticides (GC) by Method 8081

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Endrin aldehyde	U		0.000259	0.0214	1	06/18/2019 10:21	WG1296553
Endrin ketone	U		0.000170	0.0214	1	06/18/2019 10:21	WG1296553
Heptachlor	U		0.000108	0.0214	1	06/18/2019 10:21	WG1296553
Heptachlor epoxide	U		0.000404	0.0214	1	06/18/2019 10:21	WG1296553
Hexachlorobenzene	U		0.000239	0.0214	1	06/18/2019 10:21	WG1296553
Methoxychlor	U		0.000283	0.0214	1	06/18/2019 10:21	WG1296553
Chlordane	U		0.0417	0.214	1	06/18/2019 10:21	WG1296553
Toxaphene	U		0.0385	0.428	1	06/18/2019 10:21	WG1296553
(S) Decachlorobiphenyl	97.4			10.0-135		06/18/2019 10:21	WG1296553
(S) Tetrachloro-m-xylene	88.9			10.0-139		06/18/2019 10:21	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	95.2		1	06/14/2019 14:11	WG1295822

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	5.01		0.483	2.10	1	06/17/2019 03:52	WG1295984

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	93.0		1	06/14/2019 14:11	WG1295822

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000251	0.0215	1	06/18/2019 10:33	WG1296553
Alpha BHC	U		0.000208	0.0215	1	06/18/2019 10:33	WG1296553
Beta BHC	U		0.000326	0.0215	1	06/18/2019 10:33	WG1296553
Delta BHC	U		0.000162	0.0215	1	06/18/2019 10:33	WG1296553
Gamma BHC	U		0.000263	0.0215	1	06/18/2019 10:33	WG1296553
4,4-DDD	U		0.000176	0.0215	1	06/18/2019 10:33	WG1296553
4,4-DDE	U		0.000177	0.0215	1	06/18/2019 10:33	WG1296553
4,4-DDT	U		0.000286	0.0215	1	06/18/2019 10:33	WG1296553
Dieldrin	U		0.0000957	0.00215	1	06/18/2019 10:33	WG1296553
Endosulfan I	U		0.000230	0.0215	1	06/18/2019 10:33	WG1296553
Endosulfan II	U		0.000247	0.0215	1	06/18/2019 10:33	WG1296553
Endosulfan sulfate	U		0.000183	0.0215	1	06/18/2019 10:33	WG1296553
Endrin	U		0.000235	0.0215	1	06/18/2019 10:33	WG1296553
Endrin aldehyde	U		0.000260	0.0215	1	06/18/2019 10:33	WG1296553
Endrin ketone	U		0.000171	0.0215	1	06/18/2019 10:33	WG1296553
Heptachlor	U		0.000109	0.0215	1	06/18/2019 10:33	WG1296553
Heptachlor epoxide	U		0.000406	0.0215	1	06/18/2019 10:33	WG1296553
Hexachlorobenzene	U		0.000241	0.0215	1	06/18/2019 10:33	WG1296553
Methoxychlor	U		0.000285	0.0215	1	06/18/2019 10:33	WG1296553
Chlordane	U		0.0419	0.215	1	06/18/2019 10:33	WG1296553
Toxaphene	U		0.0387	0.430	1	06/18/2019 10:33	WG1296553
(S) Decachlorobiphenyl	98.9			10.0-135		06/18/2019 10:33	WG1296553
(S) Tetrachloro-m-xylene	93.3			10.0-139		06/18/2019 10:33	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	94.3		1	06/14/2019 14:11	WG1295822

Metals (ICP) by Method 6010B

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Arsenic	2.77		0.488	2.12	1	06/17/2019 03:54	WG1295984

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	93.5		1	06/14/2019 14:11	WG1295822

Mercury by Method 7471A

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Mercury	0.0569		0.00300	0.0214	1	06/14/2019 11:10	WG1296060

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Antimony	U		0.803	2.14	1	06/17/2019 03:57	WG1295984
Arsenic	3.74		0.492	2.14	1	06/17/2019 03:57	WG1295984
Barium	214		0.182	0.535	1	06/17/2019 03:57	WG1295984
Beryllium	0.403		0.0749	0.214	1	06/17/2019 03:57	WG1295984
Cadmium	0.339	J	0.0749	0.535	1	06/17/2019 03:57	WG1295984
Chromium	65.6		0.150	1.07	1	06/17/2019 03:57	WG1295984
Cobalt	15.7		0.246	1.07	1	06/17/2019 03:57	WG1295984
Copper	30.3		0.567	2.14	1	06/17/2019 03:57	WG1295984
Lead	13.5		0.203	0.535	1	06/17/2019 03:57	WG1295984
Molybdenum	U		0.171	0.535	1	06/17/2019 03:57	WG1295984
Nickel	91.7		0.524	2.14	1	06/17/2019 03:57	WG1295984
Selenium	1.23	J	0.663	2.14	1	06/17/2019 03:57	WG1295984
Silver	U		0.128	1.07	1	06/17/2019 03:57	WG1295984
Thallium	U		0.696	2.14	1	06/17/2019 03:57	WG1295984
Vanadium	60.9		0.257	2.14	1	06/17/2019 03:57	WG1295984
Zinc	71.3		0.631	5.35	1	06/17/2019 03:57	WG1295984

Semi-Volatile Organic Compounds (GC) by Method 8015

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
C12-C22 Hydrocarbons	2.92	J	0.784	4.28	1	06/16/2019 14:55	WG1296621
C22-C32 Hydrocarbons	8.05		1.42	4.28	1	06/16/2019 14:55	WG1296621
C32-C40 Hydrocarbons	12.4		1.42	4.28	1	06/16/2019 14:55	WG1296621
(S) o-Terphenyl	58.3			18.0-148		06/16/2019 14:55	WG1296621

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000249	0.0214	1	06/18/2019 10:46	WG1296553
Alpha BHC	U		0.000207	0.0214	1	06/18/2019 10:46	WG1296553
Beta BHC	U		0.000324	0.0214	1	06/18/2019 10:46	WG1296553
Delta BHC	U		0.000162	0.0214	1	06/18/2019 10:46	WG1296553
Gamma BHC	U		0.000262	0.0214	1	06/18/2019 10:46	WG1296553
4,4-DDD	U		0.000175	0.0214	1	06/18/2019 10:46	WG1296553
4,4-DDE	0.00548	J	0.000177	0.0214	1	06/18/2019 10:46	WG1296553
4,4-DDT	U		0.000285	0.0214	1	06/18/2019 10:46	WG1296553
Dieldrin	U		0.0000952	0.00214	1	06/18/2019 10:46	WG1296553
Endosulfan I	U		0.000229	0.0214	1	06/18/2019 10:46	WG1296553
Endosulfan II	U		0.000246	0.0214	1	06/18/2019 10:46	WG1296553
Endosulfan sulfate	U		0.000182	0.0214	1	06/18/2019 10:46	WG1296553
Endrin	U		0.000234	0.0214	1	06/18/2019 10:46	WG1296553
Endrin aldehyde	U		0.000259	0.0214	1	06/18/2019 10:46	WG1296553
Endrin ketone	U		0.000170	0.0214	1	06/18/2019 10:46	WG1296553
Heptachlor	U		0.000108	0.0214	1	06/18/2019 10:46	WG1296553

Collected date/time: 06/11/19 00:00

L1108278

Pesticides (GC) by Method 8081

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Heptachlor epoxide	U		0.000404	0.0214	1	06/18/2019 10:46	WG1296553
Hexachlorobenzene	U		0.000240	0.0214	1	06/18/2019 10:46	WG1296553
Methoxychlor	U		0.000284	0.0214	1	06/18/2019 10:46	WG1296553
Chlordane	U		0.0417	0.214	1	06/18/2019 10:46	WG1296553
Toxaphene	U		0.0385	0.428	1	06/18/2019 10:46	WG1296553
(S) Decachlorobiphenyl	101			10.0-135		06/18/2019 10:46	WG1296553
(S) Tetrachloro-m-xylene	92.2			10.0-139		06/18/2019 10:46	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis date / time	Batch
Total Solids	93.9		1	06/14/2019 14:11	WG1295822

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis date / time	Batch
Arsenic	3.79		0.490	2.13	1	06/17/2019 04:00	WG1295984

Collected date/time: 06/11/19 00:00

L1108278

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	92.8		1	06/14/2019 13:42	WG1295824

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000251	0.0216	1	06/18/2019 10:58	WG1296553
Alpha BHC	U		0.000208	0.0216	1	06/18/2019 10:58	WG1296553
Beta BHC	U		0.000326	0.0216	1	06/18/2019 10:58	WG1296553
Delta BHC	U		0.000163	0.0216	1	06/18/2019 10:58	WG1296553
Gamma BHC	U		0.000264	0.0216	1	06/18/2019 10:58	WG1296553
4,4-DDD	U		0.000177	0.0216	1	06/18/2019 10:58	WG1296553
4,4-DDE	0.000321	J	0.000178	0.0216	1	06/18/2019 10:58	WG1296553
4,4-DDT	U		0.000287	0.0216	1	06/18/2019 10:58	WG1296553
Dieldrin	U		0.0000959	0.00216	1	06/18/2019 10:58	WG1296553
Endosulfan I	U		0.000231	0.0216	1	06/18/2019 10:58	WG1296553
Endosulfan II	U		0.000248	0.0216	1	06/18/2019 10:58	WG1296553
Endosulfan sulfate	U		0.000183	0.0216	1	06/18/2019 10:58	WG1296553
Endrin	U		0.000236	0.0216	1	06/18/2019 10:58	WG1296553
Endrin aldehyde	U		0.000261	0.0216	1	06/18/2019 10:58	WG1296553
Endrin ketone	U		0.000171	0.0216	1	06/18/2019 10:58	WG1296553
Heptachlor	U		0.000109	0.0216	1	06/18/2019 10:58	WG1296553
Heptachlor epoxide	U		0.000407	0.0216	1	06/18/2019 10:58	WG1296553
Hexachlorobenzene	U		0.000241	0.0216	1	06/18/2019 10:58	WG1296553
Methoxychlor	U		0.000286	0.0216	1	06/18/2019 10:58	WG1296553
Chlordane	U		0.0420	0.216	1	06/18/2019 10:58	WG1296553
Toxaphene	U		0.0388	0.431	1	06/18/2019 10:58	WG1296553
(S) Decachlorobiphenyl	93.6			10.0-135		06/18/2019 10:58	WG1296553
(S) Tetrachloro-m-xylene	86.2			10.0-139		06/18/2019 10:58	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	87.7		1	06/14/2019 13:42	WG1295824

Mercury by Method 7471A

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Mercury	0.0558	B	0.00319	0.0228	1	06/14/2019 11:16	WG1296060

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Antimony	U		0.855	2.28	1	06/17/2019 04:03	WG1295984
Arsenic	4.79		0.525	2.28	1	06/17/2019 04:03	WG1295984
Barium	239		0.194	0.570	1	06/17/2019 04:03	WG1295984
Beryllium	0.387		0.0798	0.228	1	06/17/2019 04:03	WG1295984
Cadmium	0.441	J	0.0798	0.570	1	06/17/2019 04:03	WG1295984
Chromium	60.5		0.160	1.14	1	06/17/2019 04:03	WG1295984
Cobalt	16.6		0.262	1.14	1	06/17/2019 04:03	WG1295984
Copper	32.9		0.605	2.28	1	06/17/2019 04:03	WG1295984
Lead	12.6		0.217	0.570	1	06/17/2019 04:03	WG1295984
Molybdenum	0.411	J	0.182	0.570	1	06/17/2019 04:03	WG1295984
Nickel	82.8		0.559	2.28	1	06/17/2019 04:03	WG1295984
Selenium	1.42	J	0.707	2.28	1	06/17/2019 04:03	WG1295984
Silver	U		0.137	1.14	1	06/17/2019 04:03	WG1295984
Thallium	U		0.741	2.28	1	06/17/2019 04:03	WG1295984
Vanadium	60.7		0.274	2.28	1	06/17/2019 04:03	WG1295984
Zinc	77.9		0.673	5.70	1	06/17/2019 04:03	WG1295984

Semi-Volatile Organic Compounds (GC) by Method 8015

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
C12-C22 Hydrocarbons	5.57		0.836	4.56	1	06/16/2019 16:06	WG1296621
C22-C32 Hydrocarbons	14.6		1.52	4.56	1	06/16/2019 16:06	WG1296621
C32-C40 Hydrocarbons	18.2		1.52	4.56	1	06/16/2019 16:06	WG1296621
(S) o-Terphenyl	50.9			18.0-148		06/16/2019 16:06	WG1296621

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000266	0.0228	1	06/18/2019 11:11	WG1296553
Alpha BHC	U		0.000220	0.0228	1	06/18/2019 11:11	WG1296553
Beta BHC	U		0.000346	0.0228	1	06/18/2019 11:11	WG1296553
Delta BHC	U		0.000172	0.0228	1	06/18/2019 11:11	WG1296553
Gamma BHC	U		0.000279	0.0228	1	06/18/2019 11:11	WG1296553
4,4-DDD	U		0.000187	0.0228	1	06/18/2019 11:11	WG1296553
4,4-DDE	0.000660	J	0.000188	0.0228	1	06/18/2019 11:11	WG1296553
4,4-DDT	0.000371	J	0.000303	0.0228	1	06/18/2019 11:11	WG1296553
Dieldrin	U		0.000102	0.00228	1	06/18/2019 11:11	WG1296553
Endosulfan I	U		0.000244	0.0228	1	06/18/2019 11:11	WG1296553
Endosulfan II	U		0.000262	0.0228	1	06/18/2019 11:11	WG1296553
Endosulfan sulfate	U		0.000194	0.0228	1	06/18/2019 11:11	WG1296553
Endrin	U		0.000250	0.0228	1	06/18/2019 11:11	WG1296553
Endrin aldehyde	U		0.000276	0.0228	1	06/18/2019 11:11	WG1296553
Endrin ketone	U		0.000181	0.0228	1	06/18/2019 11:11	WG1296553
Heptachlor	U		0.000115	0.0228	1	06/18/2019 11:11	WG1296553

Pesticides (GC) by Method 8081

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Heptachlor epoxide	U		0.000431	0.0228	1	06/18/2019 11:11	WG1296553
Hexachlorobenzene	U		0.000255	0.0228	1	06/18/2019 11:11	WG1296553
Methoxychlor	U		0.000302	0.0228	1	06/18/2019 11:11	WG1296553
Chlordane	U		0.0445	0.228	1	06/18/2019 11:11	WG1296553
Toxaphene	U		0.0411	0.456	1	06/18/2019 11:11	WG1296553
(S) Decachlorobiphenyl	102			10.0-135		06/18/2019 11:11	WG1296553
(S) Tetrachloro-m-xylene	96.6			10.0-139		06/18/2019 11:11	WG1296553

Total Solids by Method 2540 G-2011

Analyte	Result	Qualifier	Dilution	Analysis	Batch
	%			date / time	
Total Solids	94.3		1	06/14/2019 13:42	WG1295824

Mercury by Method 7471A

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Mercury	0.0504	B	0.00297	0.0212	1	06/14/2019 11:18	WG1296060

Metals (ICP) by Method 6010B

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Antimony	U		0.795	2.12	1	06/17/2019 04:11	WG1295984
Arsenic	4.44		0.488	2.12	1	06/17/2019 04:11	WG1295984
Barium	201		0.180	0.530	1	06/17/2019 04:11	WG1295984
Beryllium	0.401		0.0742	0.212	1	06/17/2019 04:11	WG1295984
Cadmium	0.347	J	0.0742	0.530	1	06/17/2019 04:11	WG1295984
Chromium	66.3		0.148	1.06	1	06/17/2019 04:11	WG1295984
Cobalt	13.5		0.244	1.06	1	06/17/2019 04:11	WG1295984
Copper	29.8		0.562	2.12	1	06/17/2019 04:11	WG1295984
Lead	13.4		0.201	0.530	1	06/17/2019 04:11	WG1295984
Molybdenum	0.229	J	0.170	0.530	1	06/17/2019 04:11	WG1295984
Nickel	77.1		0.520	2.12	1	06/17/2019 04:11	WG1295984
Selenium	1.00	J	0.657	2.12	1	06/17/2019 04:11	WG1295984
Silver	U		0.127	1.06	1	06/17/2019 04:11	WG1295984
Thallium	U		0.689	2.12	1	06/17/2019 04:11	WG1295984
Vanadium	50.4		0.254	2.12	1	06/17/2019 04:11	WG1295984
Zinc	71.2		0.626	5.30	1	06/17/2019 04:11	WG1295984

Semi-Volatile Organic Compounds (GC) by Method 8015

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
C12-C22 Hydrocarbons	5.07		0.777	4.24	1	06/16/2019 15:24	WG1296621
C22-C32 Hydrocarbons	16.5		1.41	4.24	1	06/16/2019 15:24	WG1296621
C32-C40 Hydrocarbons	17.6		1.41	4.24	1	06/16/2019 15:24	WG1296621
(S) o-Terphenyl	53.8			18.0-148		06/16/2019 15:24	WG1296621

Pesticides (GC) by Method 8081

Analyte	Result (dry)	Qualifier	MDL (dry)	RDL (dry)	Dilution	Analysis	Batch
	mg/kg		mg/kg	mg/kg		date / time	
Aldrin	U		0.000247	0.0212	1	06/18/2019 11:23	WG1296553
Alpha BHC	U		0.000205	0.0212	1	06/18/2019 11:23	WG1296553
Beta BHC	U		0.000321	0.0212	1	06/18/2019 11:23	WG1296553
Delta BHC	U		0.000160	0.0212	1	06/18/2019 11:23	WG1296553
Gamma BHC	U		0.000260	0.0212	1	06/18/2019 11:23	WG1296553
4,4-DDD	U		0.000174	0.0212	1	06/18/2019 11:23	WG1296553
4,4-DDE	0.00106	J	0.000175	0.0212	1	06/18/2019 11:23	WG1296553
4,4-DDT	0.000342	J	0.000282	0.0212	1	06/18/2019 11:23	WG1296553
Dieldrin	U		0.0000944	0.00212	1	06/18/2019 11:23	WG1296553
Endosulfan I	U		0.000227	0.0212	1	06/18/2019 11:23	WG1296553
Endosulfan II	U		0.000244	0.0212	1	06/18/2019 11:23	WG1296553
Endosulfan sulfate	U		0.000180	0.0212	1	06/18/2019 11:23	WG1296553
Endrin	U		0.000232	0.0212	1	06/18/2019 11:23	WG1296553
Endrin aldehyde	U		0.000257	0.0212	1	06/18/2019 11:23	WG1296553
Endrin ketone	U		0.000169	0.0212	1	06/18/2019 11:23	WG1296553
Heptachlor	U		0.000107	0.0212	1	06/18/2019 11:23	WG1296553

Pesticides (GC) by Method 8081

Analyte	Result (dry) mg/kg	Qualifier	MDL (dry) mg/kg	RDL (dry) mg/kg	Dilution	Analysis date / time	Batch
Heptachlor epoxide	U		0.000401	0.0212	1	06/18/2019 11:23	WG1296553
Hexachlorobenzene	U		0.000238	0.0212	1	06/18/2019 11:23	WG1296553
Methoxychlor	U		0.000281	0.0212	1	06/18/2019 11:23	WG1296553
Chlordane	U		0.0414	0.212	1	06/18/2019 11:23	WG1296553
Toxaphene	U		0.0382	0.424	1	06/18/2019 11:23	WG1296553
(S) Decachlorobiphenyl	87.2			10.0-135		06/18/2019 11:23	WG1296553
(S) Tetrachloro-m-xylene	78.8			10.0-139		06/18/2019 11:23	WG1296553



Method Blank (MB)

(MB) R3421536-1 06/14/19 14:26					
Analyte	MB Result	<u>MB Qualifier</u>	MB MDL	MB RDL	
	%	%	%	%	
Total Solids	0.000				

L1108278-01 Original Sample (OS) • Duplicate (DUP)

(OS) L1108278-01 06/14/19 14:26 • (DUP) R3421536-3 06/14/19 14:26					
Analyte	Original Result	DUP Result	Dilution	DUP RPD	<u>DUP Qualifier</u>
	%	%		%	DUP RPD Limits %
Total Solids	93.2	92.9	1	0.357	10

Laboratory Control Sample (LCS)

(LCS) R3421536-2 06/14/19 14:26					
Analyte	Spike Amount	LCS Result	LCS Rec.	Rec. Limits	<u>LCS Qualifier</u>
	%	%	%	%	
Total Solids	50.0	50.0	100	85.0-115	

- 1Cp
- 2Tc
- 3Ss
- 4Cn
- 5Sr
- 6Qc
- 7Gl
- 8Al
- 9Sc



QUALITY CONTROL SUMMARY

[L1108278-08,09,10,11,12,13,14,15](#)

WG1295822

Total Solids by Method 2540 G-2011

Method Blank (MB)

(MB) R3421531-1 06/14/19 14:11

Analyte	MB Result %	<u>MB Qualifier</u>	MB MDL %	MB RDL %
Total Solids	0.00100			

L1108278-13 Original Sample (OS) • Duplicate (DUP)

(OS) L1108278-13 06/14/19 14:11 • (DUP) R3421531-3 06/14/19 14:11

Analyte	Original Result		DUP Result		DUP RPD		<u>DUP Qualifier</u>		DUP RPD Limits	
	%		%		%				%	
Total Solids	94.3		94.1		1	0.237			10	

Laboratory Control Sample (LCS)

(LCS) R3421531-2 06/14/19 14:11

Analyte	Spike Amount		LCS Result		LCS Rec.		Rec. Limits		<u>LCS Qualifier</u>	
	%		%		%		%			
Total Solids	50.0		50.0		100		85.0-115			



QUALITY CONTROL SUMMARY

L1108278-16,17,18

WG1295824

Total Solids by Method 2540 G-2011

Method Blank (MB)

(MB) R3421529-1 06/14/19 13:42

Analyte	MB Result %	<u>MB Qualifier</u>	MB MDL %	MB RDL %
Total Solids	0.000			

L1108278-18 Original Sample (OS) • Duplicate (DUP)

(OS) L1108278-18 06/14/19 13:42 • (DUP) R3421529-3 06/14/19 13:42

Analyte	Original Result		DUP Result		DUP RPD		<u>DUP Qualifier</u>		DUP RPD Limits	
	%		%		%				%	
Total Solids	94.3		95.5	1	1.27				10	

Laboratory Control Sample (LCS)

(LCS) R3421529-2 06/14/19 13:42

Analyte	Spike Amount		LCS Result		LCS Rec.		Rec. Limits		<u>LCS Qualifier</u>	
	%		%		%		%			
Total Solids	50.0		50.0	100		85.0-115				



Method Blank (MB)

(MB) R3421109-1 06/14/19 10:50

Analyte	MB Result mg/kg	<u>MB Qualifier</u>	MB MDL mg/kg	MB RDL mg/kg
Mercury	0.00523	J	0.00280	0.0200

Laboratory Control Sample (LCS) • Laboratory Control Sample Duplicate (LCSD)

(LCS) R3421109-2 06/14/19 10:52 • (LCSD) R3421109-3 06/14/19 10:54

Analyte	Spike Amount mg/kg	LCS Result mg/kg	LCSD Result mg/kg	LCS Rec. %	Rec. Limits %	<u>LCS Qualifier</u>	<u>LCSD Qualifier</u>	RPD %	RPD Limits %
Mercury	0.300	0.253	0.253	84.3	80.0-120			0.000	20

L1108315-09 Original Sample (OS) • Matrix Spike (MS) • Matrix Spike Duplicate (MSD)

(OS) L1108315-09 06/14/19 10:56 • (MS) R3421109-4 06/14/19 10:59 • (MSD) R3421109-5 06/14/19 11:01

Analyte	Spike Amount mg/kg	Original Result mg/kg	MS Result mg/kg	MSD Result mg/kg	MS Rec. %	MSD Rec. %	Dilution	Rec. Limits %	<u>MS Qualifier</u>	<u>MSD Qualifier</u>	RPD %	RPD Limits %
Mercury	0.300	0.00781	0.234	0.244	75.5	78.7	1	75.0-125		4.09		20



Method Blank (MB)

(MB) R3421606-1 06/17/19 03:04

Analyte	MB Result mg/kg	<u>MB Qualifier</u>	MB MDL mg/kg	MB RDL mg/kg
Antimony	U		0.750	2.00
Arsenic	U		0.460	2.00
Barium	U		0.170	0.500
Beryllium	U		0.0700	0.200
Cadmium	U		0.0700	0.500
Chromium	U		0.140	1.00
Cobalt	U		0.230	1.00
Copper	U		0.530	2.00
Lead	U		0.190	0.500
Molybdenum	U		0.160	0.500
Nickel	U		0.490	2.00
Selenium	U		0.620	2.00
Silver	U		0.120	1.00
Thallium	U		0.650	2.00
Vanadium	U		0.240	2.00
Zinc	U		0.590	5.00

Laboratory Control Sample (LCS) • Laboratory Control Sample Duplicate (LCSD)

(LCS) R3421606-2 06/17/19 03:06 • (LCSD) R3421606-3 06/17/19 03:09

Analyte	Spike Amount mg/kg	LCS Result mg/kg	LCSD Result mg/kg	LCS Rec. %	LCSD Rec. %	Rec. Limits %	<u>LCS Qualifier</u>	<u>LCSD Qualifier</u>	RPD %	RPD Limits %
Antimony	100	93.4	93.3	93.4	93.3	80.0-120			0.115	20
Arsenic	100	90.9	91.4	90.9	91.4	80.0-120			0.648	20
Barium	100	100	101	100	101	80.0-120			0.845	20
Beryllium	100	96.9	97.2	96.9	97.2	80.0-120			0.361	20
Cadmium	100	93.0	93.7	93.0	93.7	80.0-120			0.722	20
Chromium	100	94.8	95.2	94.8	95.2	80.0-120			0.458	20
Cobalt	100	97.2	98.1	97.2	98.1	80.0-120			0.931	20
Copper	100	93.1	93.6	93.1	93.6	80.0-120			0.538	20
Lead	100	92.5	92.7	92.5	92.7	80.0-120			0.192	20
Molybdenum	100	99.6	99.4	99.6	99.4	80.0-120			0.231	20
Nickel	100	95.6	96.3	95.6	96.3	80.0-120			0.729	20
Selenium	100	89.9	90.3	89.9	90.3	80.0-120			0.467	20
Silver	20.0	17.3	17.5	86.7	87.4	80.0-120			0.778	20
Thallium	100	92.7	91.7	92.7	91.7	80.0-120			1.06	20
Vanadium	100	97.9	98.2	97.9	98.2	80.0-120			0.278	20
Zinc	100	93.5	94.0	93.5	94.0	80.0-120			0.627	20



L1108278-01 Original Sample (OS) • Matrix Spike (MS) • Matrix Spike Duplicate (MSD)

(OS) L1108278-01 06/17/19 03:12 • (MS) R3421606-6 06/17/19 03:20 • (MSD) R3421606-7 06/17/19 03:23

Analyte	Spike Amount (dry) mg/kg	Original Result (dry) mg/kg	MS Result (dry)		MSD Result		MS Rec.		MSD Rec.		Dilution	Rec. Limits		MS Qualifier		MSD Qualifier		RPD		RPD Limits	
			mg/kg	mg/kg	mg/kg	mg/kg	%	%	%	%		%	%					%	%	%	%
Antimony	107	U	31.2	34.4	32.1	32.1	29.0	32.1	1	75.0-125	1	75.0-125	9.99	J6	J6	9.99	20			20	
Arsenic	107	3.10	95.5	96.0	86.1	86.6	86.1	86.6	1	75.0-125	1	75.0-125	0.582			0.582	20			20	
Barium	107	227	348	290	113	59.0	113	59.0	1	75.0-125	1	75.0-125	18.1	J6	J6	18.1	20			20	
Beryllium	107	0.271	94.9	97.7	88.2	90.8	88.2	90.8	1	75.0-125	1	75.0-125	2.86			2.86	20			20	
Cadmium	107	0.556	94.8	97.5	87.9	90.4	87.9	90.4	1	75.0-125	1	75.0-125	2.81			2.81	20			20	
Chromium	107	73.7	166	159	86.0	79.6	86.0	79.6	1	75.0-125	1	75.0-125	4.20			4.20	20			20	
Cobalt	107	17.6	124	125	99.4	99.6	99.4	99.6	1	75.0-125	1	75.0-125	0.189			0.189	20			20	
Copper	107	34.5	134	137	93.2	95.1	93.2	95.1	1	75.0-125	1	75.0-125	1.54			1.54	20			20	
Lead	107	13.0	108	109	88.2	89.6	88.2	89.6	1	75.0-125	1	75.0-125	1.33			1.33	20			20	
Molybdenum	107	0.798	92.5	95.1	85.4	87.9	85.4	87.9	1	75.0-125	1	75.0-125	2.83			2.83	20			20	
Nickel	107	86.4	188	191	94.3	97.1	94.3	97.1	1	75.0-125	1	75.0-125	1.62			1.62	20			20	
Selenium	107	1.37	90.5	92.7	83.1	85.1	83.1	85.1	1	75.0-125	1	75.0-125	2.37			2.37	20			20	
Silver	21.5	U	17.4	17.7	81.0	82.6	81.0	82.6	1	75.0-125	1	75.0-125	1.91			1.91	20			20	
Thallium	107	U	95.3	95.6	88.8	89.1	88.8	89.1	1	75.0-125	1	75.0-125	0.351			0.351	20			20	
Vanadium	107	75.1	167	165	85.8	83.8	85.8	83.8	1	75.0-125	1	75.0-125	1.31			1.31	20			20	
Zinc	107	68.3	158	157	83.9	82.3	83.9	82.3	1	75.0-125	1	75.0-125	1.05			1.05	20			20	



Method Blank (MB)

(MB) R3421562-1 06/16/19 12:05

Analyte	MB Result mg/kg	MB Qualifier	MB MDL mg/kg	MB RDL mg/kg
C12-C22 Hydrocarbons	U	0.733	4.00	4.00
C22-C32 Hydrocarbons	U	1.33	4.00	4.00
C32-C40 Hydrocarbons	U	1.33	4.00	4.00
(S) o-Terphenyl	78.2		18.0-148	

Laboratory Control Sample (LCS)

(LCS) R3421562-2 06/16/19 12:19

Analyte	Spike Amount mg/kg	LCS Result mg/kg	LCS Rec. %	Rec. Limits %	LCS Qualifier
C22-C32 Hydrocarbons	25.0	18.7	74.8	50.0-150	
C12-C22 Hydrocarbons	25.0	16.4	65.6	50.0-150	
(S) o-Terphenyl		73.9		18.0-148	

L1108278-18 Original Sample (OS) • Matrix Spike (MS) • Matrix Spike Duplicate (MSD)

(OS) L1108278-18 06/16/19 15:24 • (MS) R3421562-3 06/16/19 15:38 • (MSD) R3421562-4 06/16/19 15:52

Analyte	Spike Amount (dry) mg/kg	Original Result (dry) mg/kg	MS Result mg/kg	MS Rec. %	MSD Result (dry) mg/kg	MSD Rec. %	Dilution	Rec. Limits %	MS Qualifier	MSD Qualifier	RPD	RPD Limits %
C22-C32 Hydrocarbons	26.1	16.5	30.0	51.6	34.6	69.4	1	50.0-150		14.1	14.1	20
C12-C22 Hydrocarbons	26.1	5.07	20.3	58.2	23.6	71.5	1	50.0-150		15.5	15.5	20
(S) o-Terphenyl				38.0		40.5		18.0-148				



Method Blank (MB)

(MB) R3422128-1 06/18/19 09:07

Analyte	MB Result mg/kg	<u>MB Qualifier</u>	MB MDL mg/kg	MB RDL mg/kg
Aldrin	U		0.000233	0.0200
Alpha BHC	U		0.000193	0.0200
Beta BHC	U		0.000303	0.0200
Delta BHC	U		0.000151	0.0200
Gamma BHC	U		0.000245	0.0200
4,4-DDD	U		0.000164	0.0200
4,4-DDE	U		0.000165	0.0200
4,4-DDT	U		0.000266	0.0200
Dieldrin	U		0.0000890	0.00200
Endosulfan I	U		0.000214	0.0200
Endosulfan II	U		0.000230	0.0200
Endosulfan sulfate	U		0.000170	0.0200
Endrin	U		0.000219	0.0200
Endrin aldehyde	U		0.000242	0.0200
Endrin ketone	U		0.000159	0.0200
Heptachlor	U		0.000101	0.0200
Heptachlor epoxide	U		0.000378	0.0200
Hexachlorobenzene	U		0.000224	0.0200
Methoxychlor	U		0.000265	0.0200
Chlordane	U		0.0390	0.200
Toxaphene	U		0.0360	0.400
(S) Decachlorobiphenyl	120			10.0-135
(S) Tetrachloro-m-xylene	114			10.0-139

Laboratory Control Sample (LCS)

(LCS) R3422128-2 06/18/19 09:19

Analyte	Spike Amount mg/kg	LCS Result mg/kg	LCS Rec. %	Rec. Limits %	<u>LCS Qualifier</u>
Aldrin	0.0666	0.0593	89.0	34.0-136	
Alpha BHC	0.0666	0.0649	97.4	34.0-139	
Beta BHC	0.0666	0.0583	87.5	34.0-133	
Delta BHC	0.0666	0.0616	92.5	34.0-135	
Gamma BHC	0.0666	0.0597	89.6	34.0-136	
DDD	0.0666	0.0573	86.0	33.0-141	
DDE	0.0666	0.0632	94.9	34.0-134	
DDT	0.0666	0.0596	89.5	30.0-143	
Endrin	0.0666	0.0590	88.6	35.0-137	
Endosulfan I	0.0666	0.0561	84.2	34.0-134	



Laboratory Control Sample (LCS)

(LCS) R3422128-2 06/18/19 09:19

Analyte	Spike Amount mg/kg	LCS Result mg/kg	LCS Rec. %	Rec. Limits %	LCS Qualifier
Endosulfan II	0.0666	0.0536	80.5	35.0-132	
Endosulfan sulfate	0.0666	0.0581	87.2	35.0-132	
Endrin	0.0666	0.0562	84.4	34.0-137	
Endrin aldehyde	0.0666	0.0540	81.1	23.0-121	
Endrin ketone	0.0666	0.0668	100	35.0-144	
Heptachlor	0.0666	0.0609	91.4	36.0-141	
Heptachlor epoxide	0.0666	0.0601	90.2	36.0-134	
Hexachlorobenzene	0.0666	0.0612	91.9	33.0-129	
Methoxychlor	0.0666	0.0621	93.2	28.0-150	
(S) Decachlorobiphenyl			113	10.0-135	
(S) Tetrachloro-m-xylene			104	10.0-139	

L1108822-02 Original Sample (OS) • Matrix Spike (MS) • Matrix Spike Duplicate (MSD)

(OS) L1108822-02 06/18/19 12:25 • (MS) R3422128-3 06/18/19 12:37 • (MSD) R3422128-4 06/18/19 12:50

Analyte	Spike Amount (dry) mg/kg	Original Result (dry) mg/kg	MS Result mg/kg	MSD Result (dry) mg/kg	MS Rec. %	MSD Rec. %	Dilution	Rec. Limits %	MS Qualifier	MSD Qualifier	RPD	RPD Limits %
Aldrin	0.0760	U	0.0681	0.0639	89.6	84.1	1	20.0-135			6.40	37
Alpha BHC	0.0760	U	0.0784	0.0745	103	98.0	1	27.0-140			5.07	35
Beta BHC	0.0760	U	0.0720	0.0703	94.7	92.5	1	23.0-141			2.41	37
Delta BHC	0.0760	U	0.0739	0.0704	97.3	92.6	1	21.0-138			4.90	35
Gamma BHC	0.0760	U	0.0699	0.0662	92.0	87.1	1	27.0-137			5.53	36
4,4-DDD	0.0760	U	0.0696	0.0652	91.6	85.9	1	15.0-152			6.43	39
4,4-DDE	0.0760	U	0.0729	0.0681	95.9	89.6	1	10.0-152			6.80	40
4,4-DDT	0.0760	U	0.0675	0.0632	88.9	83.2	1	10.0-151			6.63	40
Dieldrin	0.0760	U	0.0684	0.0634	90.1	83.5	1	17.0-145			7.61	37
Endosulfan I	0.0760	U	0.0648	0.0611	85.3	80.5	1	20.0-137			5.80	36
Endosulfan II	0.0760	U	0.0638	0.0603	83.9	79.4	1	15.0-141			5.51	37
Endosulfan sulfate	0.0760	U	0.0689	0.0650	90.7	85.6	1	15.0-143			5.79	38
Endrin	0.0760	U	0.0657	0.0618	86.5	81.4	1	19.0-143			6.08	37
Endrin aldehyde	0.0760	U	0.0650	0.0611	85.6	80.5	1	10.0-139			6.15	40
Endrin ketone	0.0760	U	0.0797	0.0743	105	97.7	1	17.0-149			7.11	38
Heptachlor	0.0760	U	0.0721	0.0688	94.9	90.5	1	22.0-138			4.70	37
achlor epoxide	0.0760	U	0.0696	0.0642	91.6	84.5	1	22.0-138			8.01	36
achlorobenzene	0.0760	U	0.0695	0.0652	91.4	85.9	1	25.0-126			6.27	35
toxychlor	0.0760	U	0.0737	0.0692	97.0	91.1	1	10.0-159			6.23	40
(S) Decachlorobiphenyl					107	95.0		10.0-135				
(S) Tetrachloro-m-xylene					97.0	87.4		10.0-139				

Guide to Reading and Understanding Your Laboratory Report

The information below is designed to better explain the various terms used in your report of analytical results from the Laboratory. This is not intended as a comprehensive explanation, and if you have additional questions please contact your project representative.

Abbreviations and Definitions

(dry)	Results are reported based on the dry weight of the sample. [this will only be present on a dry report basis for soils].
MDL	Method Detection Limit.
MDL (dry)	Method Detection Limit.
RDL	Reported Detection Limit.
RDL (dry)	Reported Detection Limit.
Rec.	Recovery.
RPD	Relative Percent Difference.
SDG	Sample Delivery Group.
(S)	Surrogate (Surrogate Standard) - Analytes added to every blank, sample, Laboratory Control Sample/Duplicate and Matrix Spike/Duplicate; used to evaluate analytical efficiency by measuring recovery. Surrogates are not expected to be detected in all environmental media.
U	Not detected at the Reporting Limit (or MDL where applicable).
Analyte	The name of the particular compound or analysis performed. Some Analyses and Methods will have multiple analytes reported.
Dilution	If the sample matrix contains an interfering material, the sample preparation volume or weight values differ from the standard, or if concentrations of analytes in the sample are higher than the highest limit of concentration that the laboratory can accurately report, the sample may be diluted for analysis. If a value different than 1 is used in this field, the result reported has already been corrected for this factor.
Limits	These are the target % recovery ranges or % difference value that the laboratory has historically determined as normal for the method and analyte being reported. Successful QC Sample analysis will target all analytes recovered or duplicated within these ranges.
Original Sample	The non-spiked sample in the prep batch used to determine the Relative Percent Difference (RPD) from a quality control sample. The Original Sample may not be included within the reported SDG.
Qualifier	This column provides a letter and/or number designation that corresponds to additional information concerning the result reported. If a Qualifier is present, a definition per Qualifier is provided within the Glossary and Definitions page and potentially a discussion of possible implications of the Qualifier in the Case Narrative if applicable.
Result	The actual analytical final result (corrected for any sample specific characteristics) reported for your sample. If there was no measurable result returned for a specific analyte, the result in this column may state "ND" (Not Detected) or "BDL" (Below Detectable Levels). The information in the results column should always be accompanied by either an MDL (Method Detection Limit) or RDL (Reporting Detection Limit) that defines the lowest value that the laboratory could detect or report for this analyte.
Uncertainty (Radiochemistry)	Confidence level of 2 sigma.
Case Narrative (Cn)	A brief discussion about the included sample results, including a discussion of any non-conformances to protocol observed either at sample receipt by the laboratory from the field or during the analytical process. If present, there will be a section in the Case Narrative to discuss the meaning of any data qualifiers used in the report.
Quality Control Summary (Qc)	This section of the report includes the results of the laboratory quality control analyses required by procedure or analytical methods to assist in evaluating the validity of the results reported for your samples. These analyses are not being performed on your samples typically, but on laboratory generated material.
Sample Chain of Custody (Sc)	This is the document created in the field when your samples were initially collected. This is used to verify the time and date of collection, the person collecting the samples, and the analyses that the laboratory is requested to perform. This chain of custody also documents all persons (excluding commercial shippers) that have had control or possession of the samples from the time of collection until delivery to the laboratory for analysis.
Sample Results (Sr)	This section of your report will provide the results of all testing performed on your samples. These results are provided by sample ID and are separated by the analyses performed on each sample. The header line of each analysis section for each sample will provide the name and method number for the analysis reported.
Sample Summary (Ss)	This section of the Analytical Report defines the specific analyses performed for each sample ID, including the dates and times of preparation and/or analysis.

Qualifier	Description
B	The same analyte is found in the associated blank.
J	The identification of the analyte is acceptable; the reported value is an estimate.
J6	The sample matrix interfered with the ability to make any accurate determination; spike value is low.

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* Not all certifications held by the laboratory are applicable to the results reported in the attached report.

* Accreditation is only applicable to the test methods specified on each scope of accreditation held by Pace National.

State Accreditations

Alabama	40660	Nebraska	NE-OS-15-05
Alaska	17-026	Nevada	TN-03-2002-34
Arizona	AZ0612	New Hampshire	2975
Arkansas	88-0469	New Jersey–NELAP	TN002
California	2932	New Mexico ¹	n/a
Colorado	TN00003	New York	11742
Connecticut	PH-0197	North Carolina	Env375
Florida	E87487	North Carolina ¹	DW21704
Georgia	NELAP	North Carolina ³	41
Georgia ¹	923	North Dakota	R-140
Idaho	TN00003	Ohio–VAP	CL0069
Illinois	200008	Oklahoma	9915
Indiana	C-TN-01	Oregon	TN200002
Iowa	364	Pennsylvania	68-02979
Kansas	E-10277	Rhode Island	LA000356
Kentucky ^{1 6}	90010	South Carolina	84004
Kentucky ²	16	South Dakota	n/a
Louisiana	AI30792	Tennessee ^{1 4}	2006
Louisiana ¹	LA180010	Texas	T104704245-18-15
Maine	TN0002	Texas ⁵	LAB0152
Maryland	324	Utah	TN00003
Massachusetts	M-TN003	Vermont	VT2006
Michigan	9958	Virginia	460132
Minnesota	047-999-395	Washington	C847
Mississippi	TN00003	West Virginia	233
Missouri	340	Wisconsin	9980939910
Montana	CERT0086	Wyoming	A2LA

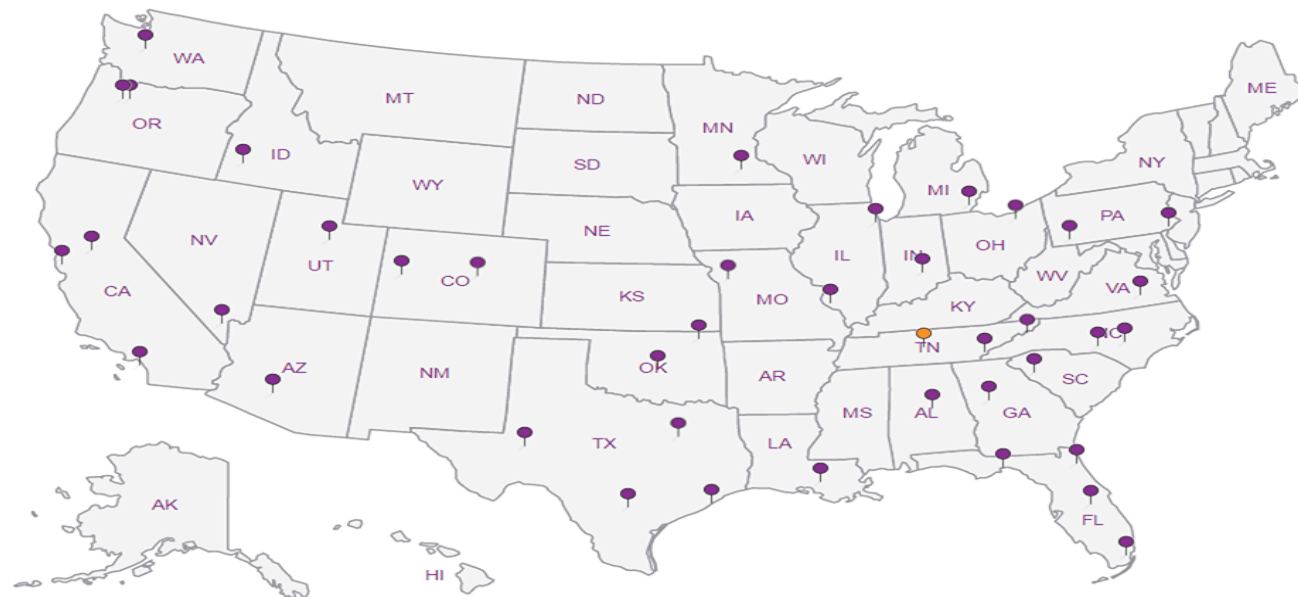
Third Party Federal Accreditations

A2LA – ISO 17025	1461.01	AIHA-LAP, LLC EMLAP	100789
A2LA – ISO 17025 ⁵	1461.02	DOD	1461.01
Canada	1461.01	USDA	P330-15-00234
EPA–Crypto	TN00003		

¹ Drinking Water ² Underground Storage Tanks ³ Aquatic Toxicity ⁴ Chemical/Microbiological ⁵ Mold ⁶ Wastewater n/a Accreditation not applicable

Our Locations

Pace National has sixty-four client support centers that provide sample pickup and/or the delivery of sampling supplies. If you would like assistance from one of our support offices, please contact our main office. Pace National performs all testing at our central laboratory.





WEBER, HAYES & ASSOCIATES
Hydrology and Environmental Engineering
120 Westgate Drive, Watsonville, CA 95076
(831) 722-5580 // www.weber-hayes.com

J019

HAIN -OF-CUSTODY RECORD

11168278

PROJECT NAME AND JOB #: 2x925 Morgan Hill Phase II (Soils)

SEND CERTIFIED RESULTS TO: Weber, Hayes and Associates - Attention: Ryan Nyberg

LABORATORY: Pace National Laboratory

TURNAROUND TIME: Standard TAT - 5 day

ELECTRONIC DELIVERABLE FORMAT: ☐ YES ☒ NO

Sampler: Ryan Nyberg

Date: 6/11/2019

GLOBAL I.D.: N/A

WHA Sample ID	Sample Depth	Date Sampled	Matrix	SAMPLE CONTAINERS				REQUESTED ANALYSIS			
				40 mL VOAs	1 Liter Amber Jars	___ mL Poly Bottle	Liner Acetate	Total Petroleum Hydrocarbons			
								TPH Screen as Diesel, Motor oil EPA 8015	Arsenic	Pesticides (OCP) EPA 8081	CAM 17 Metals
Discrete	1A - d0.5	0.5ft	Soil				X		X		-01
Lab Composite	1A-d0.5, 1B-d0.5, 1C-d0.5, 1D-d0.5	0.5ft	Soil				X	X		X	02
Discrete	1A - 1.5	1.5ft	Soil				X		X		03
Lab Composite	1A-d1.5, 1B-d1.5, 1C-d1.5, 1D-d1.5	1.5ft	Soil				X	Hold		X	04
Lab Composite	1A-d3, 1B-d3, 1C-d3, 1D-d3	3ft	Soil				X			Hold	
Discrete	2A - d0.5	0.5ft	Soil				X		X		05
Lab Composite	2A-d0.5, 2B-d0.5, 2C-d0.5, 2D-d0.5	0.5ft	Soil				X	X		X	06
Discrete	2A - 1.5	1.5ft	Soil				X		X		07
Lab Composite	2A-d1.5, 2B-d1.5, 2C-d1.5, 2D-d1.5	1.5ft	Soil				X			X	08
Lab Composite	2A-d3, 2B-d3, 2C-d3, 2D-d3	3ft	Soil				X	Hold		Hold	

RELEASED BY: Ryan Nyberg 12:30 p.m.

Date & Time: 6/11/19

RECEIVED BY: [Signature]

Date & Time: 6/12/19 8:45

SAMPLE CONDITION: (circle 1)

1) _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
2) _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
3) _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
4) _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
5) _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

NOTES:

- 1) Note: Discrete samples are to be analyzed for Arsenic before composite samples for all "A" samples (d0.5 and d1.5).
- 2) Laboratory Composite:
 - Composite 1A-d0.5, 1B-d0.5, 1C-d0.5, 1D-d0.5
 - Composite 1A-d1.5, 1B-d1.5, 1C-d1.5, 1D-d1.5
 - HOLD Composite 1A-d3, 1B-d3, 1C-d3, 1D-d3

Please send certified results to lab@weber-hayes.com & shaun@weber-hayes.com

Note: Discrete samples to be analyzed for Arsenic only prior to composite Laboratory Composite:

- Composite 2A-d0.5, 2B-d0.5, 2C-d0.5, 2D-d0.5
- Composite 2A-d1.5, 2B-d1.5, 2C-d1.5, 2D-d1.5
- HOLD Composite 2A-d3, 2B-d3, 2C-d3, 2D-d3

2.3-0.1 = 2.2 ^{PN} 4794 8836 9564

CON. = 64 RAD SCREEN: <0.5 mR/hr

L1168278

CHAIN -OF-CUSTODY RECORD

WEBER, HAYES & ASSOCIATES
Hydrogeology and Environmental Engineering
120 Westgate Drive, Watsonville, CA 95076
(831) 722-3580 // www.weber-hayes.com

PROJECT NAME AND JOB #: 2x925 Morgan Hill Phase II (Soils)

SEND CERTIFIED RESULTS TO: Weber, Hayes and Associates - Attention: Ryan Nyberg

LABORATORY: Pace National Laboratory
TURNAROUND TIME: Standard TAT - 5 day

ELECTRONIC DELIVERABLE FORMAT: ☐ YES ☒ NO

Sampler: Ryan Nyberg
Date: 6/11/2019

GLOBAL I.D.: N/A

WHA Sample ID	Sample Depth	Date Sampled	Matrix	SAMPLE CONTAINERS				REQUESTED ANALYSIS			
				40 mL VOAs	1 Liter Amber Jars	____ mL Poly Bottle	Liner Acetate	Total Petroleum Hydrocarbons			
								TPH Screen as Diesel, Motor oil EPA 8015	Arsenic	Pesticides (OCP) EPA 8081	Additional Analysis
Discrete											
Lab Composite	3A - 0.5	0.5ft	Soil				X		X		
	3A-d0.5, 3B-d0.5, 3C-d0.5, 3D-d0.5	0.5ft	Soil				X	X		X	CAM 17 Metals
Discrete	3A - 1.5	1.5ft	Soil				X		X		
Lab Composite	3A-d1.5, 3B-d1.5, 3C-d1.5, 3D-d1.5	1.5ft	Soil				X		X		
Lab Composite	3A-d3, 3B-d3, 3C-d3, 3D-d3	3ft	Soil				X	Hold		Hold	
Discrete	4A - 0.5	0.5ft	Soil				X		X		
Lab Composite	4A-d0.5, 4B-d0.5, 4C-d0.5, 4D-d0.5	0.5ft	Soil				X	X		X	
Discrete	4A - 1.5	1.5ft	Soil				X		X		
Lab Composite	4A-d1.5, 4B-d1.5, 4C-d1.5, 4D-d1.5	1.5ft	Soil				X		X		
Lab Composite	4A-d3, 4B-d3, 4C-d3, 4D-d3	3ft	Soil				X	Hold		Hold	

RELEASED BY: Amyly 12:30pm 6/11/19

RECEIVED BY: [Signature] 6/12/19 8:45

DATE & TIME: 6/11/19

SAMPLE CONDITION: (circle 1)
Ambient Refrigerated Frozen
Ambient Refrigerated Frozen
Ambient Refrigerated Frozen
Ambient Refrigerated Frozen
Ambient Refrigerated Frozen

NOTES:

Note: Discrete samples are to be analyzed for Arsenic before composite samples for all "A" samples (d0.5 and d1.5).

Laboratory Composite:
-Composite 3A-d0.5, 3B-d0.5, 3C-d0.5, 3D-d0.5
-Composite 3A-d1.5, 3B-d1.5, 3C-d1.5, 3D-d1.5
-HOLD Composite 3A-d3, 3B-d3, 3C-d3, 3D-d3

2.3-0.1-2.2-85 4794 9836 9564

DAD SCREEN: <0.5 mg/L



WEBER, HAYES & ASSOCIATES
Hydrogeology and Environmental Engineering
120 Westgate Drive, Watsonville, CA 95076
(831) 722-3580 // www.weber-hayes.com

PROJECT NAME AND JOB #: 2x925 Morgan Hill Phase II (Soils)

SEND CERTIFIED RESULTS TO: Weber, Hayes and Associates - Attention: Ryan Nyberg

ELECTRONIC DELIVERABLE FORMAT: ☐ YES ☒ NO

Sampler: Ryan Nyberg

Date: 6/11/2019

LABORATORY: Pace National Laboratory

TURNAROUND TIME: Standard TAT - 5 day

GLOBAL I.D.: N/A

[illegible]

SAMPLE CONDITION:
(circle 1)

Date & Time

RECEIVED BY:

Date & Time

RELEASED BY:

1.)	<u>12:50pm</u>	<u>6/11/19</u>	→	_____	_____	Ambient	Refrigerated	Frozen
2.)	_____	_____	→	_____	_____	Ambient	Refrigerated	Frozen
3.)	_____	_____	→	_____	_____	Ambient	Refrigerated	Frozen
4.)	_____	_____	→	_____	_____	Ambient	Refrigerated	Frozen
5.)	_____	_____	→	_____	_____	Ambient	Refrigerated	Frozen

6/12/19 8:45

Please send certified results to lab@weber-hayes.com & shaun@weber-hayes.com

NOTES:

Laboratory Composite:

Composite LF-1A-d0.5, LF-1B-d0.5, LF-1C-d0.5, LF-1D-d0.5

·HOLD Composite LF-2A-d1.5, LF-2B-d1.5, LF-2C-d1.5, LF-2D-d1.5

·HOLD Composite LF-2A-d1.5, LF-2B-d1.5, LF-2C-d1.5, LF-2D-d1.5

·HOLD Composite LF-2A-d1.5, LF-2B-d1.5, LF-2C-d1.5, LF-2D-d1.5

Pace Analytical National Center for Testing & Innovation Cooler Receipt Form

Client:	WE BHA YWCA	SDG#:	L1108278
Cooler Received/Opened On:	6/12/19	Temperature:	2.2
Received By: Jordan Harris			
Signature:			
Receipt Check List		NP	Yes No
COC Seal Present / Intact?		/	
COC Signed / Accurate?		/	
Bottles arrive intact?		/	
Correct bottles used?		/	
Sufficient volume sent?		/	
If Applicable			
VOA Zero headspace?			
Preservation Correct / Checked?			

BUTTERFIELD PARK NOISE AND VIBRATION ASSESSMENT

Morgan Hill, California

July 11, 2019

Prepared for:

Alejandra Sanchez
Assistant Project Manager
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San José, CA 95126

Prepared by:

Cameron Heyvaert and
Michael S. Thill

ILLINGWORTH & RODKIN, INC.
/// Acoustics • Air Quality ///

429 East Cotati Avenue
Cotati, CA 94931
(707) 794-0400

Project: 19-111

INTRODUCTION

The project proposes a neighborhood park located south of Butterfield Boulevard, between Monterey Road on the west and the Union Pacific Railroad (UPRR) tracks on the east in Morgan Hill, California. The site is currently undeveloped and is adjacent to open space to the south. Existing residences are located within several hundred feet of the project site to the west, south, and east. The proposed development would include two bicycle pump tracks, adult exercise equipment, a baseball field, two grass turf fields, and a surface parking lot. Supporting amenities would include picnic tables, a building with a public meeting room, concessions and restrooms, a separate storage building, grass lawns, and a walking path around the perimeter of the site. The parking lot would be constructed on the western portion of the project site, with access via Butterfield Boulevard.

This report evaluates the project's potential to result in significant noise and vibration impacts with respect to applicable California Environmental Quality Act (CEQA) guidelines. The report is divided into three sections: 1) the Setting Section provides a brief description of the fundamentals of environmental noise and groundborne vibration, summarizes applicable regulatory criteria, and discusses the results of the ambient noise monitoring survey completed to document existing noise conditions; 2) the General Plan Consistency Section discusses land use compatibility utilizing policies in the City's General Plan; and, 3) the Impacts and Mitigation Measures Section describes the significance criteria used to evaluate project impacts, provides a discussion of each project impact, and presents measures, where necessary, to mitigate the impacts of the project on sensitive receptors in the vicinity.

SETTING

Fundamentals of Environmental Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its *loudness*. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level (dBA)*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This *energy-equivalent sound/noise descriptor* is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level (CNEL)* is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level (L_{dn} or DNL)* is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Effects of Noise

Sleep and Speech Interference

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noises of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn} . Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA L_{dn} with open windows and 65-70 dBA L_{dn} if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed; those facing major roadways and freeways typically need special glass windows.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 50 dBA L_{dn} . At a L_{dn} of about 60 dBA, approximately 12 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 25-30 percent of the population. There is, therefore, an increase of about 2 percent per dBA between a L_{dn} of 60-70 dBA. Between a L_{dn} of 70-80 dBA, each decibel increases by about 3 percent the percentage of the population highly annoyed. People appear to respond more adversely to aircraft noise. When the L_{dn} is 60 dBA, approximately 30-35 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 3 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 4 percent increase in the percentage of the population highly annoyed.

Fundamentals of Groundborne Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. In this report, a PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human complaints. Table 3 displays the reactions of people and the effects on buildings that continuous or frequent intermittent vibration levels produce. The guidelines in Table 3 represent syntheses of vibration criteria for human response and potential damage to buildings resulting from construction vibration.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to cause damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; minor, including limited surface cracking; or major, that may threaten the structural integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher. The damage criteria presented in Table 3 include several categories for ancient, fragile, and historic structures, the types of structures most at risk to damage. Most buildings are included within the categories ranging from “Historic and some old buildings” to “Modern industrial/commercial buildings”. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

The annoyance levels shown in Table 3 should be interpreted with care since vibration may be found to be annoying at lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage.

TABLE 1 Definition of Acoustical Terms Used in this Report

Term	Definition
Decibel, dB	A unit describing, the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20 micro Pascals.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn} or DNL	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 p.m. and 7:00 a.m.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of 10 decibels to sound levels measured in the night between 10:00 p.m. and 7:00 a.m.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Handbook of Acoustical Measurements and Noise Control, Harris, 1998.

TABLE 2 Typical Noise Levels in the Environment

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110 dBA	Rock band
Jet fly-over at 1,000 feet		
	100 dBA	
Gas lawn mower at 3 feet		
	90 dBA	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80 dBA	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	70 dBA	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	60 dBA	
		Large business office
Quiet urban daytime	50 dBA	Dishwasher in next room
Quiet urban nighttime	40 dBA	Theater, large conference room
Quiet suburban nighttime	30 dBA	
		Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	20 dBA	
	10 dBA	Broadcast/recording studio
	0 dBA	

Source: Technical Noise Supplement (TeNS), California Department of Transportation, September 2013.

TABLE 3 Reactions of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings.
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings
0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.

Regulatory Background

The State of California and the City of Morgan Hill have established regulatory criteria that are applicable in this assessment. The CEQA Guidelines, Appendix G, are used to assess the potential significance of impacts pursuant to local General Plan policies, Municipal Code standards, or the applicable standards of other agencies. A summary of the applicable regulatory criteria is provided below.

State CEQA Guidelines. The CEQA contains guidelines to evaluate the significance of effects of environmental noise attributable to a proposed project. Under CEQA, noise impacts would be considered significant if the project would result in:

- (a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies;
- (b) Generation of excessive groundborne vibration or groundborne noise levels; or
- (c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted within two miles of a public airport or public use airport, if the project would expose people residing or working in the project area to excessive noise levels.

Pursuant to court decisions, the impacts of site constraints, such as exposure of the proposed project to excessive levels of noise and vibration, are not included in the Impacts and Mitigation Section of this report. These items are discussed in a separate section addressing the project's consistency with the policies set forth in the City's General Plan.

CEQA does not define what noise level increase would be considered substantial. Typically, project-generated noise level increases of 3 dBA L_{dn} or greater would be considered significant where exterior noise levels would exceed the normally acceptable noise level standard (60 dBA L_{dn} for residential land uses). Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of 5 dBA L_{dn} or greater would be considered significant.

City of Morgan Hill General Plan. The Safety, Services and Infrastructure Chapter in the Morgan Hill 2035 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of Morgan Hill. The following policies are applicable to the proposed project:

Policy SSI-8.1- Exterior Noise Level Standards: Require new development projects to be designed and constructed to meet acceptable exterior noise level standards (as shown in Table SSI-1).

Policy SSI-8.2- Impact Evaluation: The impact of proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.

Policy SSI-8.5- Traffic Noise Level Standards: Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.

Policy SSI-8.6- Stationary Noise Level Standards: Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.

Policy SSI-8.7- Other Noise Sources: Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.

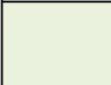
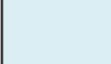
Policy SSI-8.9- Site Planning and Design: Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver; c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas; d) orienting buildings to shield outdoor spaces from the noise source; and e) minimizing the noise at its source.

Policy SSI-9.6- Earth Berms: Allow and encourage earth berms in new development projects as an alternative to sound walls if adequate space is available.

Policy SSI-9.7- Sound Barrier Design: Require non-earthen sound barriers to be landscaped, vegetated, or otherwise designed and/or obscured to improve aesthetics and discourage graffiti and other vandalism.

TABLE SSI-1 STATE OF CALIFORNIA LAND USE COMPATIBILITY GUIDELINES FOR COMMUNITY NOISE ENVIRONMENTS

Land Uses	CNEL (dBA)					
	55	60	65	70	75	80
Residential – Low Density Single-Family, Duplex, Mobile Homes						
Residential – Multiple-Family						
Transient Lodging, Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arena, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Businesses, Commercial and Professional						
Industrial, Manufacturing, Utilities, Agricultural						

	Normally Acceptable: Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.		Normally Unacceptable: New construction or development should generally be discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and the needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.		Clearly Unacceptable: New construction or development generally should not be undertaken.

Source: Governor's Office of Planning and Research, General Plan Guidelines 2003.

City of Morgan Hill Municipal Code. The City of Morgan Hill's Municipal Code Chapter 8.28 states that "It is unlawful for any person to make or continue, or cause to be made or continued, any loud, disturbing, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, health, repose, peace or safety of other persons within the city." The following sections of the code would be applicable to the project:

- C. Blowers, Fans, and Combustion Engines. The operation of any noise-creating blower, power fan or internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device to deaden such noise;

- D. 1. Construction activities as limited below. "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of seven a.m. and eight p.m., Monday through Friday and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision. Construction activities may occur in the following cases without violation of this provision:
- a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the chief building official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.
 - b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.
 - c. The city council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine a.m. to six p.m., provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.
 - d. Public work projects are exempt from this section and the public works director shall determine the hours of construction for public works projects.
 - e. Until November 30, 1998, construction activities shall be permitted between the hours of ten a.m. to six p.m. on Sundays, subject to the following conditions. No power-driven vehicles, equipment or tools may be used during construction activities, except on the interior of a building or other structure which is enclosed by exterior siding (including windows and doors) and roofing, and which windows and doors are closed during construction activities. Construction activities must be situated at least one hundred fifty feet from the nearest occupied dwelling. No delivery or removal of construction material to a site, or

movement of construction materials on a site, is permitted. No activity, including but not limited to the playing of radios, tape players, compact disc players or other devices, which creates a loud or unusual noise which offends, disturbs or harasses the peace and quiet of the persons of ordinary sensibilities beyond the confines of the property from which the sound emanates is allowed.

2. If it is determined necessary in order to ensure compliance with this section, the chief building official may require fences, gates or other barriers prohibiting access to a construction site by construction crews during hours in which construction is prohibited by this subsection. The project manager of each project shall be responsible for ensuring the fences, gates or barriers are locked and/or in place during hours in which no construction is allowed. This subsection shall apply to construction sites other than public works projects or single dwelling units which are not a part of larger projects.
- G. Loading or Unloading Vehicles and Opening Boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- J. Pile Drivers, Hammers and Similar Equipment. The operation, between the hours of eight p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

Existing Noise Environment

The site is undeveloped and is surrounded by open space directly to the south and across Butterfield Boulevard to the north. Sensitive land uses in the vicinity include residences approximately 130 feet to the west across Butterfield Boulevard, 260 feet to the west across the intersection of Butterfield Boulevard and Monterey Road, 430 feet to the south across Monterey Road, 450 feet to the east across the UPRR tracks and Railroad Avenue, and 540 feet to the southeast across open space. The noise environment at the site results primarily from vehicle traffic along Butterfield Boulevard and Monterey Road and intermittent train activity along the UPRR tracks.

A noise monitoring survey was performed at the site beginning on Tuesday, June 11, 2019 and concluding on Friday, June 14, 2019. The monitoring survey at the site included one long-term measurement and three short-term noise measurements, as shown in Figure 1. Data from an additional long-term measurement (labeled LT-2 in this study), taken from a prior study with the City, was also included in this analysis. An additional short-term measurement was taken at a BMX pump track in Novato, California to characterize and quantify noise levels associated with the use of pump track facilities.

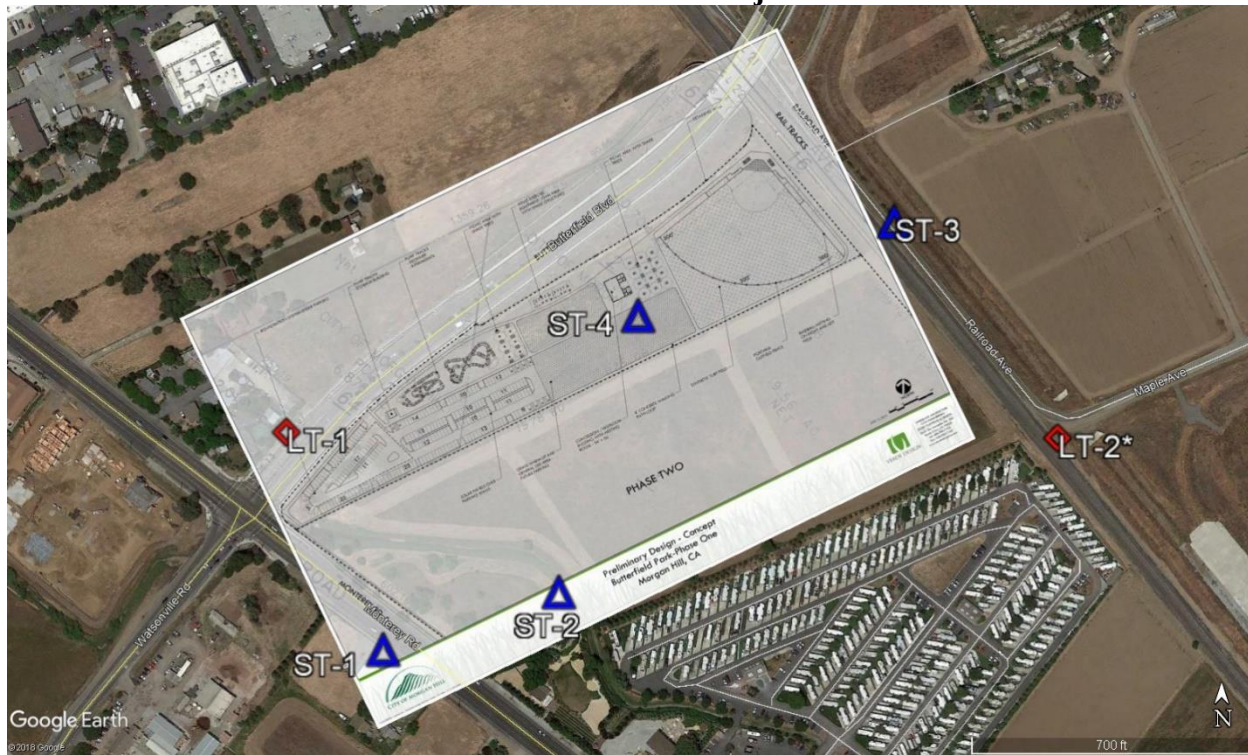
Long-term noise measurement LT-1 was made from a light post on the north side of Butterfield Boulevard, approximately 215 feet from the center of the intersection of Butterfield Boulevard and Monterey Road, and 45 feet from the centerline of Butterfield Boulevard. This site was chosen to quantify noise levels along Butterfield Boulevard and to characterize ambient noise levels at the nearest residential receptor to the west. Hourly average noise levels at LT-1 ranged from 65 to 72

dBA L_{eq} during the day and from 55 to 75 dBA L_{eq} at night. The day-night average noise level measured from Tuesday through Friday was 72 dBA L_{dn} . The daily trend in noise levels at LT-1 is shown in Figures 2-5.

Long-term noise measurement LT-2 was made from a utility pole near the junction of Railroad Avenue and Maple Avenue, approximately 30 feet from the center of UPRR tracks. This measurement was made from Tuesday, April 9, 2019 to Thursday, April 11, 2019, and was included in this analysis to quantify noise levels from freight trains along UPRR tracks and to characterize ambient noise levels at residential receptors to the east and southeast of the project site. Hourly average noise levels at LT-2 ranged from 57 to 74 dBA L_{eq} during the day and from 45 to 71 dBA L_{eq} at night. The day-night average noise level measured was 70 dBA L_{dn} . Noise levels at this site were heavily influenced by passenger and freight trains, and the hourly L_{eq} was considerably higher during hours of the day when trains passed. Therefore, ambient noise levels for the majority of the day near these residences are likely considerably lower than the given L_{eq} and L_{dn} and are better represented by the L_{90} noise levels. The daily trend in noise levels at LT-2 is shown in Figures 6-8.

Short-term noise measurements ST-1 and ST-2 were made on Tuesday, June 11, 2019 and ST-3 and ST-4 were made on Friday, June 14, 2019. The intent of these short-term measurements was to quantify ambient noise levels at the project site and at land uses in the vicinity. ST-1 was made from the south side of Monterey Road, approximately 45 feet from the centerline of Monterey Road and 5 feet from the residential property line. This site was chosen to capture ambient noise levels at the residential receptors to the southwest and to quantify noise levels along Monterey Road. ST-2 was made approximately 420 feet south of the project site, about 90 feet from the property line of the single-family residences. Mechanical equipment was operating in the yard of one of the residences, so this setback was chosen to quantify ambient noise levels near the backyards of the residences without the influence of the mechanical equipment. ST-3 was made to the east of the project site, approximately 16 feet from the centerline of Railroad Avenue and 55 feet from the center of the UPRR track. This site was chosen to quantify ambient noise levels at land uses to the east of the project site when trains are not passing by. ST-4 was made near the center of the project, approximately 280 feet from the centerline of Butterfield Boulevard. This site was chosen to quantify ambient noise levels near the track and field area at the project site. Table 4 summarizes the results of short-term measurements ST-1 through ST-4.

An additional short-term measurement (ST-5) was made at the Stafford Lake Bike Park in Novato, California to quantify typical noise levels associated with a pump track. This measurement was made on Thursday, June 13, 2019 from 4:00 p.m. to 4:35 p.m. Typical noise levels of bicycles passing by on a dirt track at a distance of 50 feet were 43 to 50 dBA L_{max} . Other sounds commonly associated with recreational land uses, such as people talking and shouting, constituted the primary noise source at the bike park, with noise levels ranging from 48 to 69 dBA L_{max} at a distance of 50 feet. Table 5 summarizes the results of short-term measurement ST-5.

FIGURE 1 Noise Measurement Locations at the Project Site

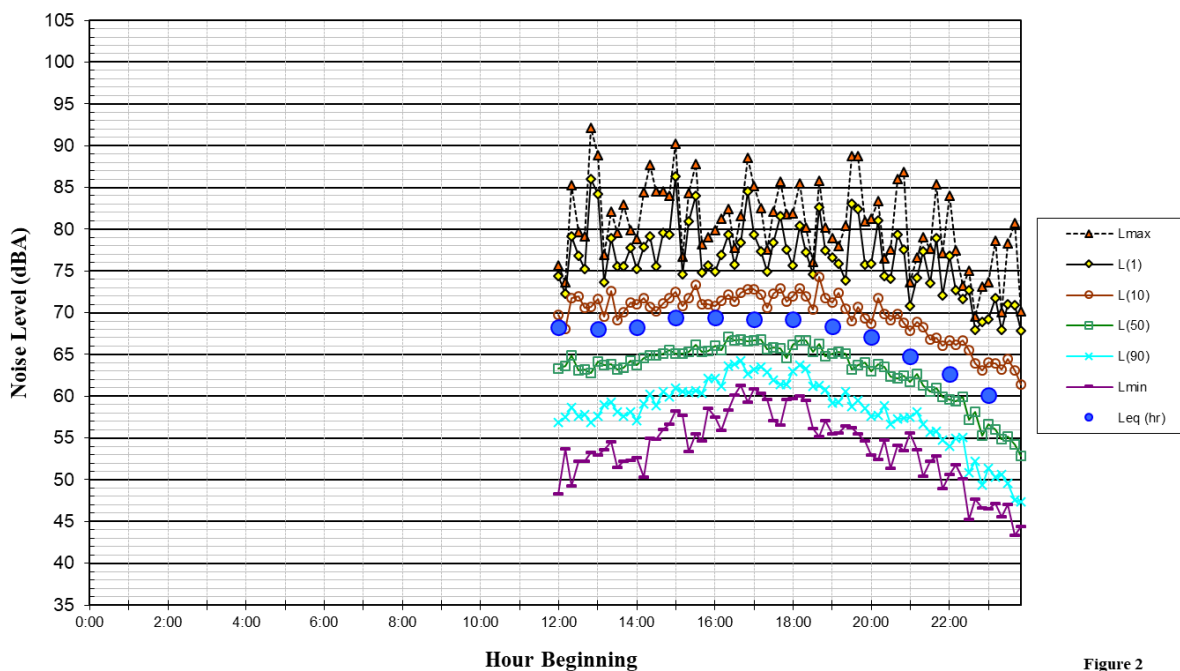
*LT-2 was included from a prior study with the City of Morgan Hill.

Source: Google Earth 2019.

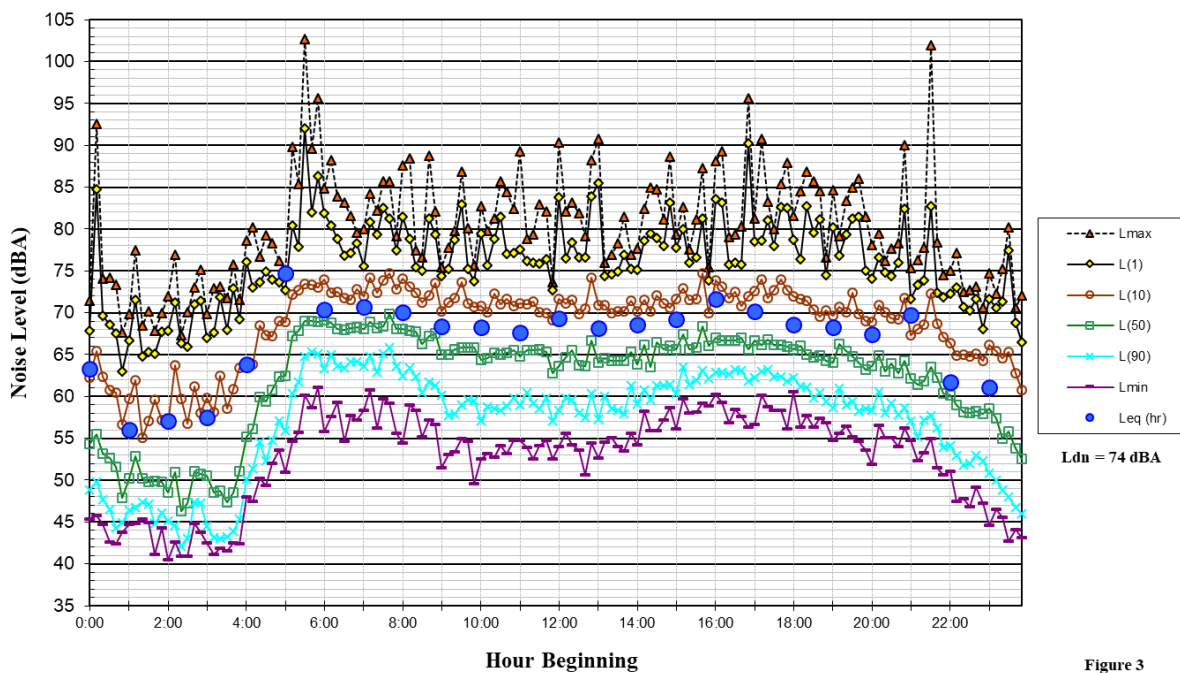
TABLE 4 Summary of Short-Term Noise Measurements at the Project Site (dBA)

Noise Measurement Location (Date, Time)	L _{max}	L ₍₁₎	L ₍₁₀₎	L ₍₅₀₎	L ₍₉₀₎	L _{eq(10-min)}
ST-1: 45 feet from Monterey Rd centerline (6/11/2019, 11:30 a.m. - 11:40 a.m.)	89	80	75	65	53	71
ST-2: 420 feet south of project site (6/11/2019, 11:00 a.m. - 11:10 a.m.)	65	54	?	46	43	48
ST-3: 16 feet from Railroad Ave centerline (6/14/2019, 9:30 a.m. - 9:40 a.m.)	81	77	59	52	51	63
ST-4: Near center of project site (6/14/2019, 9:50 a.m. - 10:00 a.m.)	60	57	54	51	49	52

**Noise Levels at Noise Measurement Site LT-1
45 feet from Monterey Road centerline
Tuesday, June 11, 2019**



**Noise Levels at Noise Measurement Site LT-1
45 feet from Monterey Road centerline
Wednesday, June 12, 2019**



**Noise Levels at Noise Measurement Site LT-1
45 feet from Monterey Road centerline
Thursday, June 13, 2019**

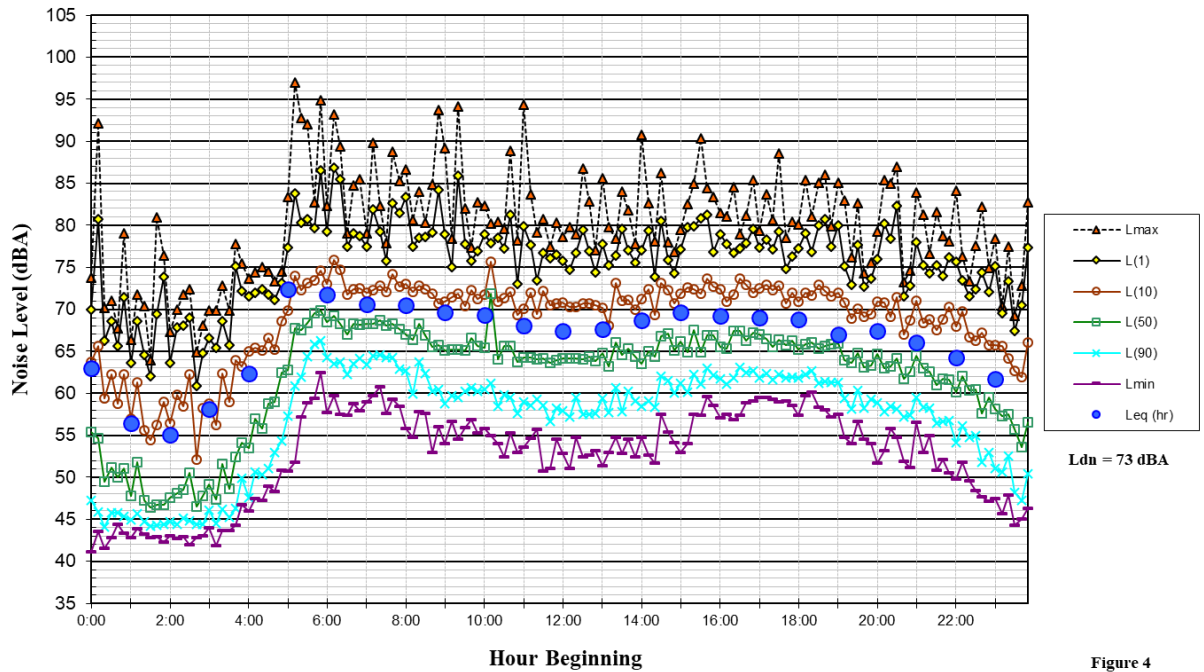


Figure 4

**Noise Levels at Noise Measurement Site LT-1
45 feet from Monterey Road centerline
Friday, June 14, 2019**

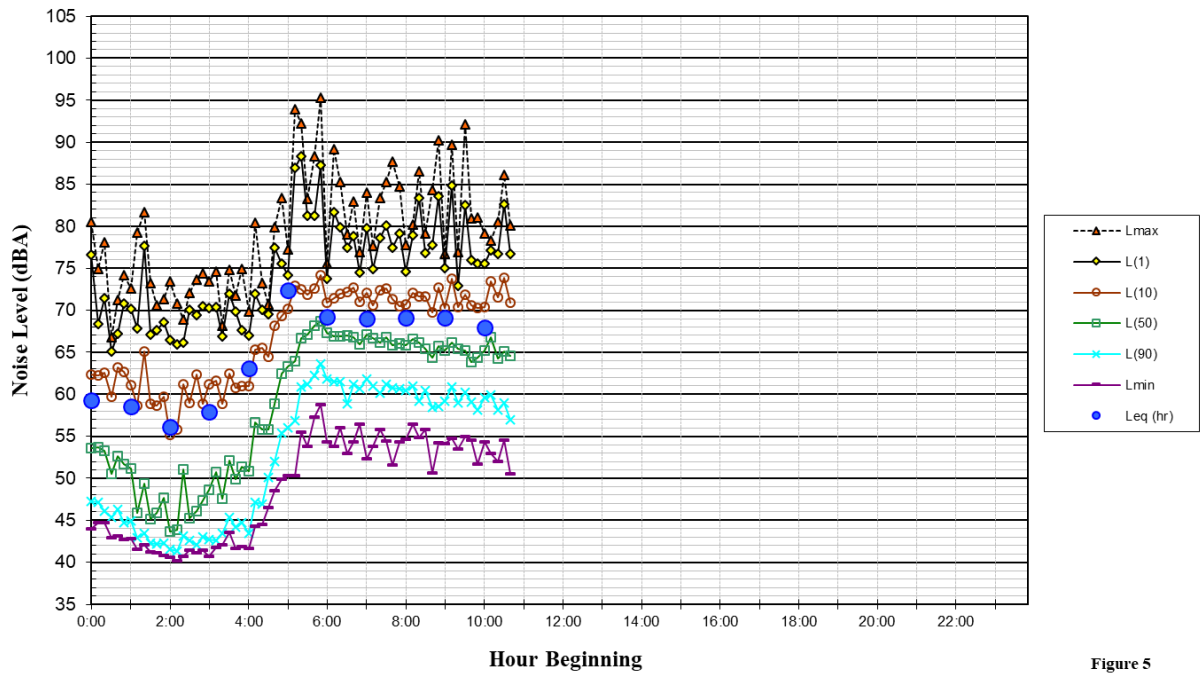
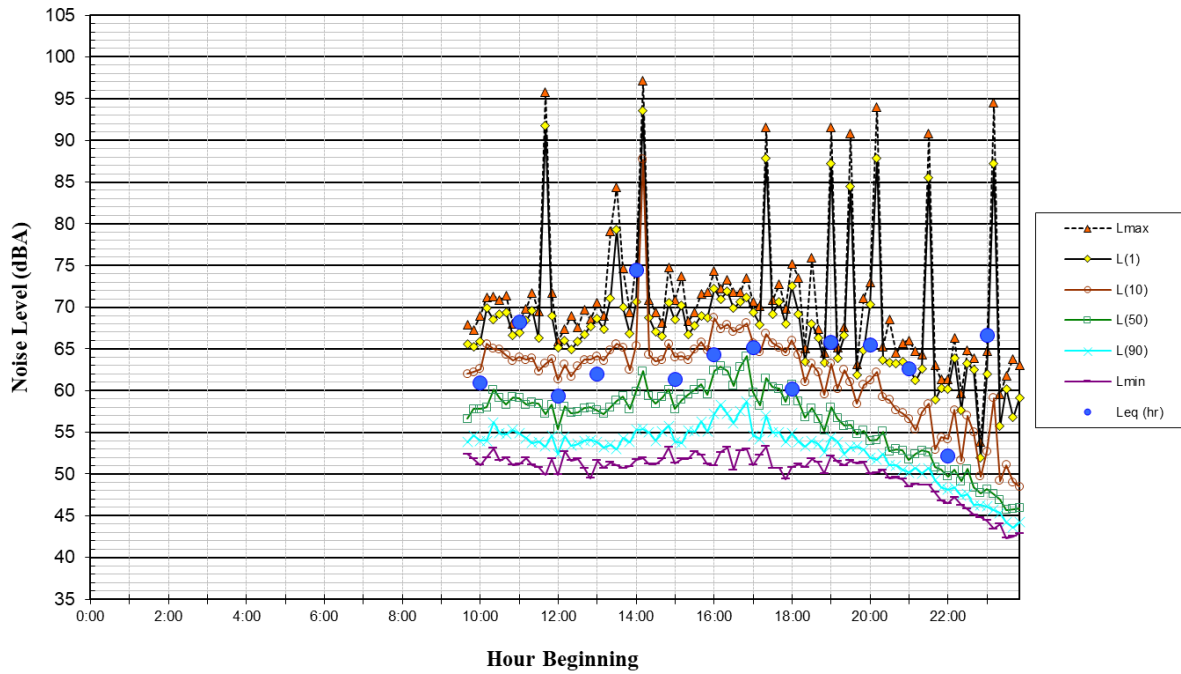
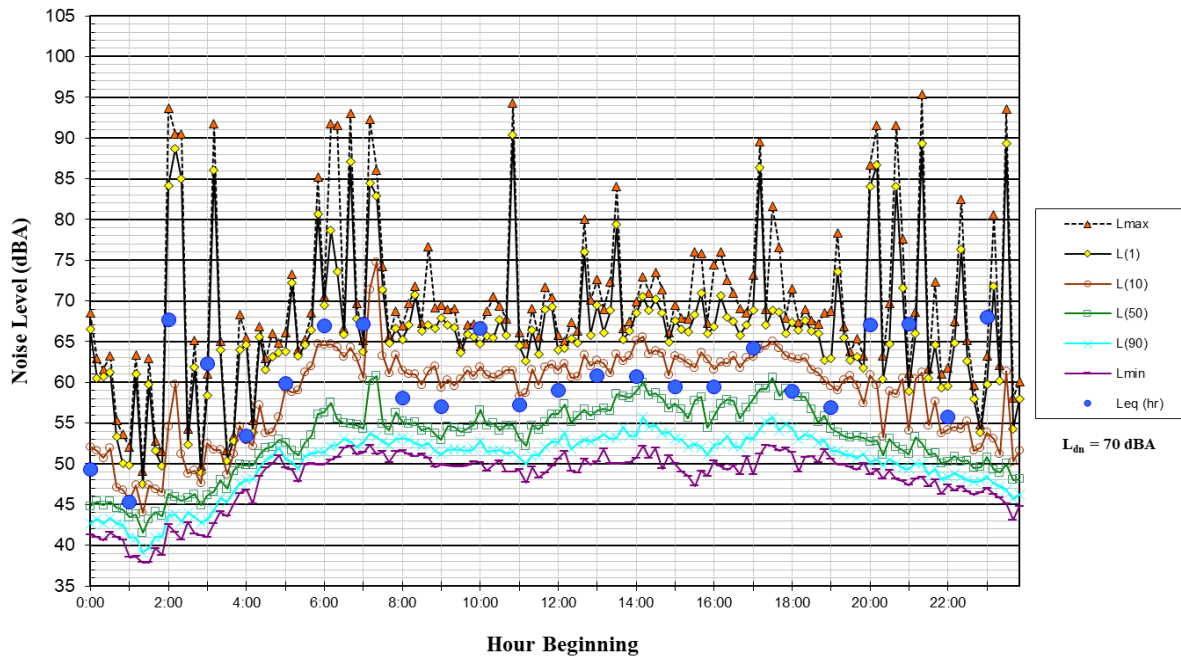


Figure 5

Noise Levels at Noise Measurement Site LT-2
30 feet from the centerline of UPRR tracks
Tuesday, April 9, 2019



Noise Levels at Noise Measurement Site LT-2
30 feet from the centerline of UPRR tracks
Wednesday, April 10, 2019



**Noise Levels at Noise Measurement Site LT-2
30 feet from the centerline of UPRR tracks
Thursday, April 11, 2019**

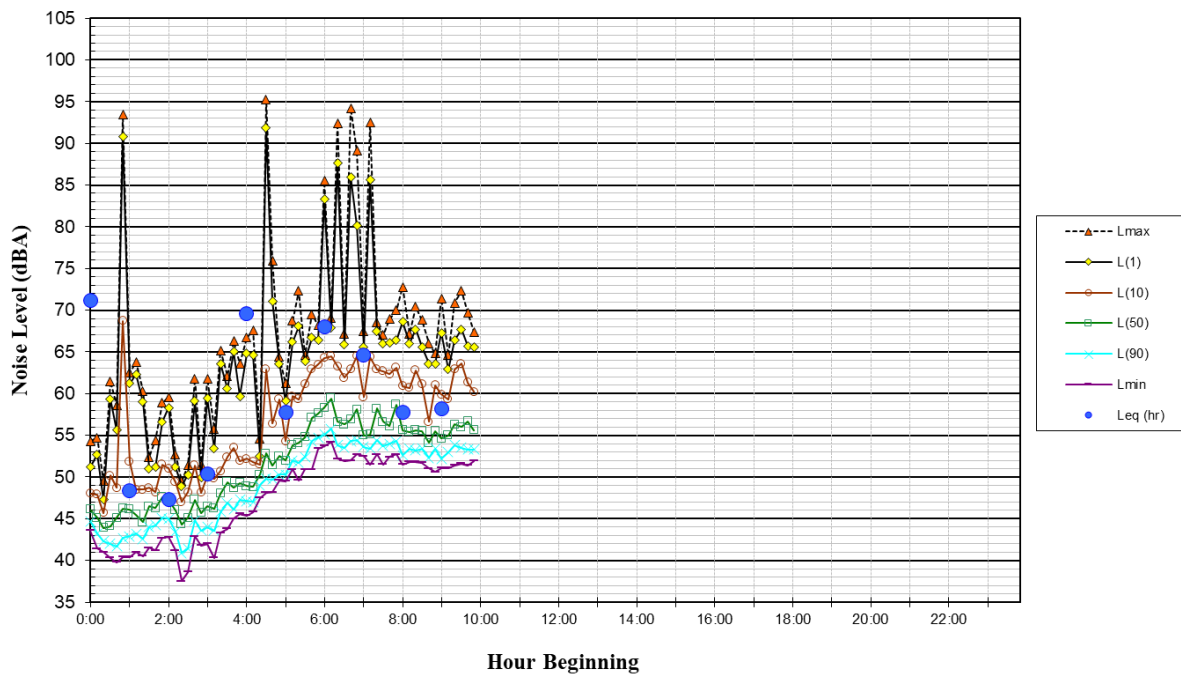


Figure 8

TABLE 5 Summary of Short-Term Noise Measurement ST-5 at Stafford Lake Bike Park in Novato, California (dBA)

Noise Source	Distance (feet)	Measured L_{max}	L_{max} at 50 feet
2 bicycles passing by on dirt track	15	58	48
Kids talking	90	54	59
1 bicycle passing by on dirt track	15	53	43
Kids shouting	120	61	69
1 bicycle passing by on dirt track	15	58	48
Kid shouting	15	71	61
1 bicycle passing by on dirt track	15	53	43
Kid shouting	120	48	56
Kid shouting	150	58	68
1 bicycle passing by on dirt track	15	59	49
Kid shouting	30	67	63
People talking	15	58	48
1 bicycle passing by on wood track	15	56	46
1 bicycle braking in dirt	15	60	50

GENERAL PLAN CONSISTENCY ANALYSIS

Noise and Land Use Compatibility Assessment

Future Exterior Noise Environment

According to Table SSI-1 of the City's General Plan, the exterior noise level standard for new neighborhood parks is 70 dBA L_{dn} . The future noise environment at the project site would continue to result from traffic and railroad trains. A traffic study was not available at the time of this analysis. Data from the noise measurement sites and noise contours included in the City of Morgan Hill General Plan 2035¹ indicate that future noise levels at the center of the baseball diamond and BMX pump tracks could reach up to 68 dBA L_{dn} while noise levels at the center of the project site would remain below 65 dBA L_{dn} . This would be compatible with the 70 dBA L_{dn} threshold for the neighborhood parks land use designation.

NOISE IMPACTS AND MITIGATION MEASURES

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.
 - Hourly average noise levels during construction that would exceed 60 dBA L_{eq} at residential land uses or exceed 70 dBA L_{eq} at commercial land uses and exceed the ambient noise environment by at least 5 dBA L_{eq} for a period of more than one year would constitute a significant temporary noise increase in the project vicinity.
 - A significant permanent noise level increase would occur if project-generated traffic would result in: a) a noise level increase of more than 3 dBA L_{dn} and the total day-night average noise level exceeding the “normally acceptable” category at an existing noise environment meeting the “normally acceptable” threshold; b) a noise level increase of more than 5 dBA L_{dn} and the total day-night average noise level remains “normally acceptable” at an existing noise environment meeting the “normally acceptable” threshold; c) a noise level increase of more than 3 dBA L_{dn} at a “conditionally acceptable” existing noise environment; or d) a noise level increase of more than 3 dBA L_{dn} at an “unacceptable” existing noise environment.

¹ Placemarks, “Morgan Hill 2035 General Plan,” Adopted July 27, 2016. Revised December 6, 2017.

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or Municipal Code.
- A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to normal buildings.
- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

Impact 1a: Temporary Construction Noise. Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities. The short duration of project construction (one year) and the incorporation of construction best management practices as part of the project's Noise Control Plan would result in a **less-than-significant** temporary noise impact.

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. The proposed project would not require pile driving, which can cause excessive noise.

Chapter 8.28 of the City of Morgan Hill's Municipal Code establishes allowable hours of construction between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. Construction for the proposed project is anticipated to take place during these allowable hours.

While noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code, the Fundamentals section of this report provides a threshold of 45 dBA for speech interference indoors. Assuming a 15 dBA exterior-to-interior reduction for standard residential construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses. Additionally, temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA L_{eq} for an extended period of time. Therefore, the temporary construction noise impact would be considered significant if project construction activities produced noise levels exceeding 60 dBA L_{eq} at residential land uses and the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

For the residences located to the west and southwest of the project site, opposite Butterfield Boulevard and/or Monterey Road, daytime ambient noise levels would be represented by ST-1, which was 71 dBA $L_{eq(10-min)}$. The ambient noise environment for the existing residences to the south of the site, across the open space area, would be represented by measurements made at ST-2, which was 48 dBA $L_{eq(10-min)}$ at a distance of 320 feet from the centerline of Monterey Road.

The ambient noise environment for the existing residence to the east of the site, across UPRR tracks and Railroad Avenue, would be represented by measurements made at ST-3, which was 63 dBA $L_{eq(10-min)}$ without any trains passing by at a distance of 55 feet from the center of UPRR tracks.

The typical range of maximum instantaneous noise levels for the proposed project would be 71 to 90 dBA L_{max} at a distance of 50 feet (see Table 6). Table 7 shows the hourly average noise level ranges, by construction phase, as measured from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

A detailed list of equipment expected to be used for the proposed project construction and phasing information was not available at the time of this study. Most construction activities would consist of ground clearing and grading to construct the track and field area with finishing occurring over the parking lot and areas that require concrete and asphalt. One building that would be used for storage, restrooms, and concessions will be constructed near the center of the project site. Total project construction is expected to last for approximately one year. Based on the hourly average noise levels summarized in Table 7, construction noise levels for the surrounding land uses were estimated. The typical range of average noise levels for the proposed project would be 71 to 83 dBA L_{eq} at a distance of 50 feet. Table 8 summarizes the hourly average noise levels during construction activities of the nearest sensitive land uses, as measured from the center of the project site to the property line of the receiving land use.

TABLE 6 Construction Equipment, 50-foot Noise Emission Limits

Equipment Category	L_{max} Level (dBA) ^{1,2}	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor ³	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous

Equipment Category	L _{max} Level (dBA) ^{1,2}	Impact/Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes: ¹ Measured at 50 feet from the construction equipment, with a “slow” (1 sec.) time constant.

² Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.

³ Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.

TABLE 7 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious, Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. II - Minimum required equipment present at site.								

Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

TABLE 8 Estimated Construction Noise Levels at Nearby Land Uses

Reference Noise Levels at 50 feet	Estimated Noise Levels at Nearby Land Uses, dBA L_{eq}				
	West Residence (130 feet)	West Residence (260 feet)	Southwest Residence (430 feet)	East Residence (450 feet)	Southeast Residence (540 feet)
71-83	63-75	57-69	52-64	52-64	50-62

When construction activities occur near surrounding land uses, construction noise levels would exceed the 60 dBA L_{eq} threshold, and potentially exceed the ambient noise levels at residences to the south of the project by 5 dBA L_{eq} or more. However, construction of the project is not anticipated to last longer than one year, and incorporation of the controls outlined below would reduce construction noise levels at nearby land uses.

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Construction activities will be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work to between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. to 6:00 p.m. on Saturday. Construction is prohibited on Sundays and federal holidays. Further, the City shall require the construction crew to adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Construction Best Management Practices

Develop a construction noise control plan, including, but not limited to, the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project

site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 lbs/ft² (e.g., such as ¾" plywood).
- Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The implementation of the reasonable and feasible controls outlined above would reduce construction noise levels emanating from the site, minimizing disruption and annoyance. With the implementation of these controls, as well as the Municipal Code limits on allowable construction hours, and considering that construction is temporary, noise levels would be reduced to a **less-than-significant impact**.

Mitigation Measure 1a: No further mitigation required.

Impact 1b: Permanent Noise Level Increase. The proposed project would not result in a substantial permanent noise level increase due to project-generated traffic at the existing noise-sensitive land uses in the project vicinity. **This is a less-than-significant impact.**

A significant permanent noise increase would occur if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} at residences; or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater at residences. According to the noise contours included in the Morgan Hill 2035 General Plan, and noise measurements from the site survey, residences located within approximately 250 feet of the centerline of Butterfield Boulevard and Monterey Road would have future noise levels exceeding 60 dBA L_{dn} . Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by 3 dBA L_{dn} .

At the time of this analysis, traffic data for the proposed project were not available. Traffic data counts from a study² conducted in the area between May and June 2015 show over 13,000 average daily trips along the segment of Butterfield Boulevard adjacent to the project site. In order to increase ambient noise levels by 1 dBA L_{dn} , the project would need to generate an average daily traffic volume of 3,300 trips. Based on the site plans and size of the park in relation to similar projects, it is anticipated that the project would generate an average daily traffic volume well below 3,300 daily trips. Therefore, the proposed project would not cause a substantial permanent noise level increase at noise-sensitive receptors in the project vicinity. This is a **less-than-significant impact**.

Mitigation Measure 1b: None required.

Impact 1c: Noise Levels in Excess of Standards. The proposed project would not generate noise in excess of standards established in the City's General Plan and Municipal Code at sensitive receptors. This is a **less-than-significant impact**.

Sports Field Area

The City of Morgan Hill limits noise from non-transportation related sources to 60 dBA at the property line of residences. The Zoning Code does not define the acoustical time descriptor such as L_{eq} (the average noise level) or L_{max} (the maximum instantaneous noise level) that is associated with the above limit. A conservative interpretation of the Zoning Code would identify the L_{max} as the noise limit at nearby residential property lines. However, this analysis will use both 60 dBA L_{max} and 60 dBA L_{eq} as significance criteria for evaluating intermittent events associated with the operation of the project.

The project description, dated July 1, 2019, indicates one baseball field, two turf fields, and two pump tracks. Other project amenities include a picnic area, a walking path around the perimeter of the site, and a multi-purpose building for restrooms, concessions, and public meetings. Field lighting would be available for use until 10:00 p.m. with shutoff at 11:00 p.m.

Illingworth and Rodkin, Inc. has made measurements of the noise generated by baseball games at several locations throughout the bay area. Little League baseball games typically generate “worst case” noise levels of about 57 dBA L_{eq} at a distance of 100 feet from the center of the infield.

² Hatch Mott MacDonald, “Exhibit 1 Average Daily Traffic Volumes.” City of Morgan Hill Public Works Department. August 21, 2015.

Maximum noise levels of about 65 dBA L_{max} typically result from baseballs being hit and shouting from players and spectators. Noise levels generated by softball games would be anticipated to be lower than baseball games.

Measurements at an existing pump track facility in Novato, California indicate that noise levels associated with biking would be lower than those during baseball and softball games, (see Table 5). At a distance of 100 feet from the center of the pump tracks, maximum noise levels would be about 63 dBA L_{max} as a result of shouting and cheering. Noise levels associated with the bicycles on the pump track are generally lower than talking and shouting from spectators and participants. Therefore, the noise levels generated by the pump tracks are anticipated to be lower than those generated during sports activities.

Assuming a standard attenuation rate of 6 dBA per doubling of distance, the noise resulting from activities at the center of the proposed field area would generate a noise level of about 39 to 41 dBA L_{eq} at the nearest sensitive receptors to the west. Maximum noise levels at these receptors would range from approximately 47 to 49 dBA L_{max} . Receptors to the south and east could potentially be as close to noise-generating sources from the field area as the receptors to the west, depending on the location of the sports activity. Therefore, noise levels at these locations are not anticipated to be above 41 dBA L_{eq} or 49 dBA L_{max} . While occasional shouting or cheering may be heard by nearby receptors during the evening hours, average noise levels would be below ambient levels. The 24-hour average noise level (L_{dn}) at these residences would not measurably increase, and noise levels defined by the L_{eq} and L_{max} would be below 60 dBA, thus meeting the residential Zoning Code noise limits established by the City of Morgan Hill.

Parking Lot Activities

Parking areas will be located along the western portion of the project site. Noise associated with the use of the parking lots would include vehicular circulation, loud engines, door slams, and human voices. The maximum noise level of a passing car at 15 mph typically ranges from 45 dBA to 55 dBA L_{max} at a distance of 100 feet. The noise generated during an engine start is similar. Door slams cause slightly lower noise levels. The noise of car stereos is variable, potentially disturbing, and unnecessary. The hourly average noise levels resulting from all of these noise-generating activities in a busy parking lot typically ranges from 40 dBA to 50 dBA L_{eq} at a distance of 100 feet from the parking area. Noise levels decrease at a rate of 6 dB per doubling of distance. Noise levels resulting from parking activities at the nearest residences would range from 38 to 48 dBA L_{eq} and maximum noise levels would range from about 43 to 53 dBA L_{max} . Noise levels associated with normal parking lot activities would typically be below the range of ambient traffic noise levels and would be below the residential Zoning Code limits established by the City.

Mitigation Measure 1c: No further mitigation required.

Impact 2: Exposure to Excessive Groundborne Vibration. Construction-related vibration is not expected to exceed 0.3 in/sec PPV at existing buildings surrounding the project site or at future on-site receptors. **This is a less-than-significant impact.**

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. While equipment and phasing information

was not available at the time of this study, the proposed project is not expected to require pile driving, which can cause excessive vibration.

The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. Conservative vibration limits of 0.3 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern (see Table 3 above for further explanation). For historical buildings or buildings that are documented to be structurally weakened, a cautious limit of 0.08 in/sec PPV is often used to provide the highest level of protection. No historical buildings or buildings that are documented to be structurally weakened adjoin the project site. For the purposes of this study, groundborne vibration levels exceeding the conservative 0.3 in/sec PPV limit at the existing residential and buildings surrounding the site would have the potential to result in a significant vibration impact.

Table 9 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

Worst-case scenario vibration levels were calculated at the nearest building façades surrounding the site, as measured from project's boundaries. The potential vibration levels for each piece of equipment at the surrounding receptors is also summarized in Table 9. The nearest existing building to the project site would be the residence to the west across Butterfield Boulevard. Located approximately 150 feet from the project's boundary, the worst-case vibration levels at this structure would be 0.073 in/sec PPV. All other surrounding buildings would be subject to vibration levels at or below 0.073 in/sec PPV. This would be a less-than-significant impact.

TABLE 9 Vibration Source Levels for Construction Equipment

Equipment		Vibration Levels (in/sec PPV)	
		Reference at 25 feet	Residential Building at 150 feet
Clam shovel drop		0.202	0.071
Hydromill (slurry wall)	in soil	0.008	0.003
	in rock	0.017	0.006
Vibratory Roller		0.210	0.073
Hoe Ram		0.089	0.031
Large bulldozer		0.089	0.031
Caisson drilling		0.089	0.031
Loaded trucks		0.076	0.027
Jackhammer		0.035	0.012
Small bulldozer		0.003	0.001

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, September 2018 as modified by Illingworth & Rodkin, Inc., June 2019.

Mitigation Measure 2: None required.

Impact 3: Excessive Aircraft Noise. The project site is located more than two miles from a public airport or private-use airport and would not expose people residing or working in the project area to excessive noise levels. **This is a less-than-significant impact.**

San Martin Airport is a public non-towered airport located about 2.25 miles southeast of the project site. According to the Santa Clara County Airport Land Use Commission (ALUC)'s Comprehensive Land Use Plan for this airport,³ the project site lies outside of the 2022 55 dBA CNEL noise contour. While aircraft flyovers would at times be audible at project site, noise levels due to aircraft would not result in future exterior noise levels of 60 dBA L_{dn} or more and noise levels resulting from aircraft would be compatible with the proposed project.

Mitigation Measure 3: None required.

³ Santa Clara County Airport Land Use Commission, "Comprehensive Land Use Plan Santa Clara County: South County Airport," September 10, 2008 and amended November 16, 2016.



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: July 5, 2019
To: Alejandra Sanchez, David J. Powers & Associates, Inc.
From: Gicela Del Rio, T.E.
Subject: Trip Generation and Operations Analysis for the Proposed Butterfield Park in Morgan Hill, California

Introduction

Hexagon Transportation Consultants, Inc. has completed a trip generation and operations analysis for the proposed Butterfield Park project in the City of Morgan Hill, California. The project site consists of two city-owned undeveloped parcels (Assessor's Parcel Numbers (APN) 817-06-002 and 817-06-064) generally located south of Butterfield Boulevard, between Monterey Road and the UPRR tracks, and totaling approximately 9.5 acres (see Figure 1). The project as proposed would develop the project site with a high-quality neighborhood park which would include track and field with maintenance areas and a surface parking area.

The project description, analysis procedure and assumptions, results, and recommendations are presented below. It is important to note that this traffic analysis does not constitute, or replace, a comprehensive traffic impact study for the project. Based on the result of the trip generation and operations analysis, City staff will be able to determine if a comprehensive traffic analysis will be necessary for the project.

Project Description

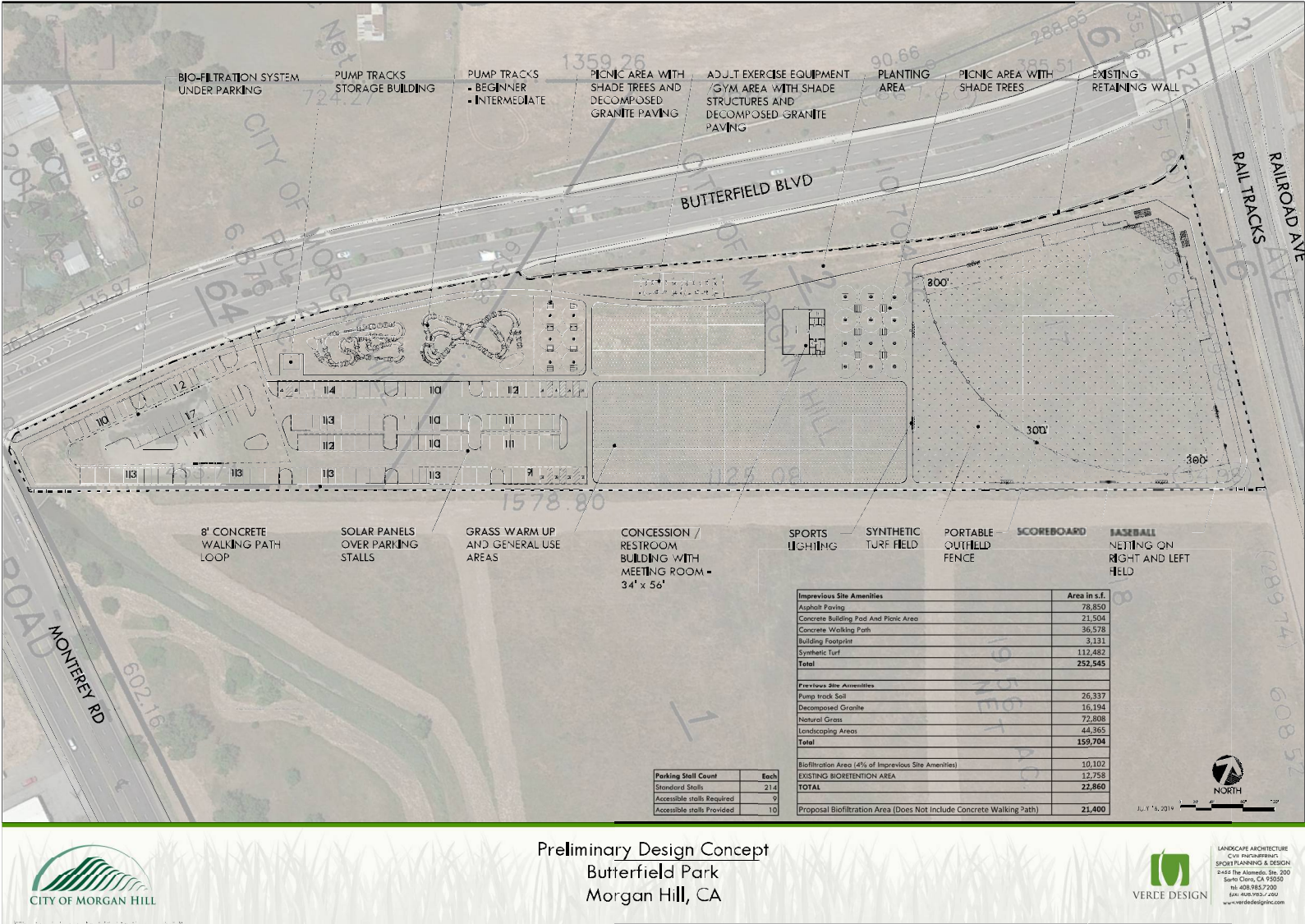
The proposed Butterfield Park would consist of a City park that would mainly serve City of Morgan Hill residents. Based on the latest preliminary conceptual design (site plan dated June 16, 2019 by Verde Design – Figure 2), the project would include 2 BMX pump tracks, 1 baseball field, and supporting amenities including shade structures, picnic areas/tables, areas for pop-up tents, an adult exercise/gym shaded area, and an approximately 1,900-square-foot one story building that would house a public meeting room, concessions, and restrooms. The park also would include a paved walking path that would run along the perimeter of the site and an on-site 214-space parking lot with access via a driveway on Butterfield Boulevard. Due to the presence of a raised center median along Butterfield Boulevard, the project driveway would provide right-in and right-out access only.

The proposed park and its facilities would be used by Morgan Hill residents. It is not anticipated that regional events, or events that would result in a significant amount of traffic being generated from outside of Morgan Hill, would be held at the park. In addition, it is not anticipated that the proposed park would generate a significant amount of traffic during the standard weekday AM (7:00 to 9:00 AM) and PM (4:00 to 6:00 PM) peak hours. The park is anticipated to generate the most visitors on Saturdays.

Figure 1
Project Site Location and Study Intersections



Figure 2
Site Plan



Scope of Work

The purpose of the trip generation and operations analysis is to evaluate the magnitude of traffic to be added to the roadway system by the proposed project and its effect on traffic operations in the transportation network immediately surrounding the site. The potential impacts related to the proposed project were evaluated following the standards and methodologies set forth by the City of Morgan Hill and the Santa Clara Valley Transportation Authority (VTA). The VTA administers the County Congestion Management Program (CMP).

Because it is not anticipated that the proposed project would generate a significant amount of traffic during the standard weekday AM and PM peak hours, the trip generation and operations analysis focuses on the proposed project's effect during the Saturday peak-hour at the following signalized intersections:

1. Monterey Road and Watsonville Road/Butterfield Boulevard
2. Butterfield Boulevard and Tennant Avenue
3. Monterey Road and Tennant Avenue/Edmundson Avenue

Traffic conditions were evaluated for the following scenarios:

Scenario 1: *Existing Conditions*. Existing conditions represent existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from new turning-movement traffic counts conducted in June, 2019.

Scenario 2: *Existing plus Project Conditions*. Estimates of project-generated traffic were added to the existing traffic volumes to obtain existing plus project traffic volumes. Existing plus project conditions were evaluated relative to existing conditions to determine potential project impacts.

The study also includes a review of the site access and on-site circulation to determine the adequacy of the proposed site plan in accordance with generally accepted traffic engineering standards. This review considers the following: sight distance, vehicle queuing, traffic control requirements, driveway location and alignment, on-site layout and circulation, and large vehicle access and circulation.

Analysis Methodologies and Level of Service Standards

Traffic conditions at the study intersections were evaluated using level of service (LOS). *Level of Service* is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The analysis method is described below.

Signalized Intersections

Signalized study intersections are subject to the City of Morgan Hill level of service standards. The City of Morgan Hill level of service methodology is TRAFFIX, which is based on the 2000 *Highway Capacity Manual* (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersections operations based on average control delay time for all vehicles at the intersection. Since TRAFFIX is also the CMP-designated intersections level of service methodology, the City of Morgan Hill methodology employs the CMP defaults values for the analysis parameters, which include adjusted saturation flow rates to reflect conditions in Santa Clara County.

In accordance with the adopted threshold of significance described in the City of Morgan Hill's Guidelines for Preparation of Transportation Impact Reports, dated February 2010, all intersections

within the City of Morgan Hill are required to meet the City's LOS standard of LOS D, with the exception of the following:

- **LOS F** for Downtown intersections and segments including at Main Avenue/Monterey Road, along Monterey Road between Main Avenue and Fifth Street, and along Depot Street at First Street through Fifth Street;
- **LOS E** for the following intersections and freeway zones:
 - Main Avenue and Del Monte Avenue
 - Main Avenue and Depot Street
 - Dunne Avenue and Del Monte Avenue
 - Dunne Avenue and Monterey Avenue
 - Dunne Avenue and Church Street
 - Dunne Avenue and Depot Street
 - Cochrane Road and Monterey Road
 - Tennant Avenue and Monterey Road
 - Tennant Avenue and Butterfield Boulevard
 - Cochrane Road Freeway Zone: from Madrone Parkway/Cochrane Plaza to Cochrane Road/DePaul Drive
 - Dunne Avenue Freeway Zone: from Walnut Grove Drive/East Dunne Avenue to Condit Road/East Dunne Avenue
 - Tennant Avenue Freeway Zone: from Butterfield Boulevard/Tennant Avenue to Condit Road/Tennant Avenue

Both study intersections along Tennant Avenue have a LOS E standard while the intersection of Monterey Road and Butterfield Boulevard/Watsonville Road has a LOS D standard. The correlation between average delay and level of service for signalized intersections is shown in Table 1.

Evaluation of Existing Conditions

The existing roadway network, transit services, bicycle and pedestrian facilities, and traffic conditions are described below.

Existing Roadway Network

The following roadways would provide access to the project site:

Monterey Road is classified in the City of Morgan Hill General Plan as a four-lane major arterial that runs directly through Morgan Hill. It extends from Market Street, in downtown San Jose, to US 101 south of the City of Gilroy. Monterey Road has a posted speed limit of 45 miles per hour (mph) in the vicinity of the project site.

Butterfield Boulevard is a north-south four-lane divided arterial roadway that begins in the north part of town at its intersection with Cochrane Road and extends southward to its intersection with Monterey Road where it changes designation to Watsonville Road. Butterfield Boulevard has a posted speed limit of 45 mph and, along with Monterey Road, serves as a primary north-south route within the City of Morgan Hill. Butterfield Boulevard would provide direct access to the site via one driveway.

Tennant Avenue is classified in the City of Morgan Hill General Plan as a 4- to 6-lane major arterial. Tennant Avenue extends from Monterey Road eastward over US 101 to Carey Avenue where it terminates. West of Monterey Road, Tennant Avenue changes designation to Edmundson Avenue. With a full interchange at US 101, Tennant Avenue provides regional access to the project site.

Table 1
Signalized Intersection Level of Service Definitions Based on Control Delay

Level of Service	Description	Average Control Delay per Vehicle (sec.)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	up to 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 80.0
Sources: Transportation Research Board, <i>2000 Highway Capacity Manual. Traffic Level of Service Analysis Guidelines</i> , Santa Clara County Transportation Authority Congestion Management Program, June 2003.		

Existing Bicycle and Pedestrian Facilities

Pedestrian facilities in the vicinity of the project site include sidewalks along Butterfield Boulevard and marked crosswalks and pedestrian push buttons and signal heads along all approaches of the Monterey Road and Butterfield Boulevard intersection. Additionally, Americans with Disabilities Act (ADA)-compatible wheelchair ramps are installed at all four corners of the Monterey Road and Butterfield Boulevard intersection. Marked crosswalks and pedestrian push buttons and signal heads also are found along all legs of both the intersections of Monterey Road/Tennant Avenue and Butterfield Boulevard/Tennant Avenue.

Besides the above mentioned sidewalks along Butterfield Boulevard, sidewalks along segments of Monterey Road and Watsonville Road in the immediate vicinity of the project site are missing. Short segments of sidewalks (100-200 feet long) are present along Monterey Road at its intersection with Butterfield Boulevard, both north and south; however, no sidewalks are present along an approximately 800-foot segment to the north (both sides of the street), and only short segments of sidewalks are found to the south, mainly at bus stops. Along Watsonville Road, sidewalks are missing along the north side of the street for approximately 800 feet west of Butterfield Boulevard and along most of the south side of the street. The missing sidewalks along the adjacent streets would provide a discontinuous sidewalk network between the proposed park from nearby neighborhoods.

Although the missing sidewalks would result in a discontinuous pedestrian network in the immediate vicinity of the project site, the existing bicycle network would provide an alternative mode of access to park users, besides the automobile. Class II bike lanes (defined by the VTA as striped bike lanes on street) are currently provided along the following roadways in the vicinity of the project site:

- Butterfield Boulevard, along its entire length (including the project frontage)
- Watsonville Road, between Monterey Road and Santa Teresa Boulevard/Sunnyside Avenue
- Monterey Road, nearly its entire length within the City of Morgan Hill (including the project frontage), with the exception the Downtown area (between Dunne and Main Avenues)
- Tennant Avenue, west of Monterey Road to east of US 101

Additionally, the Llagas Creek Trail, a Class I bikeway (off-street path which is shared with pedestrians and excludes motor vehicles), runs north/south west of Monterey Road between Watsonville Road and Spring Avenue. The trailhead along Watsonville Road is located approximately ¼-mile west of the project site.

The available bicycle network would provide access between the project site and adjacent neighborhoods as well as most parts of town by connecting to other bicycle facilities in town.

Existing Transit Facilities

Existing transit service to the study area is provided by the VTA. The nearest bus stops to the project site are located on Monterey Road just north and south of Butterfield Boulevard/Watsonville Road. These bus stops are served by Local Route 68.

Local Route 68 operates on Monterey Road and Hale Avenue on its route between the Gilroy Transit Center and the Diridon Transit Center in San Jose with 15-20 minute headways on weekdays during the commute hours between the hours of 4:00 AM and 1:30 AM. On weekends, Route 68 operates with approximately 20-minute headways between the hours of 5:45 AM and 1:30 AM.

Existing Intersection Lane Configurations and Traffic Volumes

The existing lane configurations at the study intersections were determined by observations in the field. Existing Saturday peak-hour traffic volumes were obtained from new manual turning-movement counts conducted on Saturday June 22 and 29, 2019 at the study intersections. Traffic count data was collected for a six-hour period in order to identify the Saturday peak-hour in the vicinity of the project site. Based on the traffic data collection, the Saturday peak-hour at the study intersections occurred between the hours of 12:00 PM and 2:00 PM.

In addition to vehicular volumes, pedestrian and bicycle volumes also were collected at the study intersections. The traffic count data shows that at the intersection of Monterey Road and Butterfield Boulevard/Watsonville Road, a total of 25 pedestrians and 48 bicycles crossed the intersection during the Saturday peak-hour. At the intersection of Monterey Road and Tennant Avenue, 22 pedestrians and 13 bicycles crossed the intersection during the Saturday peak-hour, while at the intersection of Butterfield Boulevard and Tennant Avenue only 1 pedestrian and 4 bicycles crossed the intersection during the Saturday peak-hour. With the available pedestrian and bicycle facilities at the study intersections, the existing pedestrian and bicycle volumes are easily accommodated.

The existing traffic volumes and lane configurations at the study intersections are presented in Figure 3. The intersection turning-movement counts (including pedestrian and bicycle counts) are presented in the Appendix.

Figure 3
Existing Peak-Hour Traffic Volumes and Lane Configurations



Existing Conditions Intersection Level of Service Analysis

The results of the level of service analysis under existing conditions are summarized in Table 2. The results show that, measured against the City of Morgan Hill level of service standards, all the study intersections currently operate at an acceptable level of service under existing conditions during the Saturday peak-hour. The level of service calculation sheets are included in the Appendix.

Table 2
Existing Conditions Intersection Level of Service Results

Int. #	Intersection	Existing Control	LOS Standard	Peak Hour	Count Date	Existing	
						Avg. Delay	LOS
1	Monterey Road and Watsonville Road/Butterfield Boulevard	Signal	D	SAT	06/22/19	43.6	D
2	Butterfield Boulevard and Tennant Avenue	Signal	E	SAT	06/29/19	38.3	D
3	Monterey Road and Tennant Avenue/Edmundson Avenue	Signal	E	SAT	06/22/19	37.8	D

Evaluation of Existing Plus Project Conditions

Traffic conditions at the study intersections were evaluated under existing plus project conditions. Potential project impacts were evaluated relative to existing conditions.

Significant Impact Criteria

Significance criteria are used to establish what constitutes an impact. Significance criteria for impacts on intersections for this analysis is based on the City of Morgan Hill Level of Service standards and impact criteria.

Definition of Significant Signalized Intersection Impacts

All intersections within the City of Morgan Hill are required to meet their adopted level of service standards (LOS E for freeway zone intersections, LOS F for Downtown intersections, and LOS D for all other City intersections).

According to the City of Morgan Hill level of service significant impact thresholds, a development is said to create a significant adverse impact on traffic conditions at a signalized intersection if for either peak hour:

1. The level of service at the intersection degrades from an acceptable level (LOS D or LOS E as identified above) under existing conditions to an unacceptable level (LOS E or F) under project conditions, or
2. The level of service at the intersection is an unacceptable level (LOS E or F as identified above) under existing conditions and the addition of project trips causes the average critical delay to increase by four (4) or more seconds *and* the volume-to-capacity ratio (V/C) to increase by 0.01.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by 0.01 or more.

Transportation Network Under Existing Plus Project Conditions

The proposed project is not proposing to implement off-site improvements, therefore, it is assumed in this analysis that the roadway network and intersection configurations under existing plus project conditions would be the same as described under existing conditions.

Existing Plus Project Conditions Traffic Volumes

Existing plus project conditions are represented by existing traffic volumes with the addition of traffic generated by the proposed project.

Project Trip Estimates, Distribution, and Assignment

The magnitude of traffic produced by a new development is typically estimated by applying the applicable trip generation rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, latest edition to the size of the project. The ITE *Trip Generation Manual*, 10th Edition, includes trip generation rates for Public Park (Land Use Code 411). However, the available rates for the public park land use are based on limited data (only five studies) and do not include some of the amenities being proposed as part of the project, such as the baseball fields and the pump tracks. There are no ITE trip generation rates available for baseball fields and pump tracks. For this reason, the trip generation for the proposed project was estimated for each of the project components and based on a combination of ITE trip generation rates and specific project information.

Baseball field

The Saturday peak-hour trip generation for the baseball field was estimated based on the following assumptions:

- One baseball game would end and another game would begin during the peak-hour
- Trips associated with the ending game represent outbound trips while trips associated with the starting game represent inbound trips
- Each team would include 12 players (2 teams per game, 4 teams during the peak-hour)
- A game would generate an average of 1 vehicle per player
- In addition, approximately half of the players would have other family members come to the game, representing 0.5 vehicles per player (spectators)
- Each game would include two officials, or 2 additional vehicles per game

Although it is not likely that all players associated with both ending and starting games would arrive/leave the site during the same hour, making this assumption represents a conservative approach and compensates for other trips that may occur during the peak-hour and are not accounted for in the trip generation estimate (for example, parents dropping-off kids prior to the game for pre-game warm ups, leaving, and coming back at the beginning of the game). Based on the above assumptions, the baseball field would generate a total of 76 trips (38 inbound and 38 outbound) during the Saturday peak-hour.

Pump Tracks

Limited information for pump tracks is available. The nearest pump tracks to the City of Morgan Hill are located in the Cities of San Jose, Aptos, and Santa Cruz. Based on information obtained from Drew Perkins (email correspondence), the Trails Program Director at Mountain Bikers of Santa Cruz, the

peak usage of their most popular track (Harvey West Park) is on Saturdays and on weekday evenings during the summer. According to Mr. Perkins, there are usually 5 to 15 people at the track during the peak usage time. Unfortunately, Mountain Bikers of Santa Cruz does not have actual usage information available for any of their pump tracks.

Because the available information for pump tracks is limited, alternative trip generation rates for a land use with similar trip generation characteristics was used. Thus, the trip generation for the proposed pump tracks was estimated based on ITE trip generation rates for soccer fields (ITE Land Use Code 488). Soccer field trip generation rates are the available ITE rates that most closely compare to the trip generation characteristics of the proposed pump tracks in terms of field usage peak-hour trip generation. Because soccer teams consist of up to 15 players (with two teams per game) and based on the information from the existing pump tracks that estimates up to 15 track users during the peak usage time, it was assumed that both proposed pump tracks would generate traffic equivalent to one soccer field. Based on this assumption, the pump tracks are estimated to generate a total of 41 trips (20 inbound and 21 outbound) during the Saturday peak-hour.

Remaining Park and Supporting Amenities

The trip generation for the remaining park land use and supporting amenities (including shade structures, picnic areas/tables, areas for pop-up tents, restrooms building with meeting room, and adult exercise/gym shaded area) was estimated based on the ITE trip generation rate for Public Park. The size of the park was conservatively assumed to be approximately 4 acres. Based on the ITE trip generation rates, it is estimated that the proposed park would generate a total of 27 trips (15 inbound and 12 outbound) during the Saturday peak hour.

Based on the above assumptions, the proposed project is estimated to generate a total of 144 trips (73 inbound and 71 outbound) during the Saturday peak hour. The project trip generation estimates are presented in Table 3.

The above project trips were assigned to the roadway network based on existing travel patterns in the study area and on the locations of complementary land uses. Due to the presence of a raised center median along Butterfield Boulevard, the project driveway would provide right-in and right-out access only. All inbound project traffic would access the site via the intersection of Monterey Road and Butterfield Boulevard/Watsonville Road and all outbound traffic would travel eastbound/northbound on Butterfield Boulevard to the intersection of Butterfield Boulevard/Tennant Avenue and on to their final destination. Figure 4 shows the project trip distribution assignment at the study intersections. The Saturday peak-hour traffic volumes under existing plus project conditions are presented in Figure 5.

Existing Plus Project Conditions Intersection Level of Service Analysis

The results of the intersection level of service analysis show that all of the study intersections are projected to continue to operate at an acceptable LOS D during the Saturday peak-hour with implementation of the proposed project.

The addition of project traffic would not result in the degradation of the study intersections' level of service nor would it increase the intersections' average delay by more than one second during the Saturday peak-hour (see Table 4). Therefore, the project would not have a significant impact at any of the study intersections.

Table 3
Project Trip Generation

Land Use	ITE Land Use Code	Size	Rate	Saturday Peak-Hour				
				Split		Trips		
				In	Out	In	Out	Total
Trip Generation Estimate								
Baseball Field ¹		1 Field						
Players		48 (24 per game)				24	24	48
Spectators		24 (12 per game)				12	12	24
Officials		4 (2 per game)				2	2	4
						38	38	76
Pump Track (Soccer Field) ²	488	1 Field	41.26	48%	52%	20	21	41
Public Park ³	411	4 Acres	6.8	55%	45%	15	12	27
Total						73	71	144
Source: ITE <i>Trip Generation Manual</i>, 10th Edition 2017 ¹ The ITE <i>Trip Generation Manual</i> does not provide trip generation rates for baseball field land use. Thus, the trip generation for the baseball field was estimated assuming 12 players per team/2 teams (24 inbound trips), spectators for half the players (12 inbound trips), and 2 officials (2 inbound trips) per game. In addition, during the Saturday peak-hour, one game would end and a second one would begin, resulting in the same number of outbound trips. ² The ITE <i>Trip Generation Manual</i> does not provide trip generation rates for pump track land use. Thus, it is assumed that the proposed two pump tracks would generate trips equivalent to one soccer field (ITE Land Use 488). ³ Trip generation for the remaining park land use and supporting amenities was estimated using ITE trip generation rates for Public Park land use (ITE Land Use 411).								

Figure 4
Project Trip Distribution and Assignment

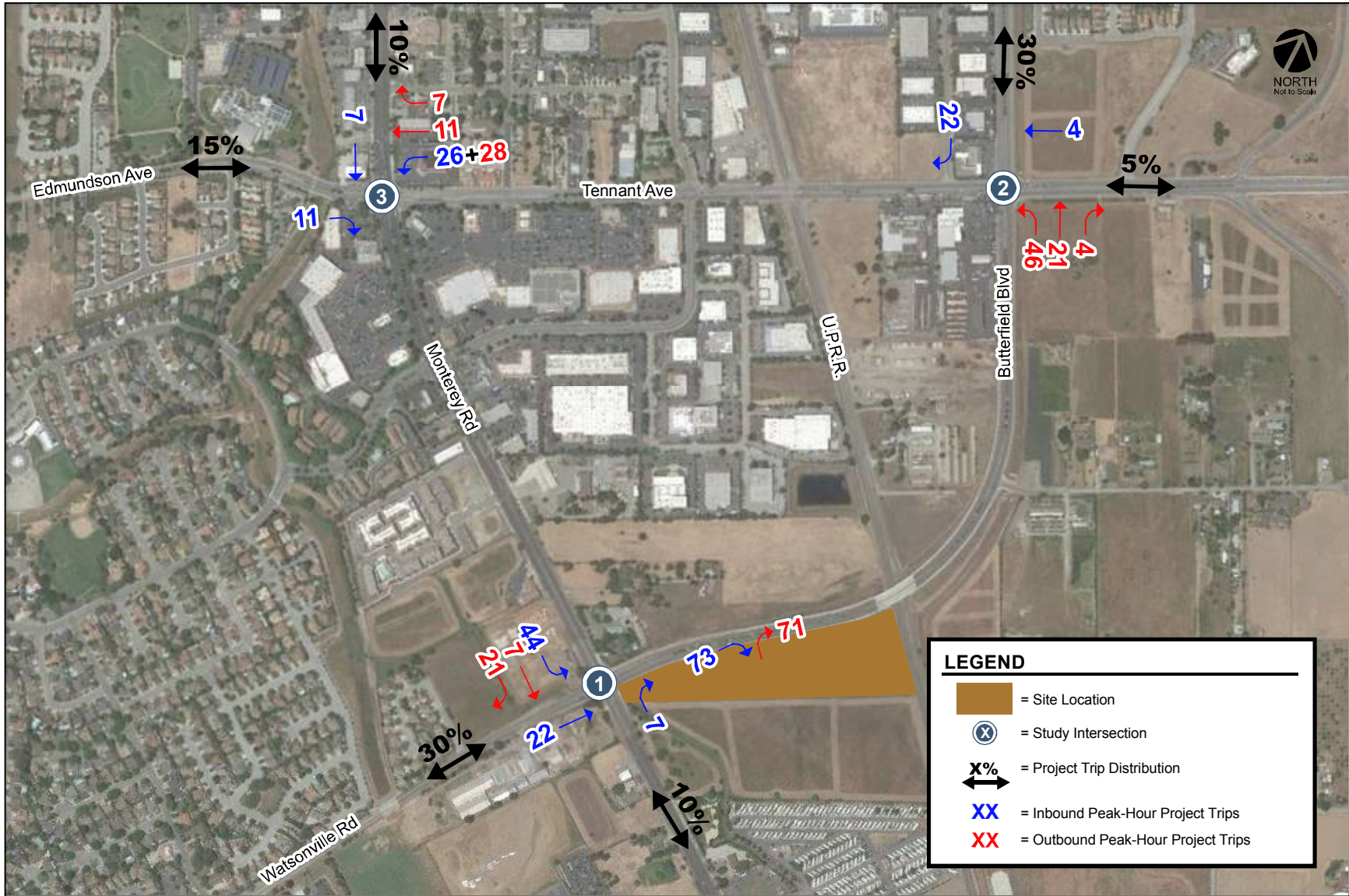


Figure 5
Existing Plus Project Traffic Volumes



Table 4
Existing Plus Project Intersection Level of Service Results

Int. #	Intersection	Existing Control	LOS Standard	Peak Hour	Count Date	Existing		Existing + Project			
						Avg. Delay	LOS	Avg. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	Monterey Road and Watsonville Road/Butterfield Boulevard	Signal	D	SAT	06/22/19	43.6	D	43.9	D	0.0	0.002
2	Butterfield Boulevard and Tennant Avenue	Signal	E	SAT	06/29/19	38.3	D	38.2	D	1.7	0.051
3	Monterey Road and Tennant Avenue/Edmundson Avenue	Signal	E	SAT	06/22/19	37.8	D	38.6	D	1.2	0.024

Queuing Analysis

The intersection level of service analysis was supplemented with an evaluation of vehicle queue length for high-demand turn-movements. Vehicle queues at the study intersections were estimated using a Poisson probability distribution, which estimates the probability of “n” vehicles for a vehicle movement using the following formula:

$$P(x=n) = \frac{\lambda^n e^{-(\lambda)}}{n!}$$

Where:

$P(x=n)$ = probability of “n” vehicles in queue per lane

n = number of vehicles in the queue per lane

λ = average number of vehicles in the queue per lane (vehicles per hour per lane/signal cycles per hour)

The basis of the analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95th percentile maximum number of queued vehicles per signal cycle for a particular movement; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement. This analysis thus provides a basis for estimating future left-turn storage requirements at intersections. The 95th percentile queue length value indicates that during the peak hour, a queue of this length or less would occur on 95 percent of the signal cycles. Likewise, a queue length larger than the 95th percentile queue would only occur on 5 percent of the signal cycles (about 3 cycles during the peak hour for a signal with a 60-second cycle length). Therefore, left-turn storage pocket designs based on the 95th percentile queue length would ensure that storage space would be exceeded only 5 percent of the time. The 95th percentile queue length is also known as the “design queue length”.

The intersection queuing analysis is summarized in Table 5. Based on the queuing analysis, all study left-turn movements where the project would add a measureable amount of traffic (10 trips per lane or more) currently provide sufficient storage capacity to accommodate peak-hour queue lengths during the Saturday peak-hour and would continue to do so with the addition of project traffic.

Site Access and On-Site Circulation Evaluation

A review of the project site plan was performed to determine if adequate site access and on-site circulation would be provided and to identify any access or circulation issues that should be improved. This review is based on the site plan prepared by Verde Design, dated June 11, 2019, presented on Figure 2, and in accordance with generally accepted traffic engineering standards.

Site Access

Access to the project site would be provided via a single right-in and out access driveway along Butterfield Boulevard. The site plan shows the proposed driveway to be located approximately 320 feet east of the Monterey Road and Butterfield Boulevard intersection. The site driveway would provide direct access to the proposed on-site parking area.

The project site driveway is shown on the site plan to be just over 20 feet wide. According to Section 18.72.060 (Parking design and development standards) of the City of Morgan Hill Municipal Code, the minimum required driveway width at the street entrance should be 35 feet for a two-way commercial driveway.

Table 5
Queuing Analysis Summary

Measurement	Monterey/ Butterfield	Butterfield/ Tennant	Monterey/ Tennant
	SBL SAT	NBL SAT	WBL SAT
Existing Conditions			
Cycle/Delay ¹ (sec)	155	130	136
Lanes	1	1	2
Volume (vph)	24	20	273
Volume (vphpl)	24	20	137
Avg. Queue (veh/ln.)	1	1	5
Avg. Queue ² (ft./ln)	26	18	129
95th %. Queue (veh/ln.)	3	2	9
95th %. Queue (ft./ln)	75	50	225
Storage (ft./ ln.)	200	200	300
Adequate (Y/N)	YES	YES	YES
Existing Plus Project Conditions			
Cycle/Delay ¹ (sec)	155	130	136
Lanes	1	1	2
Volume (vph)	68	66	327
Volume (vphpl)	68	66	164
Avg. Queue (veh/ln.)	3	2	6
Avg. Queue ² (ft./ln)	73	60	154
95th %. Queue (veh/ln.)	6	5	11
95th %. Queue (ft./ln)	150	125	275
Storage (ft./ ln.)	200	200	300
Adequate (Y/N)	YES	YES	YES
¹ Vehicle queue calculations based on cycle length for signalized intersections. ² Assumes 25 feet per vehicle in the queue. NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound, R = Right, T = Through, L = Left.			

Recommendation: The project site access driveway must be designed to the satisfaction of City of Morgan Hill design standard and guidelines, including the minimum width and turn-radii requirements.

Sight Distance

Adequate sight distance must be provided at the project driveway. The project access point should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on the road. Any landscaping and signage should be located in such a way to ensure an unobstructed view for drivers exiting the site. Adequate sight distance (sight distance triangles) should be provided at the project driveway in

accordance with the *American Association of State Highway Transportation Officials (AASHTO)* standards. Sight distance triangles should be measured approximately 10 feet back from the traveled way. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to exit a driveway and locate sufficient gaps in traffic. The minimum acceptable sight distance is often considered the AASHTO stopping sight distance.

Sight distance requirements vary depending on the roadway speeds. Butterfield Boulevard has a posted speed limit of 45 miles per hour (mph). The AASHTO stopping sight distance for a facility with a posted speed limit of 45 mph is 360 feet. Thus, a driver exiting the proposed project driveway must be able to see 360 feet to the west along Butterfield Boulevard in order to stop and avoid a collision.

The intersection of Monterey Road/Butterfield Boulevard is located approximately 320 feet west of the proposed project driveway. However, a clear line of sight is available from the project driveway location to the Monterey Road/Butterfield Boulevard intersection. Additionally, the traffic signal at the Monterey Road/Butterfield Boulevard intersection provides gaps in the eastbound traffic flow along Butterfield Boulevard. Therefore, it can be concluded that the project driveway would meet the AASHTO minimum stopping sight distance requirements.

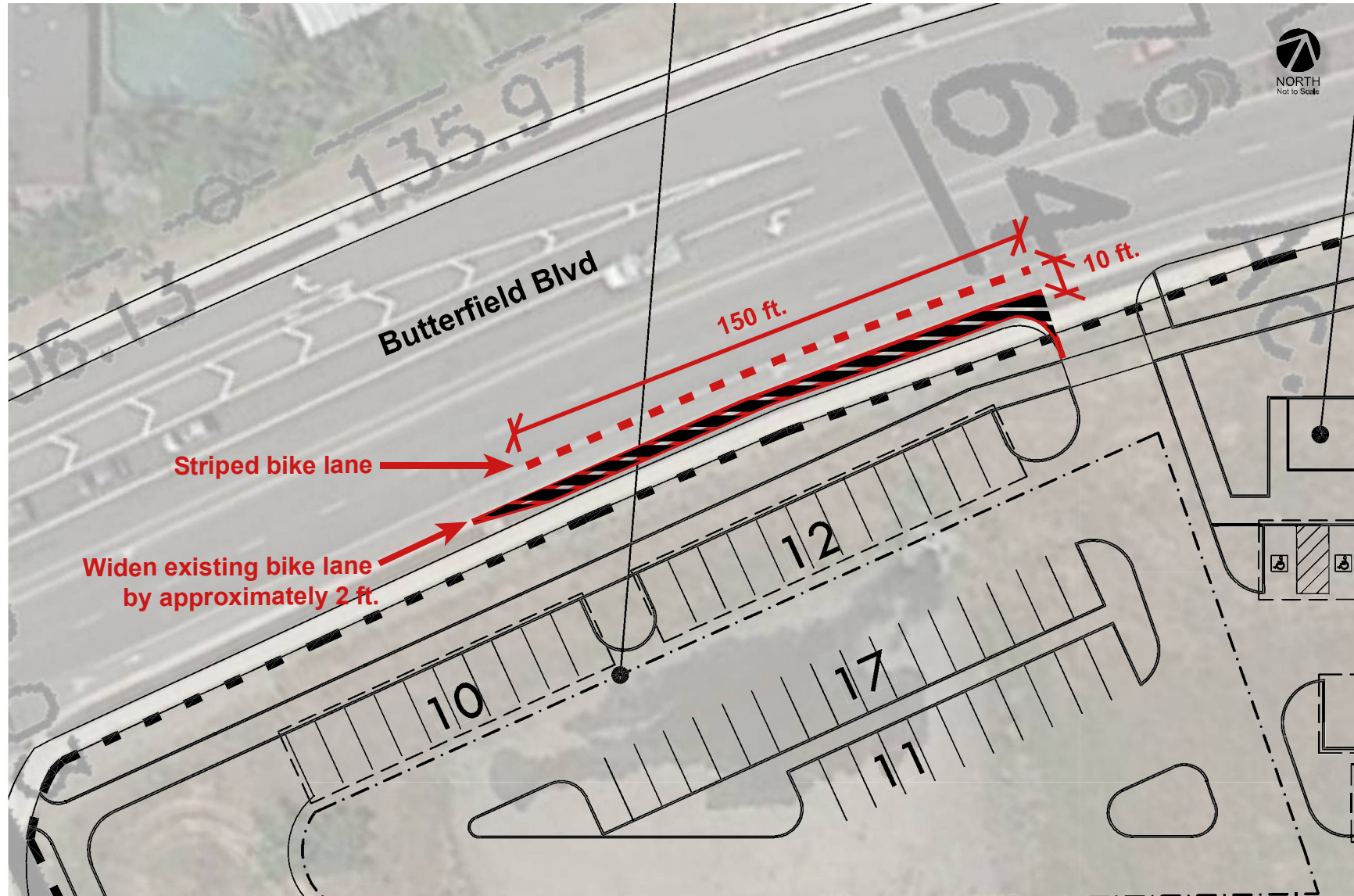
Project Driveway Operations

The estimated project trips at the project site driveways are shown on Figure 4. Based on the project trip generation and trip assignment, it is estimated that approximately 73 and 71 vehicles would enter and exit the site, respectively, during the Saturday peak-hour. Since the project driveway along Butterfield Boulevard would be restricted to right-turns in and out only, and with the benefit of the bike lane along Butterfield Boulevard, in addition to the relatively low project trips at the driveway, project traffic is not anticipated to create operational issue along Butterfield Boulevard. However, because traffic arrival to the site would be dependent of scheduled events at the park rather than spread out evenly throughout the hour, it can be assumed that a large percentage of traffic generated by a specific event would arrive to the site within the same time window. This could result in potential vehicle queues at the project site entrance prior to an event. The traffic signal at the adjacent intersection of Monterey Road/Butterfield Boulevard would control the flow of traffic into the project site. During the beginning of a scheduled event at the park, and based on the project trip generation estimates, it can be assumed that no more than 5 vehicles would arrive to the site at the same time, potentially forming a vehicle queue length of 4-5 vehicles along Butterfield Boulevard at the project site entrance. This potential queue would dissipate as fast as vehicles could enter the site.

The eastbound direction of Butterfield Boulevard adjacent to the proposed project site driveway consists of two 12-foot travel lanes and an 8-foot bike lane, for a total right-of-way of 32 feet. In order to avoid potential inbound vehicular queues from blocking eastbound through traffic on Butterfield Boulevard, it is recommended that Butterfield Boulevard be widened an additional 2-4 feet at the project site entrance, for a distance of approximately 150 feet, in order to provide a total of 34 feet of right-of-way in the eastbound direction to continue to provide two 12-foot through lane and a 10-foot bike lane/right-turn lane. The 150-foot long 10-foot wide bike/right-turn lane at the project site driveway (shown on Figure 6) would provide storage capacity for 6 inbound vehicles and avoid site access activity from interfering with eastbound through traffic on Butterfield Boulevard.

Recommendation: It is recommended that Butterfield Boulevard be widened an additional 2-4 feet at the project site entrance (eastbound direction), for a distance of approximately 150 feet, in order to widened the existing bike lane to provide a 10-foot bike lane/right-turn lane (in addition to the existing two 12-foot through lanes). The 150-foot long 10-foot wide bike/right-turn lane would provide storage capacity for 6 inbound vehicles and avoid site access activity from interfering with eastbound through traffic on Butterfield Boulevard.

Figure 6
Recommended 10-foot Wide Bike/Right-Turn Lane



On-Site Circulation

The proposed project site driveway would provide direct access to the parking area. The site plan shows the parking lot to include 90-degree parking spaces served by various eastbound/westbound two-way drive aisles. The first (northernmost) drive aisle is shown to be located approximately 40 feet south of the site driveway entry point, on the west side of the entrance drive aisle. According to Section 18.72.060 (Parking design and development standards) of the City of Morgan Hill Municipal Code, all parking lots shall provide a minimum 40-foot stacking distance from the travel lane of the adjoining street. The proposed throat length (the distance between the project driveway entry point and the first drive aisle) satisfies the City requirements and would provide storage space for up to two inbound vehicles. However, due to its close proximity to the site entrance and the potential for parking activity/queue lengths from the first drive aisle to interfere with inbound vehicles from the site entrance, it is recommended that access to the first drive aisle be prohibited to inbound traffic. The distance between the site entrance and the second drive aisle is approximately 100 feet, adequate space to store up to four entering vehicles.

Because the proposed project driveway would allow right turns out of the site only, no operational issues with outbound traffic are anticipated. Outbound traffic would be able to store within the site without affecting operations along the adjacent streets.

The proposed parking layout would provide continuous vehicular circulation throughout the parking lot with no dead-end drive aisles. Although drive aisle and parking space dimensions are not listed, the design of the project site should adhere to City of Morgan Hill design guidelines and standards.

Recommendation: Access to the drive aisle closest to the site entrance should be prohibited to inbound traffic to reduce the likelihood of potential vehicular queues from this drive aisle from extending and interfering with the flow of inbound vehicles at the driveway.

Emergency Vehicle and Truck Access and Circulation

The proposed project site driveway also would provide access to larger vehicles, such as emergency vehicles and garbage collector trucks. For this reason, the design of the project site and parking lot, including driveway and drive aisle widths and on-site turn radii, must be adequate to ensure larger vehicles can maneuver through the site without a problem.

Recommendation: The design of the project site, including but not limited to driveways, sidewalks, corner radii, drive aisle width, parking dimensions, and signage, should adhere to City of Morgan Hill design standards and guidelines.

Pedestrian Site Access and Circulation

As discussed previously, there are currently segments of Watsonville Road and Monterey Road (along undeveloped parcels) with missing sidewalks in the vicinity of the project site. Due to the missing sidewalks, pedestrian access to the project site from adjacent neighborhoods would be discontinuous and would require pedestrians along these segments of Watsonville and Monterey Roads to walk along undeveloped roadway shoulders or dirt pathways. The project should be required to install sidewalks along its Monterey Road frontage to contribute to the development of a complete pedestrian network in the vicinity of the project site. However, constructing sidewalks along other undeveloped properties is beyond the project's right-of-way and responsibility. Each of the undeveloped parcels will have to install the missing sidewalks along its frontage as they develop, closing existing sidewalk gaps. Until a complete sidewalk network is available, pedestrians will need to rely on the available pedestrian network (sidewalks along Butterfield Boulevard, most of the north side of Watsonville Road, and most of Monterey Road, north of Butterfield Boulevard, in addition to bike lanes along all adjacent roadways) to access the project site.

The project proposes to construct a pedestrian walking path that would run along the perimeter of the site. The proposed pedestrian pathway would connect to all areas within the site, including the parking lot area, sports fields, and park amenities. In additions, the pathway would connect directly to existing sidewalks along Butterfield Boulevard (at the project site driveway) and to the intersection of Monterey Road/Butterfield Boulevard (at the southeast corner of the intersection). This pathway would provide a connection between the project site and existing pedestrian and bicycle facilities along Monterey Road and Butterfield Boulevard. The site plan also shows what appears to be pedestrian walkways within the parking lot and parking spaces. These walkways would facility pedestrian movement between the parking lot and the park areas.

Overall, pedestrian connectivity within the project site, parking lot, and adjacent pedestrian/bicycle facilities would adequately serve the estimated project demand. Pedestrian access to the project site from the adjacent neighborhoods, however, would need to rely on the available pedestrian network until a complete sidewalk network is available as other undeveloped parcels develop.

Parking

The proposed project site plan shows a total of 214 parking spaces within the on-site parking lot. According to Section 18.72.030 (Required parking spaces) of the City of Morgan Hill Municipal Code, the required number of parking spaces for parks and recreation facilities within the City of Morgan Hill must be determined based on a parking demand study.

Conclusions

The trip generation and operations analysis was conducted to evaluate the magnitude of traffic to be added to the roadway system by the proposed project and its effect on traffic operations in the transportation network immediately surrounding the site. The potential impacts related to the proposed project were evaluated following the standards and methodologies set forth by the City of Morgan Hill and the Santa Clara Valley Transportation Authority (VTA).

The result and recommendations of the trip generation and operations analysis are summarized below:

Existing Traffic Conditions

The results of the level of service analysis show that, measured against the City of Morgan Hill level of service standards, all the study intersections currently operate at an acceptable level of service under existing conditions during the Saturday peak-hour.

Existing Plus Project Traffic Conditions

The results of the intersection level of service analysis show that all of the study intersections are projected to continue to operate at an acceptable LOS D during the Saturday peak-hour with implementation of the proposed project. The addition of project traffic would not result in the degradation of the study intersections' level of service nor would it increase the intersections' average delay by more than one second during the Saturday peak-hour. Therefore, the project would not have a significant impact at any of the study intersections.

Queuing Analysis

The intersection queuing analysis results show that all study left-turn movements where the project would add a measureable amount of traffic (10 trips per lane or more) currently provide sufficient storage capacity to accommodate peak-hour queue lengths during the Saturday peak-hour and would continue to do so with the addition of project traffic.

Site Access

Recommendation: The project site access driveway must be designed to the satisfaction of City of Morgan Hill design standard and guidelines, including the minimum width and turn-radii requirements.

Sight Distance

Based on the AASHTO stopping sight distance requirements for a facility with a posted speed limit of 45 mph, a driver exiting the proposed project driveway must be able to see 360 feet to the west along Butterfield Boulevard in order to stop and avoid a collision.

The intersection of Monterey Road/Butterfield Boulevard is located approximately 320 feet west of the proposed project driveway. However, a clear line of sight is available from the project driveway location to the Monterey Road/Butterfield Boulevard intersection. Additionally, the traffic signal at the Monterey Road/Butterfield Boulevard intersection provides gaps in the eastbound traffic flow along Butterfield Boulevard. Therefore, it can be concluded that the project driveway would meet the AASHTO minimum stopping sight distance requirements.

Project Driveway Operations

Recommendation: It is recommended that Butterfield Boulevard be widened an additional 2-4 feet at the project site entrance (eastbound direction), for a distance of approximately 150 feet, in order to widened the existing bike lane to provide a 10-foot bike lane/right-turn lane (in addition to the existing two 12-foot through lanes). The 150-foot long 10-foot wide bike lane would provide storage capacity for 6 inbound vehicles and avoid site access activity from interfering with eastbound through traffic on Butterfield Boulevard.

On-Site Circulation

Recommendation: Access to the drive aisle closest to the site entrance should be prohibited to inbound traffic to reduce the likelihood of potential vehicular queues from this drive aisle from extending and interfering with the flow of inbound vehicles at the driveway.

Emergency Vehicle and Truck Access and Circulation

Recommendation: The design of the project site, including but not limited to driveways, sidewalks, corner radii, drive aisle width, parking dimensions, and signage, should adhere to City of Morgan Hill design standards and guidelines.

Pedestrian Site Access and Circulation

Overall, pedestrian connectivity within the project site, parking lot, and adjacent pedestrian/bicycle facilities would adequately serve the estimated project demand. Pedestrian access to the project site from the adjacent neighborhoods, however, would need to rely on the available pedestrian network until a complete sidewalk network is available as other undeveloped parcels develop.

Parking

The proposed project site plan shows a total of 214 parking spaces within the on-site parking lot. According to Section 18.72.030 (Required parking spaces) of the City of Morgan Hill Municipal Code, the required number of parking spaces for parks and recreation facilities within the City of Morgan Hill must be determined based on a parking demand study.

Butterfield Park Trip Generation and Operations Analysis Technical Appendices

July 5, 2019

Traffic Counts

Traffic Data Service

San Jose, CA
(408) 622-4787
tdsbay@cs.com

File Name : 1 FINAL
Site Code : 00000001
Start Date : 6/22/2019
Page No : 1

Groups Printed- Vehicles

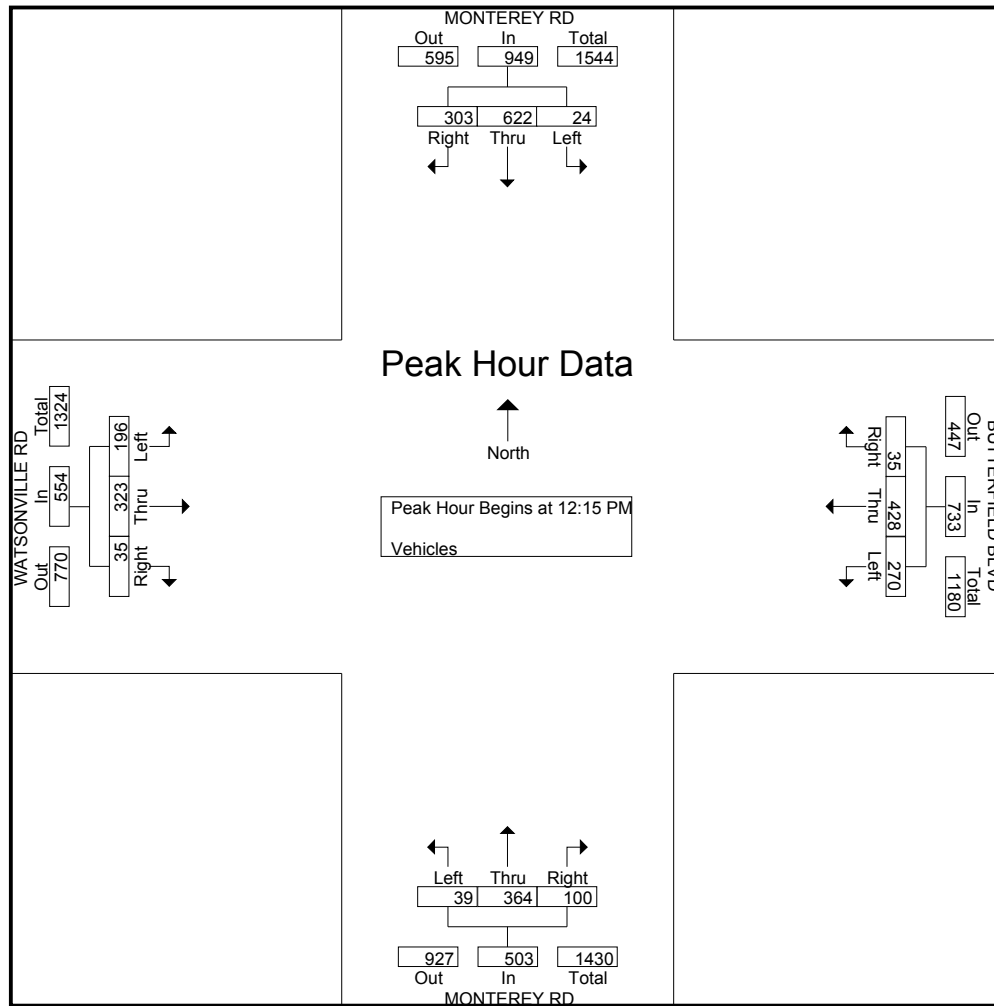
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Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
10:00 AM	28	91	4	0	123	1	59	16	0	76	20	79	14	0	113	10	83	35	0	128	440
10:15 AM	47	85	6	1	139	8	81	47	0	136	18	87	4	9	118	7	87	46	0	140	533
10:30 AM	45	99	6	0	150	12	111	31	0	154	22	97	12	0	131	8	68	37	0	113	548
10:45 AM	60	120	8	0	188	10	98	63	0	171	17	121	9	1	148	15	72	39	0	126	633
Total	180	395	24	1	600	31	349	157	0	537	77	384	39	10	510	40	310	157	0	507	2154
11:00 AM	68	132	12	0	212	12	92	59	0	163	20	97	12	0	129	9	76	54	0	139	643
11:15 AM	53	124	13	0	190	5	95	57	0	157	31	92	7	0	130	14	61	39	2	116	593
11:30 AM	63	109	14	1	187	6	83	39	1	129	23	98	8	0	129	5	78	50	0	133	578
11:45 AM	67	138	4	0	209	6	99	49	0	154	22	106	11	0	139	18	76	43	0	137	639
Total	251	503	43	1	798	29	369	204	1	603	96	393	38	0	527	46	291	186	2	525	2453
12:00 PM	57	161	8	0	226	11	95	45	1	152	18	107	6	0	131	13	77	45	0	135	644
12:15 PM	79	156	6	0	241	9	100	56	1	166	18	111	13	0	142	9	75	54	0	138	687
12:30 PM	67	177	9	0	253	7	107	77	0	191	38	80	6	0	124	8	114	37	0	159	727
12:45 PM	84	128	7	0	219	4	124	79	0	207	24	80	14	0	118	11	67	50	0	128	672
Total	287	622	30	0	939	31	426	257	2	716	98	378	39	0	515	41	333	186	0	560	2730
01:00 PM	73	161	2	0	236	15	97	58	0	170	20	93	6	0	119	7	67	55	0	129	654
01:15 PM	65	136	7	0	208	5	88	51	1	145	19	86	5	0	110	9	57	40	0	106	569
01:30 PM	65	160	7	0	232	6	90	49	0	145	17	94	17	0	128	10	58	31	0	99	604
01:45 PM	55	161	10	0	226	7	103	53	0	163	25	82	10	0	117	5	64	55	0	124	630
Total	258	618	26	0	902	33	378	211	1	623	81	355	38	0	474	31	246	181	0	458	2457
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02:15 PM	44	137	8	0	189	4	102	49	0	155	20	97	10	0	127	5	57	35	0	97	568
02:30 PM	54	130	10	0	194	9	100	50	0	159	27	75	9	0	111	15	65	47	0	127	591
02:45 PM	52	131	9	0	192	6	105	50	0	161	20	80	8	0	108	11	62	44	0	117	578
Total	217	548	36	0	801	30	424	206	0	660	94	333	32	0	459	43	258	165	0	466	2386
03:00 PM	61	125	6	0	192	6	84	31	0	121	25	95	6	0	126	11	79	36	0	126	565
03:15 PM	53	115	7	0	175	8	96	51	0	155	19	72	8	0	99	12	79	37	0	128	557
03:30 PM	64	148	5	0	217	8	93	47	0	148	28	71	12	0	111	9	78	44	0	131	607
03:45 PM	56	129	5	0	190	12	93	39	1	145	21	80	11	0	112	5	84	46	0	135	582
Total	234	517	23	0	774	34	366	168	1	569	93	318	37	0	448	37	320	163	0	520	2311
Grand Total	1427	3203	182	2	4814	188	2312	1203	5	3708	539	2161	223	10	2933	238	1758	1038	2	3036	14491
Apprch %	29.6	66.5	3.8	0		5.1	62.4	32.4	0.1		18.4	73.7	7.6	0.3		7.8	57.9	34.2	0.1		
Total %	9.8	22.1	1.3	0	33.2	1.3	16	8.3	0	25.6	3.7	14.9	1.5	0.1	20.2	1.6	12.1	7.2	0	21	

Traffic Data Service

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File Name : 1 FINAL
Site Code : 00000001
Start Date : 6/22/2019
Page No : 2

	MONTEREY RD Southbound				BUTTERFIELD BLVD Westbound				MONTEREY RD Northbound				WATSONVILLE RD Eastbound				
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Peak Hour for Entire Intersection Begins at 12:15 PM																	
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12:30 PM	67	177	9	253	7	107	77	191	38	80	6	124	8	114	37	159	727
12:45 PM	84	128	7	219	4	124	79	207	24	80	14	118	11	67	50	128	672
01:00 PM	73	161	2	236	15	97	58	170	20	93	6	119	7	67	55	129	654
Total Volume	303	622	24	949	35	428	270	733	100	364	39	503	35	323	196	554	2739
% App. Total	31.9	65.5	2.5		4.8	58.4	36.8		19.9	72.4	7.8		6.3	58.3	35.4		
PHF	.902	.879	.667	.938	.583	.863	.854	.885	.658	.820	.696	.886	.795	.708	.891	.871	.942



Traffic Data Service

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File Name : 2 FINAL
Site Code : 00000002
Start Date : 6/22/2019
Page No : 1

Groups Printed- Vehicles

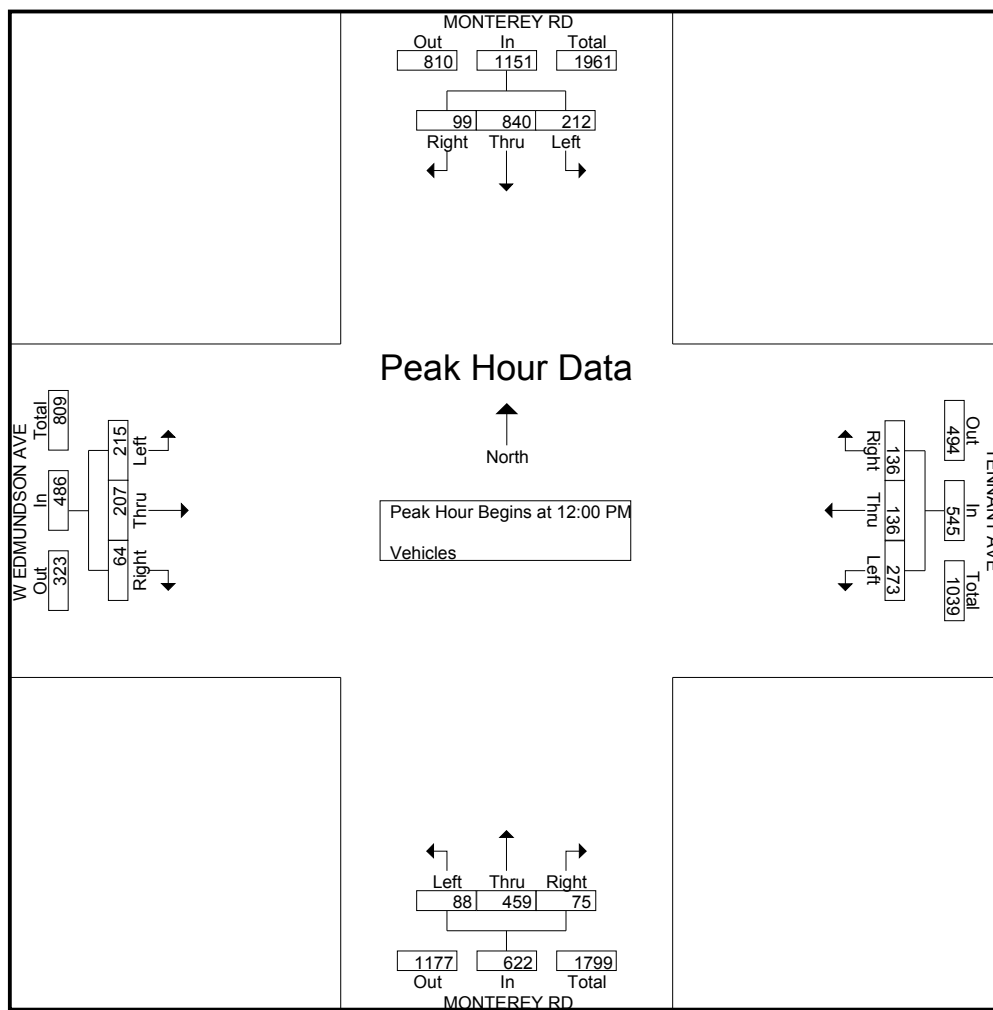
	MONTEREY RD Southbound					TENNANT AVE Westbound					MONTEREY RD Northbound					W EDMUNDSON AVE Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
10:00 AM	16	117	34	1	168	23	27	58	0	108	16	108	30	0	154	9	43	45	2	99	529
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10:30 AM	26	136	40	3	205	28	30	55	1	114	15	131	41	2	189	12	55	33	5	105	613
10:45 AM	16	157	40	0	213	42	33	74	0	149	18	136	33	0	187	14	46	59	3	122	671
Total	76	518	144	6	744	126	135	234	3	498	75	477	127	4	683	48	207	191	12	458	2383
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11:15 AM	21	157	38	3	219	28	22	45	1	96	17	124	17	1	159	13	51	58	4	126	600
11:30 AM	16	143	49	2	210	37	30	50	0	117	25	100	17	3	145	14	56	42	5	117	589
11:45 AM	33	157	61	0	251	29	25	81	1	136	21	102	30	0	153	15	59	51	1	126	666
Total	97	596	187	5	885	112	116	252	3	483	80	425	100	4	609	54	219	195	12	480	2457
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12:15 PM	26	184	60	1	271	36	35	70	3	144	23	132	17	2	174	18	43	30	2	93	682
12:30 PM	22	212	51	2	287	32	43	65	0	140	16	122	23	3	164	20	48	47	1	116	707
12:45 PM	37	219	50	0	306	36	24	73	0	133	22	87	25	3	137	13	58	80	0	151	727
Total	99	840	212	4	1155	136	136	273	4	549	75	459	88	9	631	64	207	215	5	491	2826
01:00 PM	22	187	59	0	268	27	27	76	1	131	18	123	28	1	170	18	36	55	0	109	678
01:15 PM	36	188	48	0	272	32	38	56	4	130	28	98	30	0	156	20	39	47	0	106	664
01:30 PM	23	157	50	1	231	27	37	83	0	147	25	106	31	0	162	15	52	44	2	113	653
01:45 PM	20	165	61	1	247	27	28	65	1	121	16	118	25	1	160	15	44	56	1	116	644
Total	101	697	218	2	1018	113	130	280	6	529	87	445	114	2	648	68	171	202	3	444	2639
02:00 PM	15	190	46	1	252	21	29	66	0	116	19	111	20	0	150	12	52	41	0	105	623
02:15 PM	18	154	30	5	207	20	31	56	0	107	26	125	29	3	183	10	47	45	2	104	601
02:30 PM	20	154	50	2	226	29	27	50	2	108	18	98	21	2	139	13	61	32	6	112	585
02:45 PM	20	135	40	0	195	25	30	49	1	105	26	99	18	5	148	26	48	37	2	113	561
Total	73	633	166	8	880	95	117	221	3	436	89	433	88	10	620	61	208	155	10	434	2370
03:00 PM	15	153	42	5	215	17	34	45	1	97	19	82	19	1	121	16	52	42	1	111	544
03:15 PM	22	143	32	0	197	18	25	59	2	104	17	114	40	0	171	11	43	51	0	105	577
03:30 PM	17	189	45	0	251	28	16	55	2	101	17	80	17	1	115	6	58	45	1	110	577
03:45 PM	24	167	47	4	242	33	22	64	7	126	22	109	19	2	152	9	45	41	0	95	615
Total	78	652	166	9	905	96	97	223	12	428	75	385	95	4	559	42	198	179	2	421	2313
Grand Total	524	3936	1093	34	5587	678	731	1483	31	2923	481	2624	612	33	3750	337	1210	1137	44	2728	14988
Apprch %	9.4	70.4	19.6	0.6		23.2	25	50.7	1.1		12.8	70	16.3	0.9		12.4	44.4	41.7	1.6		
Total %	3.5	26.3	7.3	0.2	37.3	4.5	4.9	9.9	0.2	19.5	3.2	17.5	4.1	0.2	25	2.2	8.1	7.6	0.3	18.2	

Traffic Data Service

San Jose, CA
(408) 622-4787
tdsbay@cs.com

File Name : 2 FINAL
Site Code : 00000002
Start Date : 6/22/2019
Page No : 2

	MONTEREY RD Southbound				TENNANT AVE Westbound				MONTEREY RD Northbound				W EDMUNDSON AVE Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 10:00 AM to 03:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 12:00 PM																	
12:00 PM	14	225	51	290	32	34	65	131	14	118	23	155	13	58	58	129	705
12:15 PM	26	184	60	270	36	35	70	141	23	132	17	172	18	43	30	91	674
12:30 PM	22	212	51	285	32	43	65	140	16	122	23	161	20	48	47	115	701
12:45 PM	37	219	50	306	36	24	73	133	22	87	25	134	13	58	80	151	724
Total Volume	99	840	212	1151	136	136	273	545	75	459	88	622	64	207	215	486	2804
% App. Total	8.6	73	18.4		25	25	50.1		12.1	73.8	14.1		13.2	42.6	44.2		
PHF	.669	.933	.883	.940	.944	.791	.935	.966	.815	.869	.880	.904	.800	.892	.672	.805	.968





(303) 216-2439
www.alltrafficdata.net

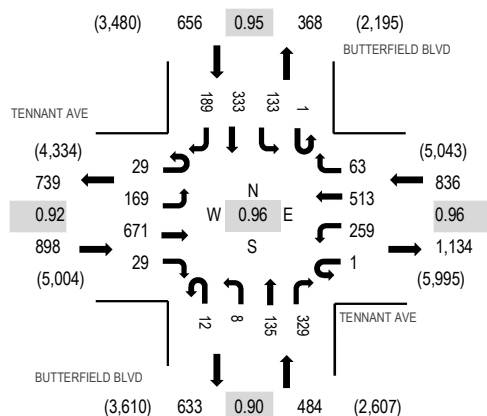
Location: 1 BUTTERFIELD BLVD & TENNANT AVE AM

Date: Saturday, June 29, 2019

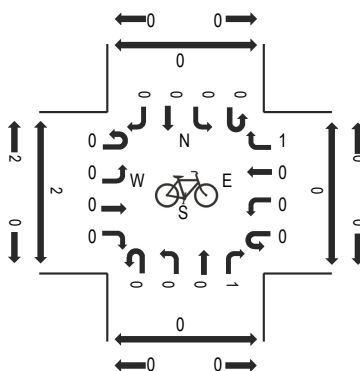
Peak Hour: 01:00 PM - 02:00 PM

Peak 15-Minutes: 01:45 PM - 02:00 PM

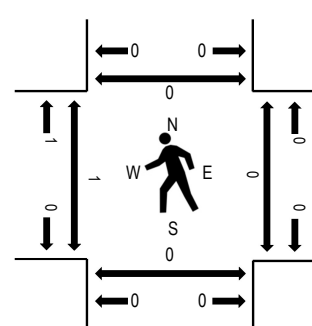
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



Note: Total study counts contained in parentheses.

Traffic Counts - Motorized Vehicles

Interval Start Time	TENNANT AVE Eastbound				TENNANT AVE Westbound				BUTTERFIELD BLVD Northbound				BUTTERFIELD BLVD Southbound				Total	Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right			West	East	South	North
10:00 AM	9	39	140	3	0	58	118	10	0	2	27	60	0	21	43	22	552	2,433	0	0	0	0
10:15 AM	8	42	157	1	0	75	134	19	2	6	34	62	2	19	48	44	653	2,526	0	0	0	0
10:30 AM	8	39	112	5	0	77	142	13	5	3	27	62	0	18	54	33	598	2,538	0	0	0	0
10:45 AM	6	31	158	5	0	76	135	17	3	3	25	57	0	22	50	42	630	2,619	0	0	0	0
11:00 AM	15	55	137	4	0	67	125	14	3	3	39	65	0	25	63	30	645	2,647	0	0	0	1
11:15 AM	14	32	145	6	0	65	135	12	3	4	28	74	0	31	61	55	665	2,699	0	0	0	1
11:30 AM	12	53	175	7	0	55	142	12	3	5	32	59	0	23	61	40	679	2,747	0	0	0	0
11:45 AM	12	43	137	10	1	68	134	14	4	4	38	78	1	15	60	39	658	2,820	0	0	0	0
12:00 PM	7	67	162	3	1	73	122	14	1	4	34	61	2	36	65	45	697	2,845	1	0	0	0
12:15 PM	14	55	170	4	0	51	139	11	3	1	29	69	1	23	94	49	713	2,837	0	0	0	0
12:30 PM	6	53	150	6	1	78	139	14	6	3	42	87	1	29	86	51	752	2,829	0	0	2	0
12:45 PM	7	42	163	9	0	54	133	13	1	5	32	61	1	27	84	51	683	2,812	0	0	0	0
1:00 PM	7	51	188	9	0	60	121	19	3	2	26	68	1	26	62	46	689	2,874	0	0	0	0
1:15 PM	4	40	152	8	1	65	122	13	3	2	37	88	0	28	95	47	705	2,861	1	0	0	0
1:30 PM	5	27	185	5	0	66	136	14	4	3	31	82	0	42	91	44	735	2,820	0	0	0	0
1:45 PM	13	51	146	7	0	68	134	17	2	1	41	91	0	37	85	52	745	2,768	0	0	0	0
2:00 PM	3	46	135	8	1	79	127	22	2	0	29	69	0	29	87	39	676	2,660	0	0	0	0
2:15 PM	10	40	163	4	0	68	124	7	1	3	26	68	0	27	78	45	664	2,683	0	0	0	0
2:30 PM	8	51	167	2	0	65	114	23	1	0	31	68	1	23	84	45	683	2,655	0	0	0	0
2:45 PM	5	40	129	2	1	71	121	15	3	0	35	64	1	24	86	40	637	2,631	0	0	0	0
3:00 PM	6	39	134	3	1	69	134	16	4	2	37	66	0	33	108	47	699	2,675	0	0	0	1
3:15 PM	8	32	158	6	1	73	100	18	3	2	30	69	0	22	72	42	636		0	0	0	2
3:30 PM	7	34	131	6	1	69	111	16	3	1	38	74	0	40	92	36	659		0	0	1	0
3:45 PM	10	29	142	10	3	71	106	19	2	4	42	87	1	38	82	35	681		0	0	0	0

Peak Rolling Hour Flow Rates

Vehicle Type	Eastbound				Westbound				Northbound				Southbound				Total
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	
Articulated Trucks	0	0	2	0	0	1	0	1	0	0	0	2	0	2	0	0	8
Lights	29	169	664	29	1	257	507	61	12	8	133	324	1	129	330	189	2,843
Mediums	0	0	5	0	0	1	6	1	0	0	2	3	0	2	3	0	23
Total	29	169	671	29	1	259	513	63	12	8	135	329	1	133	333	189	2,874

Volume Summary Tables

Intersection Number: 1
 Traffic Node Number: 422
 Intersection Name: Monterey Road and Watsonville Road/Butterfield Boulevard
 Peak Hour: AM
 Count Date: 6/22/19

Scenario:	Movements												Int. Total
	North Approach			East Approach			South Approach			West Approach			
	RT	TH	LT	RT	TH	LT	RT	TH	LT	RT	TH	LT	
Existing Conditions	303	622	24	35	428	270	100	364	39	35	323	196	2739
Project Trips	21	7	44	0	0	0	7	0	0	0	22	0	101
Existing Plus Project Conditions	324	629	68	35	428	270	107	364	39	35	345	196	2840

Intersection Number: 2
 Traffic Node Number: 1111
 Intersection Name: Butterfield Boulevard and Tennant Avenue
 Peak Hour: AM
 Count Date: 6/29/19

Scenario:	Movements												Int. Total
	North Approach			East Approach			South Approach			West Approach			
	RT	TH	LT	RT	TH	LT	RT	TH	LT	RT	TH	LT	
Existing Conditions	189	333	134	63	513	260	329	135	20	29	671	198	2874
Project Trips	22	0	0	0	4	0	4	21	46	0	0	0	97
Existing Plus Project Conditions	211	333	134	63	517	260	333	156	66	29	671	198	2971

Intersection Number: 3
 Traffic Node Number: 6674
 Intersection Name: Monterey Road and Tennant Avenue/Edmundson Avenue
 Peak Hour: AM
 Count Date: 6/22/19

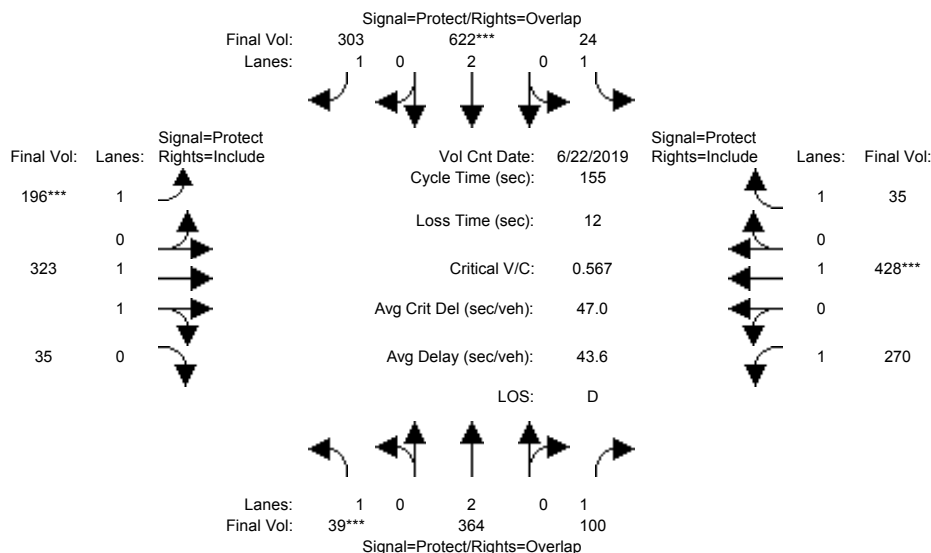
Scenario:	Movements												Int. Total
	North Approach			East Approach			South Approach			West Approach			
	RT	TH	LT	RT	TH	LT	RT	TH	LT	RT	TH	LT	
Existing Conditions	99	840	212	136	136	273	75	459	88	64	207	215	2804
Project Trips	0	7	0	7	11	54	0	0	0	11	0	0	90
Existing Plus Project Conditions	99	847	212	143	147	327	75	459	88	75	207	215	2894

Level of Service Calculations

Butterfield Park
Morgan Hill
Hexagon Transportation Consultants, Inc.

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing (SAT)

Intersection #422: Monterey Road and Butterfield Boulevard/Watsonville Road



Street Name:	Monterey Rd						Butterfield Blvd/Watsonville Rd					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	7	10	10	7	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0

Volume Module: >> Count Date: 22 Jun 2019 << 12:15PM-1:15PM												
Base Vol:	39	364	100	24	622	303	196	323	35	270	428	35
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	39	364	100	24	622	303	196	323	35	270	428	35
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
ATI:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	39	364	100	24	622	303	196	323	35	270	428	35
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	39	364	100	24	622	303	196	323	35	270	428	35
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	39	364	100	24	622	303	196	323	35	270	428	35
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	39	364	100	24	622	303	196	323	35	270	428	35

Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	0.98	0.95	0.92	1.00	0.92
Lanes:	1.00	2.00	1.00	1.00	2.00	1.00	1.00	1.80	0.20	1.00	1.00	1.00
Final Sat.:	1750	3800	1750	1750	3800	1750	1750	3338	362	1750	1900	1750

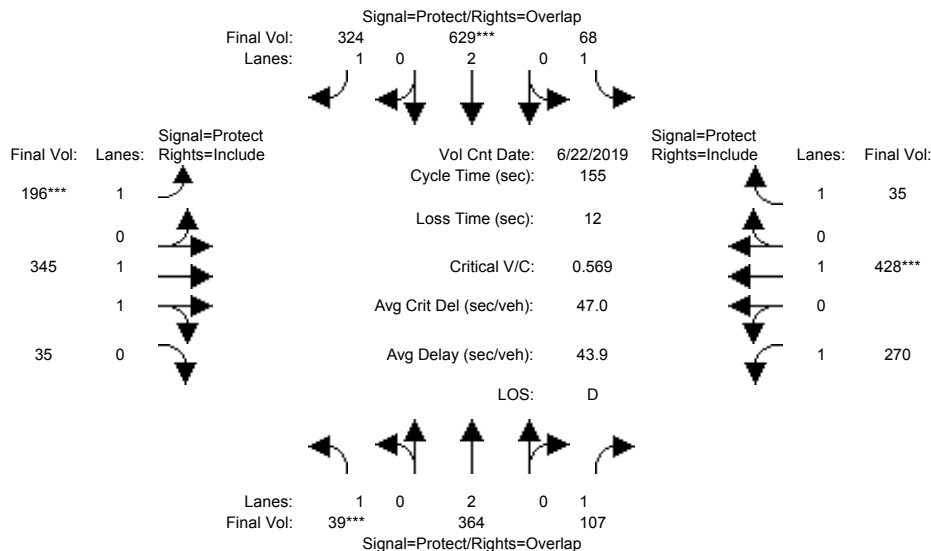
Capacity Analysis Module:												
Vol/Sat:	0.02	0.10	0.06	0.01	0.16	0.17	0.11	0.10	0.10	0.15	0.23	0.02
Crit Moves:	****				****		****				****	
Green Time:	7.0	35.0	91.2	16.5	44.4	74.8	30.4	35.3	35.3	56.3	61.2	61.2
Volume/Cap:	0.49	0.42	0.10	0.13	0.57	0.36	0.57	0.42	0.42	0.42	0.57	0.05
Delay/Veh:	77.0	51.8	14.0	63.1	47.9	25.3	58.7	51.5	51.5	37.6	37.7	29.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	77.0	51.8	14.0	63.1	47.9	25.3	58.7	51.5	51.5	37.6	37.7	29.0
LOS by Move:	E	D	B	E	D	C	E	D	D	D	D	C
HCM2kAvgQ:	3	7	2	1	12	9	10	7	7	10	16	1

Note: Queue reported is the number of cars per lane.

Butterfield Park
Morgan Hill
Hexagon Transportation Consultants, Inc.

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Ex + P SAT

Intersection #422: Monterey Road and Butterfield Boulevard/Watsonville Road

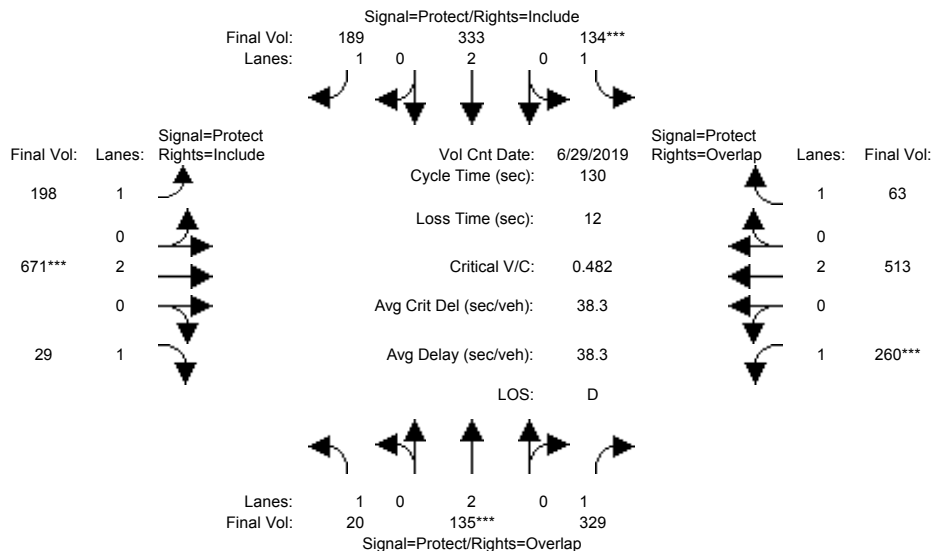


Street Name:	Monterey Rd						Butterfield Blvd/Watsonville Rd					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	7	10	10	7	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date:	22 Jun 2019 << 12:15PM-1:15PM											
Base Vol:	39	364	100	24	622	303	196	323	35	270	428	35
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	39	364	100	24	622	303	196	323	35	270	428	35
Added Vol:	0	0	7	44	7	21	0	22	0	0	0	0
ATI:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	39	364	107	68	629	324	196	345	35	270	428	35
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	39	364	107	68	629	324	196	345	35	270	428	35
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	39	364	107	68	629	324	196	345	35	270	428	35
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	39	364	107	68	629	324	196	345	35	270	428	35
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	0.98	0.95	0.92	1.00	0.92
Lanes:	1.00	2.00	1.00	1.00	2.00	1.00	1.00	1.81	0.19	1.00	1.00	1.00
Final Sat.:	1750	3800	1750	1750	3800	1750	1750	3359	341	1750	1900	1750
Capacity Analysis Module:												
Vol/Sat:	0.02	0.10	0.06	0.04	0.17	0.19	0.11	0.10	0.10	0.15	0.23	0.02
Crit Moves:	****			****			****			****		
Green Time:	7.0	35.2	90.0	16.6	44.8	75.1	30.3	36.5	36.5	54.8	60.9	60.9
Volume/Cap:	0.49	0.42	0.11	0.36	0.57	0.38	0.57	0.44	0.44	0.44	0.57	0.05
Delay/Veh:	77.0	51.5	14.6	65.5	47.7	25.6	58.8	50.9	50.9	38.8	37.9	29.2
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	77.0	51.5	14.6	65.5	47.7	25.6	58.8	50.9	50.9	38.8	37.9	29.2
LOS by Move:	E	D	B	E	D	C	E	D	D	D	D	C
HCM2kAvgQ:	3	7	2	3	12	10	10	8	8	10	16	1
Note: Queue reported is the number of cars per lane.												

Butterfield Park
Morgan Hill
Hexagon Transportation Consultants, Inc.

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing (SAT)

Intersection #1111: Butterfield Boulevard and Tennant Avenue

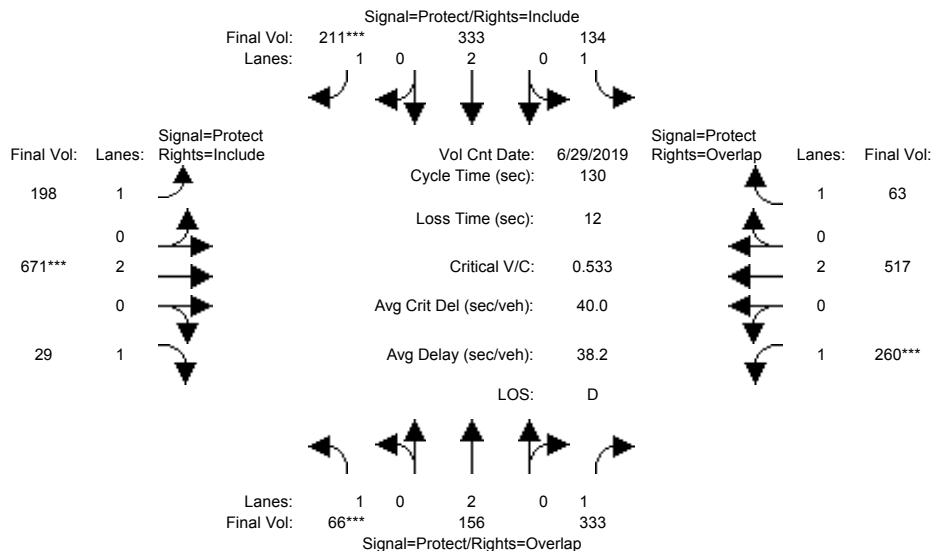


Street Name:	Butterfield Boulevard						Tennant Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	7	10	10	7	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 29 Jun 2019 <<												
Base Vol:	20	135	329	134	333	189	198	671	29	260	513	63
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	20	135	329	134	333	189	198	671	29	260	513	63
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
ATI:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	20	135	329	134	333	189	198	671	29	260	513	63
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	20	135	329	134	333	189	198	671	29	260	513	63
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	20	135	329	134	333	189	198	671	29	260	513	63
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	20	135	329	134	333	189	198	671	29	260	513	63
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.00	2.00	1.00	1.00	2.00	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	1750	3800	1750	1750	3800	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.01	0.04	0.19	0.08	0.09	0.11	0.11	0.18	0.02	0.15	0.14	0.04
Crit Moves:	****			****			****			****		
Green Time:	10.2	10.0	49.9	20.6	20.4	20.4	39.9	47.5	47.5	39.9	47.6	68.1
Volume/Cap:	0.15	0.46	0.49	0.48	0.56	0.69	0.37	0.48	0.05	0.48	0.37	0.07
Delay/Veh:	56.4	58.6	30.9	51.2	51.8	58.9	35.7	32.1	26.7	37.3	30.4	15.3
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	56.4	58.6	30.9	51.2	51.8	58.9	35.7	32.1	26.7	37.3	30.4	15.3
LOS by Move:	E	E	C	D	D	E	D	C	C	D	C	B
HCM2kAvgQ:	1	3	11	6	7	9	6	10	1	9	7	1
Note: Queue reported is the number of cars per lane.												

Butterfield Park
Morgan Hill
Hexagon Transportation Consultants, Inc.

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Ex + P SAT

Intersection #1111: Butterfield Boulevard and Tennant Avenue

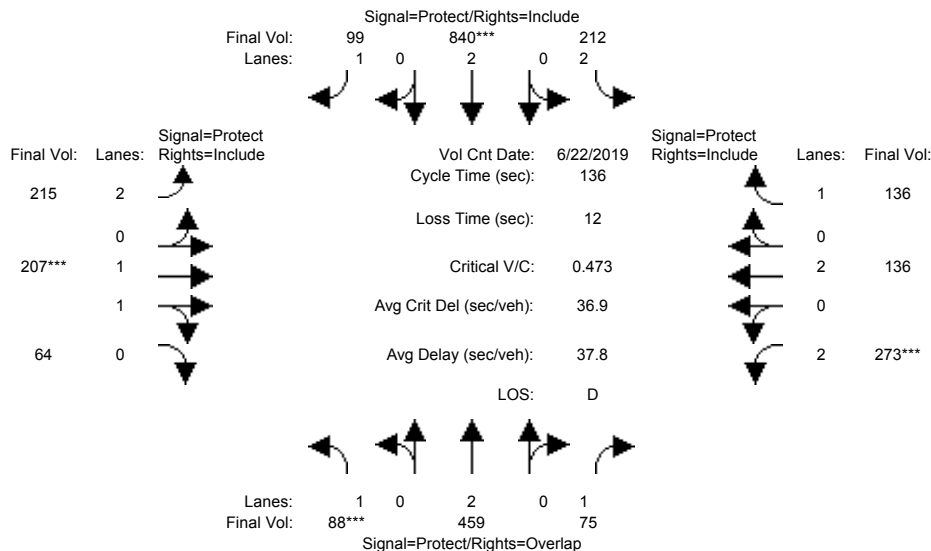


Street Name:	Butterfield Boulevard						Tennant Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	7	10	10	7	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 29 Jun 2019 <<												
Base Vol:	20	135	329	134	333	189	198	671	29	260	513	63
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	20	135	329	134	333	189	198	671	29	260	513	63
Added Vol:	46	21	4	0	0	22	0	0	0	0	4	0
ATI:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	66	156	333	134	333	211	198	671	29	260	517	63
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	66	156	333	134	333	211	198	671	29	260	517	63
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	66	156	333	134	333	211	198	671	29	260	517	63
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	66	156	333	134	333	211	198	671	29	260	517	63
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.00	2.00	1.00	1.00	2.00	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	1750	3800	1750	1750	3800	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.04	0.04	0.19	0.08	0.09	0.12	0.11	0.18	0.02	0.15	0.14	0.04
Crit Moves:	***					***		***		***		
Green Time:	9.2	19.4	55.6	19.3	29.4	29.4	36.0	43.1	43.1	36.3	43.3	62.6
Volume/Cap:	0.53	0.28	0.44	0.52	0.39	0.53	0.41	0.53	0.05	0.53	0.41	0.07
Delay/Veh:	62.7	49.4	26.7	52.9	42.9	45.6	38.9	35.7	29.6	40.8	33.7	18.2
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	62.7	49.4	26.7	52.9	42.9	45.6	38.9	35.7	29.6	40.8	33.7	18.2
LOS by Move:	E	D	C	D	D	D	D	D	C	D	C	B
HCM2kAvgQ:	4	3	10	6	6	8	7	10	1	10	8	1
Note: Queue reported is the number of cars per lane.												

Butterfield Park
Morgan Hill
Hexagon Transportation Consultants, Inc.

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing (SAT)

Intersection #6674: Monterey Road and Tennant Avenue/Edmundson Avenue

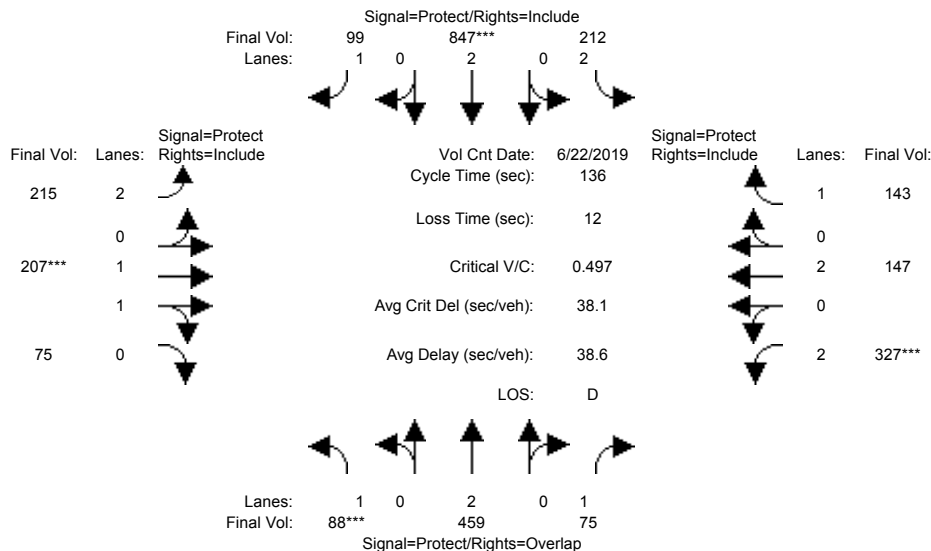


Street Name:	Monterey Rd						Tennant Ave/Edmundson Ave					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	7	10	10	7	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 22 Jun 2019 << 12:00PM-1:00PM												
Base Vol:	88	459	75	212	840	99	215	207	64	273	136	136
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	88	459	75	212	840	99	215	207	64	273	136	136
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
ATI:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	88	459	75	212	840	99	215	207	64	273	136	136
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	88	459	75	212	840	99	215	207	64	273	136	136
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	88	459	75	212	840	99	215	207	64	273	136	136
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	88	459	75	212	840	99	215	207	64	273	136	136
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.83	1.00	0.92	0.83	0.98	0.95	0.83	1.00	0.92
Lanes:	1.00	2.00	1.00	2.00	2.00	1.00	2.00	1.51	0.49	2.00	2.00	1.00
Final Sat.:	1750	3800	1750	3150	3800	1750	3150	2826	874	3150	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.05	0.12	0.04	0.07	0.22	0.06	0.07	0.07	0.07	0.09	0.04	0.08
Crit Moves:	***			***			***			***		
Green Time:	14.5	50.1	75.0	27.9	63.6	63.6	21.5	21.1	21.1	24.9	24.5	24.5
Volume/Cap:	0.47	0.33	0.08	0.33	0.47	0.12	0.43	0.47	0.47	0.47	0.20	0.43
Delay/Veh:	59.1	31.0	14.3	46.3	25.0	20.5	52.3	53.0	53.0	50.3	47.6	50.5
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	59.1	31.0	14.3	46.3	25.0	20.5	52.3	53.0	53.0	50.3	47.6	50.5
LOS by Move:	E	C	B	D	C	C	D	D	D	D	D	D
HCM2kAvgQ:	4	7	2	5	12	2	5	6	6	6	2	5
Note: Queue reported is the number of cars per lane.												

Butterfield Park
Morgan Hill
Hexagon Transportation Consultants, Inc.

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Ex + P SAT

Intersection #6674: Monterey Road and Tennant Avenue/Edmundson Avenue



Street Name:	Monterey Rd						Tennant Ave/Edmundson Ave					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	7	10	10	7	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 22 Jun 2019 << 12:00PM-1:00PM												
Base Vol:	88	459	75	212	840	99	215	207	64	273	136	136
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	88	459	75	212	840	99	215	207	64	273	136	136
Added Vol:	0	0	0	0	7	0	0	0	11	54	11	7
ATI:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	88	459	75	212	847	99	215	207	75	327	147	143
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	88	459	75	212	847	99	215	207	75	327	147	143
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	88	459	75	212	847	99	215	207	75	327	147	143
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	88	459	75	212	847	99	215	207	75	327	147	143
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.83	1.00	0.92	0.83	0.98	0.95	0.83	1.00	0.92
Lanes:	1.00	2.00	1.00	2.00	2.00	1.00	2.00	1.45	0.55	2.00	2.00	1.00
Final Sat.:	1750	3800	1750	3150	3800	1750	3150	2715	984	3150	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.05	0.12	0.04	0.07	0.22	0.06	0.07	0.08	0.08	0.10	0.04	0.08
Crit Moves:	***			***			***			***		
Green Time:	13.8	48.0	76.4	26.7	61.0	61.0	22.4	20.9	20.9	28.4	26.8	26.8
Volume/Cap:	0.50	0.34	0.08	0.34	0.50	0.13	0.41	0.50	0.50	0.50	0.20	0.41
Delay/Veh:	60.0	32.5	13.7	47.4	26.9	22.0	51.4	53.5	53.5	48.1	45.7	48.5
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	60.0	32.5	13.7	47.4	26.9	22.0	51.4	53.5	53.5	48.1	45.7	48.5
LOS by Move:	E	C	B	D	C	C	D	D	D	D	D	D
HCM2kAvgQ:	4	7	1	5	12	3	5	6	6	7	2	5
Note: Queue reported is the number of cars per lane.												

Queuing Analysis

Monterey/Butterfield

SBL

Existing Conditions

Avg. Queue Per Lane in Veh= 1.0

Percentile = 0.95 3

Monterey/Butterfield

SBL

Existing Plus Project Conditions

Avg. Queue Per Lane in Veh= 2.9

Percentile = 0.95 6

Individual Probability	Cumulative Probability	Number of Queued Vehicles
0.3558	0.3558	0
0.3677	0.7235	1
0.1900	0.9135	2
0.0654	0.9789	3
0.0169	0.9958	4
0.0035	0.9993	5
0.0006	0.9999	6
0.0001	1.0000	7
0.0000	1.0000	8
0.0000	1.0000	9
0.0000	1.0000	10
0.0000	1.0000	11
0.0000	1.0000	12
0.0000	1.0000	13
0.0000	1.0000	14
0.0000	1.0000	15
0.0000	1.0000	16
0.0000	1.0000	17
0.0000	1.0000	18
0.0000	1.0000	19
0.0000	1.0000	20
0.0000	1.0000	21
0.0000	1.0000	22
0.0000	1.0000	23
0.0000	1.0000	24
0.0000	1.0000	25
0.0000	1.0000	26
0.0000	1.0000	27
0.0000	1.0000	28
0.0000	1.0000	29
0.0000	1.0000	30
0.0000	1.0000	31
0.0000	1.0000	32
0.0000	1.0000	33
0.0000	1.0000	34
0.0000	1.0000	35
0.0000	1.0000	36
0.0000	1.0000	37
0.0000	1.0000	38
0.0000	1.0000	39
0.0000	1.0000	40
0.0000	1.0000	41
0.0000	1.0000	42
0.0000	1.0000	43
0.0000	1.0000	44
0.0000	1.0000	45

Individual Probability	Cumulative Probability	Number of Queued Vehicles
0.0535	0.0535	0
0.1567	0.2102	1
0.2294	0.4396	2
0.2238	0.6634	3
0.1638	0.8272	4
0.0959	0.9232	5
0.0468	0.9700	6
0.0196	0.9896	7
0.0072	0.9967	8
0.0023	0.9991	9
0.0007	0.9998	10
0.0002	0.9999	11
0.0000	1.0000	12
0.0000	1.0000	13
0.0000	1.0000	14
0.0000	1.0000	15
0.0000	1.0000	16
0.0000	1.0000	17
0.0000	1.0000	18
0.0000	1.0000	19
0.0000	1.0000	20
0.0000	1.0000	21
0.0000	1.0000	22
0.0000	1.0000	23
0.0000	1.0000	24
0.0000	1.0000	25
0.0000	1.0000	26
0.0000	1.0000	27
0.0000	1.0000	28
0.0000	1.0000	29
0.0000	1.0000	30
0.0000	1.0000	31
0.0000	1.0000	32
0.0000	1.0000	33
0.0000	1.0000	34
0.0000	1.0000	35
0.0000	1.0000	36
0.0000	1.0000	37
0.0000	1.0000	38
0.0000	1.0000	39
0.0000	1.0000	40
0.0000	1.0000	41
0.0000	1.0000	42
0.0000	1.0000	43
0.0000	1.0000	44
0.0000	1.0000	45

Butterfield/Tennant

NBL

Existing Conditions

Avg. Queue Per Lane in Veh= 0.7

Percentile = 0.95 2

Butterfield/Tennant

NBL

Existing Plus Project Conditions

Avg. Queue Per Lane in Veh= 2.4

Percentile = 0.95 5

Individual Probability	Cumulative Probability	Number of Queued Vehicles
0.4857	0.4857	0
0.3508	0.8364	1
0.1267	0.9631	2
0.0305	0.9936	3
0.0055	0.9991	4
0.0008	0.9999	5
0.0001	1.0000	6
0.0000	1.0000	7
0.0000	1.0000	8
0.0000	1.0000	9
0.0000	1.0000	10
0.0000	1.0000	11
0.0000	1.0000	12
0.0000	1.0000	13
0.0000	1.0000	14
0.0000	1.0000	15
0.0000	1.0000	16
0.0000	1.0000	17
0.0000	1.0000	18
0.0000	1.0000	19
0.0000	1.0000	20
0.0000	1.0000	21
0.0000	1.0000	22
0.0000	1.0000	23
0.0000	1.0000	24
0.0000	1.0000	25
0.0000	1.0000	26
0.0000	1.0000	27
0.0000	1.0000	28
0.0000	1.0000	29
0.0000	1.0000	30
0.0000	1.0000	31
0.0000	1.0000	32
0.0000	1.0000	33
0.0000	1.0000	34
0.0000	1.0000	35
0.0000	1.0000	36
0.0000	1.0000	37
0.0000	1.0000	38
0.0000	1.0000	39
0.0000	1.0000	40
0.0000	1.0000	41
0.0000	1.0000	42
0.0000	1.0000	43
0.0000	1.0000	44
0.0000	1.0000	45

Individual Probability	Cumulative Probability	Number of Queued Vehicles
0.0922	0.0922	0
0.2198	0.3121	1
0.2620	0.5741	2
0.2081	0.7822	3
0.1240	0.9062	4
0.0591	0.9653	5
0.0235	0.9888	6
0.0080	0.9968	7
0.0024	0.9992	8
0.0006	0.9998	9
0.0002	1.0000	10
0.0000	1.0000	11
0.0000	1.0000	12
0.0000	1.0000	13
0.0000	1.0000	14
0.0000	1.0000	15
0.0000	1.0000	16
0.0000	1.0000	17
0.0000	1.0000	18
0.0000	1.0000	19
0.0000	1.0000	20
0.0000	1.0000	21
0.0000	1.0000	22
0.0000	1.0000	23
0.0000	1.0000	24
0.0000	1.0000	25
0.0000	1.0000	26
0.0000	1.0000	27
0.0000	1.0000	28
0.0000	1.0000	29
0.0000	1.0000	30
0.0000	1.0000	31
0.0000	1.0000	32
0.0000	1.0000	33
0.0000	1.0000	34
0.0000	1.0000	35
0.0000	1.0000	36
0.0000	1.0000	37
0.0000	1.0000	38
0.0000	1.0000	39
0.0000	1.0000	40
0.0000	1.0000	41
0.0000	1.0000	42
0.0000	1.0000	43
0.0000	1.0000	44
0.0000	1.0000	45

Monterey/Tennant
WBL
Existing Conditions
Avg. Queue Per Lane in Veh= 5.2
Percentile = 0.95 9

Individual Probability	Cumulative Probability	Number of Queued Vehicles
0.0058	0.0058	0
0.0297	0.0355	1
0.0766	0.1121	2
0.1317	0.2437	3
0.1697	0.4134	4
0.1750	0.5885	5
0.1504	0.7389	6
0.1108	0.8498	7
0.0714	0.9212	8
0.0409	0.9621	9
0.0211	0.9832	10
0.0099	0.9931	11
0.0043	0.9974	12
0.0017	0.9991	13
0.0006	0.9997	14
0.0002	0.9999	15
0.0001	1.0000	16
0.0000	1.0000	17
0.0000	1.0000	18
0.0000	1.0000	19
0.0000	1.0000	20
0.0000	1.0000	21
0.0000	1.0000	22
0.0000	1.0000	23
0.0000	1.0000	24
0.0000	1.0000	25
0.0000	1.0000	26
0.0000	1.0000	27
0.0000	1.0000	28
0.0000	1.0000	29
0.0000	1.0000	30
0.0000	1.0000	31
0.0000	1.0000	32
0.0000	1.0000	33
0.0000	1.0000	34
0.0000	1.0000	35
0.0000	1.0000	36
0.0000	1.0000	37
0.0000	1.0000	38
0.0000	1.0000	39
0.0000	1.0000	40
0.0000	1.0000	41
0.0000	1.0000	42
0.0000	1.0000	43
0.0000	1.0000	44
0.0000	1.0000	45

Monterey/Tennant
WBL
Existing Plus Project Conditions
Avg. Queue Per Lane in Veh= 6.2
Percentile = 0.95 11

Individual Probability	Cumulative Probability	Number of Queued Vehicles
0.0021	0.0021	0
0.0128	0.0149	1
0.0396	0.0545	2
0.0816	0.1361	3
0.1260	0.2621	4
0.1556	0.4177	5
0.1602	0.5780	6
0.1414	0.7193	7
0.1091	0.8285	8
0.0749	0.9034	9
0.0463	0.9496	10
0.0260	0.9756	11
0.0134	0.9890	12
0.0064	0.9954	13
0.0028	0.9982	14
0.0012	0.9993	15
0.0004	0.9998	16
0.0002	0.9999	17
0.0001	1.0000	18
0.0000	1.0000	19
0.0000	1.0000	20
0.0000	1.0000	21
0.0000	1.0000	22
0.0000	1.0000	23
0.0000	1.0000	24
0.0000	1.0000	25
0.0000	1.0000	26
0.0000	1.0000	27
0.0000	1.0000	28
0.0000	1.0000	29
0.0000	1.0000	30
0.0000	1.0000	31
0.0000	1.0000	32
0.0000	1.0000	33
0.0000	1.0000	34
0.0000	1.0000	35
0.0000	1.0000	36
0.0000	1.0000	37
0.0000	1.0000	38
0.0000	1.0000	39
0.0000	1.0000	40
0.0000	1.0000	41
0.0000	1.0000	42
0.0000	1.0000	43
0.0000	1.0000	44
0.0000	1.0000	45



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Margarita Balagso, Police Analyst
APPROVED BY: City Manager

APPROVE AGREEMENT WITH AXON FOR BODY WORN CAMERAS

RECOMMENDATION(S)

1. Approve a 5-Year Sales Agreement with AXON for the purchase of body worn cameras, cloud storage, service and maintenance; and
2. Authorize City Manager to execute 5-Year Agreement with AXON for an amount not to exceed \$194,405.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety

GUIDING DOCUMENTS

Public Safety Master Plan

REPORT NARRATIVE:

In 2011, the Morgan Hill Police Department was among the very first to adopt the policy of issuing a body worn camera to each officer. This provided the officers with a tool to systematically record and document their field observations and encounters. The body worn camera policy has proved invaluable in investigations by serving as an *unbiased witness*, which aids in the successful prosecution of cases and reduces the number of complaints against officers. Since 2011, a body-worn camera policy has become standard practice for police departments throughout the nation.

The Police Department's original vendor Vie Vu was acquired by Axon and the Police Department will transition to this vendor's cameras, cloud storage, services, and maintenance. During fiscal years 2016-17, 2017-18 and 2018-19, the Police Department invested in cloud storage supported by Vie Vu for body-worn camera footage vs downloading it onto a Department server. Due to the amount of space required to store the footage on an internal server, it became evident that cloud storage was a better option. The historical footage currently stored in the cloud maintained by Vie Vu will now be transferred over to Axon. Axon is a sole source vendor in that they will provide a seamless transition from Vie Vu cameras to theirs, they will support Vie Vu's hardware until it is no longer necessary or the transition is complete and the historical footage now stored in Vie Vu's cloud will be transferred to Axon's cloud automatically.

COMMUNITY ENGAGEMENT: Inform

This staff report serves to inform the community of the Agreement with Axon and the Police Department's transition to Axon body-worn cameras.

ALTERNATIVE ACTIONS:

Should the Council not approve this Agreement, the Police Department would be without body-worn cameras as of July 31st until an alternative vendor is selected and a temporary cloud storage solution would have to be identified, likely resulting in additional costs.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

No prior City Council actions have been taken.

FISCAL AND RESOURCE IMPACT:

The attached quote also serves as the Sales Agreement. The total amount for the 5-Year term is \$194,405. Payments will be made in annual installments as follows:

FY 2019-20 -	\$41,061
FY 2020-21 -	\$38,336
FY 2021-22 -	\$38,336
FY 2022-23 -	\$38,336
FY 2023-24 -	<u>\$38,336</u>
TOTAL	\$194,405

There are sufficient funds in the adopted FY 2019-20 Police Department operating budget, within the General Fund (010), for the initial installment of \$41,061 (010.3210.42231). Subsequent years' subscriptions will be budgeted during future biennial budget development processes.

CEQA (California Environmental Quality Act):

Not a Project.

This Agreement entails organizational or administrative activities of governments and will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. Axon Quote -188942-43587.951JZ



AXON

Morgan Hill Police Department - CA

AXON SALES REPRESENTATIVE

Jared Zygowicz

(480) 463-2131

jzygowicz@axon.com

ISSUED

5/2/2018



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737

Q-188942-43587.951JZ

Issued: 05/02/2019

Quote Expiration: 07/31/2019

Account Number: 107493

Payment Terms: Net 30
Delivery Method: Fedex - Ground

SHIP TO

Jason Broyer
Morgan Hill Police Department - CA
16200 Vineyard Boulevard
Morgan Hill, CA 95037
US

BILL TO

Morgan Hill Police Department - CA
16200 Vineyard Boulevard
Morgan Hill, CA 95037
US

SALES REPRESENTATIVE

Jared Zygowicz
Phone: (480) 463-2139
Email: jzygowicz@axon.com
Fax: 480.550.9251

PRIMARY CONTACT

Jason Broyer
Phone: (408) 426-6067
Email: jason.broyer@morganhill.ca.gov

Year 1

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Axon Plans & Packages					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	8	336.00	336.00	2,688.00
80012	BASIC EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	48	180.00	180.00	8,640.00
85110	EVIDENCE.COM INCLUDED STORAGE	480	0.00	0.00	0.00
80022	PRO EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	2	468.00	468.00	936.00
85110	EVIDENCE.COM INCLUDED STORAGE	60	0.00	0.00	0.00
80052	AXON AUTO TAGGING SERVICE ADD-ON: 1 YEAR PAYMENT	50	180.00	180.00	9,000.00
85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	50	240.00	240.00	12,000.00
85035	EVIDENCE.COM STORAGE	5,000	0.75	0.75	3,750.00
Hardware					
74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	50	0.00	0.00	0.00
74021	MAGNET MOUNT, THICK OUTERWEAR, AXON RAPIDLOCK	50	0.00	0.00	0.00
11553	SYNC CABLE, USB A TO 2.5MM	50	0.00	0.00	0.00
74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	50	499.00	0.00	0.00
70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	8	42.00	0.00	0.00
74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	8	1,495.00	0.00	0.00

Attachment: Axon Quote -188942-43587.951JZ (2397 : Agreement with AXON for Body-Worn Cameras)

Year 1 (Continued)

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Services					
85144	AXON STARTER	1	2,750.00	2,500.00	2,500.00
				Subtotal	39,514.00
				Estimated Shipping	0.00
				Estimated Tax	1,546.90
				Total	41,060.90

Spares

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Hardware					
74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	2	0.00	0.00	0.00
74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	2	0.00	0.00	0.00
74021	MAGNET MOUNT, THICK OUTERWEAR, AXON RAPIDLOCK	2	0.00	0.00	0.00
11553	SYNC CABLE, USB A TO 2.5MM	2	0.00	0.00	0.00
				Subtotal	0.00
				Estimated Tax	0.00
				Total	0.00

Year 2

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Axon Plans & Packages					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	8	336.00	336.00	2,688.00
80013	BASIC EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	48	180.00	180.00	8,640.00
85110	EVIDENCE.COM INCLUDED STORAGE	480	0.00	0.00	0.00
80023	PRO EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	2	468.00	468.00	936.00
85110	EVIDENCE.COM INCLUDED STORAGE	60	0.00	0.00	0.00
80053	AXON AUTO TAGGING SERVICE ADD-ON: 2 YEAR PAYMENT	50	180.00	180.00	9,000.00
85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	50	240.00	240.00	12,000.00
85035	EVIDENCE.COM STORAGE	5,000	0.75	0.75	3,750.00
				Subtotal	37,014.00
				Estimated Tax	1,321.90
				Total	38,335.90

Attachment: Axon Quote -188942-43587.951JZ (2397 : Agreement with AXON for Body-Worn Cameras)

Year 3

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Axon Plans & Packages					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	8	336.00	336.00	2,688.00
80014	BASIC EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	48	180.00	180.00	8,640.00
85110	EVIDENCE.COM INCLUDED STORAGE	480	0.00	0.00	0.00
80024	PRO EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	2	468.00	468.00	936.00
85110	EVIDENCE.COM INCLUDED STORAGE	60	0.00	0.00	0.00
80054	AXON AUTO TAGGING SERVICE ADD-ON: 3 YEAR PAYMENT	50	180.00	180.00	9,000.00
85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	50	240.00	240.00	12,000.00
85035	EVIDENCE.COM STORAGE	5,000	0.75	0.75	3,750.00
				Subtotal	37,014.00
				Estimated Tax	1,321.90
				Total	38,335.90

Year 4

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Axon Plans & Packages					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	8	336.00	336.00	2,688.00
80015	BASIC EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	48	180.00	180.00	8,640.00
85110	EVIDENCE.COM INCLUDED STORAGE	480	0.00	0.00	0.00
80025	PRO EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	2	468.00	468.00	936.00
85110	EVIDENCE.COM INCLUDED STORAGE	60	0.00	0.00	0.00
80055	AXON AUTO TAGGING SERVICE ADD-ON: 4 YEAR PAYMENT	50	180.00	180.00	9,000.00
85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	50	240.00	240.00	12,000.00
85035	EVIDENCE.COM STORAGE	5,000	0.75	0.75	3,750.00
				Subtotal	37,014.00
				Estimated Tax	1,321.90
				Total	38,335.90

Attachment: Axon Quote -188942-43587.951JZ (2397 : Agreement with AXON for Body-Worn Cameras)

Year 5

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
Axon Plans & Packages					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	8	336.00	336.00	2,688.00
80016	BASIC EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	48	180.00	180.00	8,640.00
85110	EVIDENCE.COM INCLUDED STORAGE	480	0.00	0.00	0.00
80026	PRO EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	2	468.00	468.00	936.00
85110	EVIDENCE.COM INCLUDED STORAGE	60	0.00	0.00	0.00
80056	AXON AUTO TAGGING SERVICE ADD-ON: 5 YEAR PAYMENT	50	180.00	180.00	9,000.00
85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	50	240.00	240.00	12,000.00
85035	EVIDENCE.COM STORAGE	5,000	0.75	0.75	3,750.00
Subtotal					37,014.00
Estimated Tax					1,321.90
Total					38,335.90
Grand Total					194,404.60

Attachment: Axon Quote -188942-43587.951JZ (2397 : Agreement with AXON for Body-Worn Cameras)

Discounts (USD)

Quote Expiration: 07/31/2019

List Amount	225,066.00
Discounts	37,496.00
Total	187,570.00

**Total excludes applicable taxes*

Summary of Payments

Payment	Amount (USD)
Year 1	41,060.92
Spares	0.00
Year 2	38,335.92
Year 3	38,335.92
Year 4	38,335.92
Year 5	38,335.92
Grand Total	194,404.60

Axon's Sales Terms and Conditions

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature: _____ Date: _____
Name (Print): _____ Title: _____
PO# (Or write N/A): _____

Please sign and email to Jared Zygowicz at jzygowicz@axon.com or fax to 480.550.9251

Thank you for being a valued Axon customer. For your convenience on your next order, please check out our online store buy.axon.com

Quote: Q-188942-43587.951JZ

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Attachment: Axon Quote -188942-43587.951JZ (2397 : Agreement with AXON for Body-Worn Cameras)



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Yat Cho, Senior Project Manager
APPROVED BY: City Manager

APPROVE DESIGN SERVICES AGREEMENT FOR WEST LITTLE LLAGAS CREEK TRAIL PROJECT

RECOMMENDATION(S)

Authorize the City Manager to execute and administer a consultant agreement with Verde Design, Inc. for a not to exceed amount of \$199,895, for design of the West Little Llagas Creek Trail Project.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community

GUIDING DOCUMENTS

Bikeways
Trails
Parks and Recreation Masterplan

REPORT NARRATIVE:

Valley Water has been working on the Upper Llagas Creek Flood Protection Project for many years. When completed, this project will provide flood control for West Little Llagas Creek running through Morgan Hill, protecting both homes and businesses. Valley Water recently approved the construction contract for Phase 1 of the project, which will include the construction of flood control improvements up to the southside of Watsonville Road. As part of the project, Lake Silveira will be restored to a wetland area and a maintenance road will be constructed adjacent to the channel improvements between Watsonville Road and Lake Silveira. It is anticipated that construction of the Phase I improvements will begin in the Fall of 2019 and be completed in approximately two years.

Construction of the West Little Llagas Creek Trail Project is expected to commence once Phase 1 of the Flood Control Project is completed by Valley Water. The scope of work for the West Little Llagas Creek Trail Project will include paving the base rock maintenance road constructed by Valley Water, a pedestrian bridge over West Little Llagas Creek, an observation deck overlooking Silveira Lake, enhanced pedestrian crosswalks where the trail crosses West Middle Avenue and Watsonville Road, interpretive signage, and other amenities to allow the community to access and enjoy

the newly restored Lake Silveira. The most significant design work for the project will be the bridge spanning the creek.

Staff is requesting the approval of an agreement with Verde Design, Inc. to design the proposed improvements for the West Little Llagas Creek Trail Project. Verde Design, Inc. is fully qualified to perform design work for this project. The City has previously done RFP's for design work on several projects (Inclusive Playground and Downtown Parks) and Verde has consistently provided the highest quality proposals at the lowest cost. Verde has past experience in designing bridges, including the design of the bridge at the Third Street Creek Park. Staff recommends the approval of the design agreement to Verde Design, Inc.

COMMUNITY ENGAGEMENT: Inform

Staff held a community meeting with residents in the vicinity of the proposed project to review a conceptual design. Future meetings are planned with the residents to provide design updates.

ALTERNATIVE ACTIONS:

City Council may elect to not approve this agreement and direct City staff to issue a request for proposals for the design work. This is not the staff recommendation, as staff would like to begin the design process to be construction ready once Valley Water is complete with their portion of work as much of the project will be grant funded.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

City Council approved the West Little Llagas Creek Trail as a project in the City's approved Capital Improvement Program. Furthermore, this is a project that has been supported by the City Council through the approval of the 2017 Master Bikeways, Trails, Parks, Facilities, and Recreational Master plan.

September 27, 2017 – Grant Application to the State of California Habitat Conservation Fund (HCF) Program.

October 4, 2017 – Grant Application to the Valley Water.

December 6, 2017 – Grant Application to the Santa Clara Valley Open Space Authority.

FISCAL AND RESOURCE IMPACT:

Sufficient funds are available for this work within the adopted FY 2018-19 through 2023-24 Capital Improvement Program's West Little Llagas Creek Trail Project (No. 117001). Approximately \$37,000 of the total design cost will be funded through grant funding with the remainder coming from Park Impact Funds (301). The project has over \$500,000 in grant funding, but most of those funds are dedicated towards construction.

CEQA (California Environmental Quality Act):

Categorical Exemption.

The installation of the West Little Llagas Creek Trail Project is categorically exempt from CEQA under Section 1530, Minor Alterations to Land, which covers minor public or private alterations to the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees for forestry or agricultural purposes, including the creation of bicycle lanes on existing right-of-way.

LINKS/ATTACHMENTS:

1. Verde Agreement 7-2-19
2. Vicinity Map West Little Llagas Creek Trail 7-17-19

SERVICE AGREEMENT FOR DESIGN PROFESSIONALS

Verde Design, Inc.

THIS AGREEMENT is entered into and becomes effective on _____ (Effective Date), by and between the CITY OF MORGAN HILL, a municipal corporation, ("CITY"), and Verde Design, Inc. a California corporation ("CONSULTANT") hereinafter referred to collectively as "Parties." In consideration of the promises and the mutual covenants contained in this Agreement, the Parties agree as follows:

1. **City Authority.** This Agreement is entered into pursuant to the action of the Morgan Hill City Council taken on _____, _____, 20____.
2. **Term of Agreement.** This Agreement shall cover services rendered from the Effective Date of this Agreement until December 30, 2021 at which time CONSULTANT'S services shall be completed. The City Manager is authorized to extend the term of this Agreement for a maximum period of one year. Any such extension shall be in writing and signed by both Parties to this Agreement.
3. **Scope of Service.** The services to be performed by CONSULTANT shall be the design of the west little llagas creek trail as further described in **Exhibit A.**
4. **Compensation.** CONSULTANT shall be compensated as follows:
 - 4.1. **Amount.** \$199,895.00. Total compensation to CONSULTANT under this Agreement during its initial term set forth in Section 2 above shall not exceed One-Hundred-Ninety-Nine-Thousand-and-Eight-Hundred-Ninety-Five dollars and shall be billed based on the rate and basis set forth in **Exhibit B.** If the City Manager extends the term of this Agreement for up to one year pursuant to the provisions of Section 2 above, the City Manager shall have the authority to increase the maximum compensation allowed to be paid to CONSULTANT during that extended term period, so long as City Council has appropriated sufficient funds therefor, the Parties mutually agree to such amount in a writing signed by both Parties to this Agreement and provided further that in no event shall such maximum compensation allowed for the extended term exceed the City Manager's authority pursuant to Chapter 3.04 of the Morgan Hill Municipal Code, unless otherwise authorized by City Council.
 - 4.2. **Billing.** CONSULTANT shall provide CITY with an invoice containing the dated, detailed, and itemized descriptions of all services performed and expenses incurred (if such expenses are reimbursable pursuant to Exhibit B) by CONSULTANT on a monthly basis unless otherwise specified in Exhibit B. All invoices shall be sent to the CITY addressed to the department head or project manager identified below in Section 13 Notices. Any rate charged shall be prorated where services are interrupted or not provided for any rate period (for example, any monthly rate charge should be prorated when services were interrupted or provided for only part of the month). For services billed on an hourly rate, the minimum unit of billed time shall not exceed one tenth of one hour. CITY shall pay for services and expenses (if so provided in Exhibit B) up to the limit of compensation set forth above, that in the CITY's judgment were necessary and reasonable. Services for work performed and expenses incurred in excess of the total compensation set forth in paragraph 4.1 above shall be at no cost to CITY.

5. **Termination.** CITY or CONSULTANT shall have the right to terminate this Agreement, without cause, by giving thirty (30) days' written notice or less under urgent circumstances. Upon such termination, CONSULTANT shall submit to CITY an itemized statement of services performed for which compensation has not been paid. CITY may require CONSULTANT to complete certain work product or documents and CONSULTANT shall deliver to CITY all documents in its possession without additional compensation to CONSULTANT. The CITY Manager of CITY is authorized to terminate this AGREEMENT, in whole or in part, on behalf of CITY.

6. **Performance of Work.** CONSULTANT represents that it is qualified by virtue of experience, training, education, and expertise to accomplish these services. Services shall be performed by CONSULTANT in accordance with professional practices in a manner consistent with a level of care, competence and skill exercised by qualified members of the CONSULTANT'S profession. By delivery of completed work, CONSULTANT certifies that the work conforms to the requirements of this Agreement and all applicable federal, state and local laws. CONSULTANT shall perform all work and services under this Agreement in conformance with the time schedule set forth on Exhibit C, "Schedule of Performance," attached hereto and incorporated herein by this reference. CITY's City Manager is authorized on behalf of CITY to modify the timeframes set forth on the Schedule of Performance within the term of this Agreement. If CONSULTANT desires to leave or store any of CONSULTANT's equipment at a CITY site while CONSULTANT is performing work or service pursuant to this Agreement, CONSULTANT will first obtain the consent of CITY's City Manager, or his/her delegate, to do so, and any such storage shall occur only in the manner and location allowed by such CITY official and entirely at CONSULTANT's sole risk.

7. **Insurance Requirements.** CONSULTANT shall procure and provide proof of the insurance coverage required by this section in the form of certificates and endorsements. The required insurance must cover the activities of CONSULTANT, including its subcontractors, employees and agents, relating to or arising from the performance of any work or service under this Agreement, and must remain in full force and effect at all times during the period covered by this Agreement. The coverages may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or "umbrella" policies, provided each such policy complies with the requirements set forth herein. CONSULTANT further understands that the CITY reserves the right to modify the insurance requirements set forth herein, with thirty (30) days' notice provided to CONSULTANT, at any time as deemed necessary to protect the interests of the CITY.

7.1. **Insurance Types and Amounts.**

7.1.1. **Commercial General Liability (CGL).** CONSULTANT shall maintain CGL against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) for bodily injury or death to any one person for any one accident or occurrence and at least one million dollars (\$1,000,000.00) for property damage, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.2. **Automobile Liability.** CONSULTANT shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if CONSULTANT does not own automobiles, then CONSULTANT shall maintain Hired/Non-owned Automobile Liability) against claims and liabilities for personal injury,

death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) for bodily injury or death to any one person for any one accident or occurrence and at least one million dollars (\$1,000,000.00) for property damage, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.3. Workers' Compensation Insurance and Employer's Liability. CONSULTANT shall maintain Workers Compensation coverage, as required by law, in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. If CONSULTANT is self-insured, CONSULTANT shall provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.

7.1.4. Pollution (Environmental) Liability. If the performance of CONSULTANT'S work or service under this Agreement involves hazardous materials, contaminated soil disposal, and/or a risk of accidental release of fuel oil, chemicals or other toxic gases or hazardous materials, CONSULTANT shall procure and maintain Pollution Liability covering the contractor's liability for bodily injury, property damage and environmental damage resulting from pollution and related cleanup costs arising out of the work or services to be performed under this Agreement. Coverage shall be provided for both work performed on site, as well as during the transport of hazardous materials. Such coverage shall be in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.5. Professional Liability.

7.1.5.1. If the performance of CONSULTANT's work or service under this Agreement involves professional and/or technical services (examples include, but are not limited to, architects, engineers, land surveyors, and appraisers), CONSULTANT shall procure and maintain either a claims made or occurrence Errors and Omission liability insurance in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. Further, if CONSULTANT maintains a claims-made policy, CONSULTANT shall provide written evidence of such insurance to the CITY for at least five (5) years after the completion of work performed under this Agreement.

7.1.5.2. If the performance of CONSULTANT's work or service under this Agreement relates to Information Technology or related services (examples include, but are not limited to computer programmers, software

designers, hardware engineers, or other systems consultants), CONSULTANT shall procure and maintain a claims made Errors and Omission liability insurance, including Cyber Liability and Data Breach, in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.5.3. If the performance of CONSULTANT's work or service under this Agreement involves contact with minors, CONSULTANT shall procure and maintain Sexual Abuse and Molestation insurance in the minimum amount of: (i) two hundred thousand dollars (\$200,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

- 7.2. **Endorsements.** CONSULTANT shall provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:

7.2.1. **General Liability.**

7.2.1.1. The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds;

7.2.1.2. the insurer waives the right of subrogation against the City of Morgan Hill and the CITY's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers; and,

7.2.1.3. insurance shall be primary non-contributing.

7.2.2. **Workers Compensation.**

If the performance of CONSULTANT'S work or service under this Agreement involves access to or activity on any property or premises owned or occupied by the CITY, including, but not limited to, CONSULTANT'S presence during site visits and meetings, then insurer waives the right of subrogation against the City of Morgan Hill and the CITY's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers.

- 7.3. **Qualification of Insurers.** All insurance required pursuant to this Agreement must be issued by a company licensed and admitted, or otherwise legally authorized to carry out insurance business in the State of California, and each insurer must have a current A.M. Best's financial strength rating of "A" or better and a financial size rating of "VII" or better.
- 7.4. **Certificates.** CONSULTANT shall furnish CITY of Morgan Hill with copies of all policies or certificates as outlined herein, whether new or modified, promptly upon receipt. No policy subject to the CONSULTANT's agreement with the CITY shall

be canceled or materially changed except after thirty (30) days' notice by the insurer to CITY. Certificates, including renewal certificates, may be mailed electronically to riskmgmt@morganhill.ca.gov or delivered to the Certificate Holder address provided herein

Certificate Holder address:

City of Morgan Hill
Attn: Risk Management
17575 Peak Avenue
Morgan Hill, CA 95037

8. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Agreement.

9. **Compliance with Law.**

- 9.1. CONSULTANT and its officers, employees, agents, and subcontractors shall comply with all applicable laws, ordinances, administrative regulations, and permitting requirements in carrying out their obligations under this Agreement. CONSULTANT and its officers, employees, agents, and subcontractors covenant there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, sexual orientation, national origin, mental disability, physical disability, medical condition, or ancestry, in any activity pursuant to this Agreement.
- 9.2. Compliance with Wage and Hour Laws: Consultant, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act and the California Labor Code.

Final Judgments, Decisions, and Orders: For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time to appeal has expired. Relevant investigatory government agencies include: the federal Department of Labor, the California Division of Labor Standards Enforcement, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

Prior Judgments against CONSULTANT and/or its Subcontractors: BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY FINDING – IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT – THAT CONSULTANT OR ITS SUBCONTRACTOR(S) HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS SATISFIED AND COMPLIED WITH – OR HAS REACHED AGREEMENT WITH THE CITY REGARDING THE MANNER IN WHICH IT WILL SATISFY – ANY SUCH JUDGMENTS, DECISIONS OR ORDERS.

Judgments or Decisions During Term of Contract: If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that CONSULTANT or an subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or CONSULTANT learns of such a judgment, decision, or order that was not previously disclosed, CONSULTANT shall inform the City Attorney, no more than fifteen (15) days after the judgment, decision or order becomes final or of learning of the final judgment, decision or order. CONSULTANT and its subcontractors shall promptly satisfy and comply with any such judgment, decision, or order, and shall provide the City Attorney with documentary evidence of compliance with the final judgment, decision or order within five (5) days of satisfying the final judgment, decision or order. The City reserves the right to require CONSULTANT to enter into an agreement with the City regarding the manner in which any such final judgment, decision, or order will be satisfied.

City's Right to Withhold Payment: Where CONSULTANT or any subcontractor it employs to perform work under this Agreement has been found in violation of any applicable wage and hour law by a final judgment, decision or order of a court or government agency, the City reserves the right to withhold payment to CONSULTANT until such judgment, decision or order has been satisfied in full.

Material Breach: Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

Notice to City Related to Wage Theft Prevention: Notice provided to the City Attorney as required under this Section shall be addressed to: City Attorney, City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, CA 95037. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

10. **Independent Contractor.** CONSULTANT is an independent contractor and not an agent or employee of CITY.

11. **Confidentiality.** All data, documents, or other information received by CONSULTANT from CITY or prepared in connection with CONSULTANT'S services under this Agreement are deemed confidential and shall not be disclosed to any third party by CONSULTANT without prior written consent by CITY.

12. **Conflict of Interest and Reporting.** CONSULTANT shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement.

13. **Notices.** All notices shall be personally delivered or mailed, via first class mail to the below listed address. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

Address of CONSULTANT is as follows:

Verde Design, Inc.
 Attn: Mr. Derek McKee
 2455 The Alameda, Suite 200
 Santa Clara, CA 95050

Address of CITY is as follows:

Attn: Mr. Yat Cho
 City of Morgan Hill
 17575 Peak Avenue
 Morgan Hill, CA 95037

with a copy to:
 City Clerk
 City of Morgan Hill
 17575 Peak Avenue
 Morgan Hill, CA 95037

14. **Licenses, Permits and Fees.** CONSULTANT shall obtain a City of Morgan Hill Business License, all permits and licenses to the extent required by ordinances, codes and regulations of the federal, state and local government.

15. **CONSULTANT'S Proposal.** If applicable, this Agreement shall include CONSULTANT'S proposal or bid which is incorporated herein. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.

16. **Maintenance of Records.**

16.1. **Maintenance.** CONSULTANT shall prepare, maintain, and preserve all reports and records that may be required by federal, state, and CITY rules and ordinances related to services provided under this Agreement. CONSULTANT shall maintain records for a period of at least 3 years after receipt of final payment under this Agreement. If any litigation, claim, negotiation, audit exception, or other action relating to this Agreement is pending at the end of the 3-year period, then CONSULTANT shall retain said records until such action is resolved.

16.2. **Access to and Audit of Records.** The CITY shall have the right to examine, monitor and audit all records, documents, conditions, and activities of the CONSULTANT and its subcontractors related to services under this Agreement. Pursuant to Government Code Section 8546.7, if this Agreement involves the expenditure of public funds in excess of \$10,000, the Parties to this Agreement may be subject, at the request of the CITY or as part of any audit of the CITY, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this Agreement for a period of three years after final payment under the Agreement.

16.3. **Ownership of Work Product.** All documents or other information developed or received by CONSULTANT for work performed under this Agreement shall be the property of CITY. CONSULTANT shall provide CITY with copies of these items upon demand or upon termination of this Agreement.

17. **Familiarity with Work.** By executing this Agreement, CONSULTANT represents that: (1) it has investigated the work to be performed; (2) it has investigated the site of the work and is aware of all conditions there; and (3) it understands the difficulties and restrictions of the work under this Agreement. Should CONSULTANT discover any conditions materially differing from

those inherent in the work or as represented by CITY, it shall immediately inform CITY and shall not proceed, except at CONSULTANT'S risk, until written instructions are received from CITY.

18. **Time of Essence.** Time is of the essence in the performance of this Agreement.

19. **No Assignment.** Neither this Agreement nor any portion shall be assigned by CONSULTANT, without prior written consent of CITY. Any attempted assignment not first approved by CITY shall be void and, at CITY's option, shall terminate this Agreement effective as of the date of such attempted assignment.

20. **Attorney Fees.** In any legal action, dispute or arbitration arising out of or relating to this Agreement, the prevailing party shall be entitled to an award of its reasonable attorney fees, costs and expenses incurred.

21. **Defense and Indemnification.**

21.1. **Defense and Indemnification for Design Professional Services.** Consistent with California Civil Code Section 2782.8, for design professional services to be performed under this agreement by a design professional, as that term is defined under said Section 2782.8, CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CITY, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, and/or its agents, officers, employees, subcontractors, or independent contractors in performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement ("CLAIM") to the extent of CONSULTANT'S proportionate percentage of fault.

21.2. **Defense and Indemnification for Non-Design Professional Services.** For all services performed under this agreement not covered by Section 21.1 above, CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CITY, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the performance of this Agreement or the failure to comply with any obligations contained in this Agreement by CONSULTANT, and/or its agents, officers, employees, subcontractors, or independent contractors ("CLAIM").

21.3. **Exceptions.** CONSULTANT is not required to indemnify INDEMNITEES against liability for bodily injury, property damage or personal injury, or any other loss, damage or expense arising from the sole negligence, active negligence or willful misconduct of the CITY.

21.4. **Not limited by insurance.** The indemnity, defense and hold harmless provisions of this Agreement apply to all CLAIMS alleged against an INDEMNITEE, regardless of whether any insurance policies are applicable. Policy limits do not act as a

limitation upon the amount of indemnification or defense to be provided by CONSULTANT.

- 21.5. **Right to Offset.** CITY shall have the right to offset against any compensation due CONSULTANT under this Agreement any amount due CITY from CONSULTANT as a result of CONSULTANT's failure to pay CITY promptly any indemnification arising under this Section (21) and any amount due CITY from CONSULTANT arising from CONSULTANT's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 21.6. **Interpretation.** This Section shall constitute an agreement or contract of indemnity, incorporating the interpretations under California Civil Code Section 2778. It is expressly understood and agreed that the obligation of the CONSULTANT to indemnify the INDEMNITEE shall be as broad and inclusive as permitted by the laws of the State of California and shall survive termination of this Agreement.
22. **Entire Agreement; Modification; Conflicting Provisions.** This Agreement constitutes the entire Agreement between the Parties and supersedes any previous agreements, oral or written. This Agreement may be modified or provisions waived only by a subsequent mutual written agreement executed by CITY and CONSULTANT. If the provisions contained in the main body of this Agreement conflict with any provision contained in an exhibit to this Agreement, the provisions of the main body of this Agreement shall govern and control over any provision contained in an exhibit to this Agreement.
23. **Governing Law and Venue.** This Agreement shall be construed in accordance with the laws of the State of California. This Agreement was entered into and is to be performed in the County of Santa Clara. Any action or dispute arising out of this Agreement shall only be brought in Santa Clara County.
24. **Interpretation.** This Agreement is a negotiated document and shall be deemed to have been drafted jointly by the Parties, and no rule of construction or interpretation shall apply against any particular Party based on a contention that the Agreement was drafted by one of the Parties including, but not limited to, California Civil Code § 1654, the provisions of which are hereby waived. This Agreement shall be construed and interpreted in a neutral manner.
25. **Preservation of Agreement.** If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the rest of the Agreement shall remain in full force and effect and shall in no way be affected or invalidated.
26. **Binding Agreement.** Notwithstanding the provisions of Section 19 above, this Agreement shall bind any and all successors in interest, legal representatives and/or other permitted assignees or transferees of CONSULTANT in the same manner as if those successors in interest, legal representatives or other permitted assignees or transferees had entered into this Agreement originally.

[Signatures on Next Page]

27. **Authority to Execute.** Those individuals who are signing this Agreement on behalf of entities represent and warrant that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.

IN WITNESS THEREOF, these Parties have executed this Agreement on the day and year shown below.

AS SET FORTH IN CA. CORP. CODE § 313, TWO SIGNATURES ARE REQUIRED FOR CALIFORNIA CORPORATIONS:

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
 (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR ASSISTANT TREASURER.

ATTEST:

CITY OF MORGAN HILL

 City Clerk/Deputy City Clerk

 City Manager

 Michelle Bigelow
 Print Name

 Christina J. Turner
 Print Name

Date: _____

Date: _____

APPROVED AS TO FORM:

Verde Design, Inc.

 City Attorney

Derek McKee
 By:

 Donald A. Larkin
 Print Name

Derek McKee, President
 Print Name and Title of Signer.
 If Corporate: Chairman, President or
 Vice President

Date: _____

Date: 7/1/2019

Nance H. Cronin
 By:

Nance H. Cronin, CFO
 Print Name and Title of Signer.
 If Corporate: Secretary, Assistant
 Secretary, Chief Financial Officer or
 Assistant Treasurer

Date: 7/1/2019

**EXHIBIT A
SCOPE OF SERVICES**

See Attached

Attachment: Verde Agreement 7-2-19 (2381 : Approve Design Services Agreement for West Little Llagas Creek Trail Project)

April 30, 2019



VERDE DESIGN

2455 The Alameda, Suite 200

Santa Clara, CA 95050

t 408.985.7200 f 408.985.7260

www.verdedesigninc.com

Mr. Yat Cho
Senior Project Manager
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

SUBJECT: Morgan Hill – Little Llagas Creek Pedestrian Bridge
Verde Design Proposal No. 1902300M

Dear Yat:

In response to your request, Verde Design, Inc. is pleased to submit the following proposal to provide the identified design services on the above-mentioned project. This proposal shall remain valid for a period of sixty (60) days.

PROJECT UNDERSTANDING/HISTORY:

The City of Morgan Hill (City) is planning to develop of a pedestrian bridge on the west side of Monterey Road, as part of the West Little Llagas Creek Interpretative Wildlife Trail Project.

It is our understanding that the design will include developing bridge design and structural foundation in a manner that does not disturb the creek during construction, provide plans and details for the addition of a 2" asphalt lift over the Water District's existing maintenance road to create a 1.13 mile pedestrian trail from a parking area at Monterey Road to Watsonville Road, and to the proposed lookout deck at Lake Silveira. The trail to Watsonville Road will have "Stay On Trail" and interpretive signage, and two pedestrian road crossings, one at W. Middle Avenue and one at Watsonville Road. The project also includes two access points to the wetland area, the design of a lookout deck at Lake Silveira that includes guardrails, benches, a rope fence and interpretive signage. The support amenities at the lookout deck will include a bench, trash/recycling cans and ADA wildlife viewing binoculars.

We have received the Site Topographic Map for the West Little Llagas Creek Interpretative Wildlife Trail and the proposed planting design by H. T. Harvey & Associates for Reach 7a and Lake Silveira. This information will be used as reference material in setting up our base sheets and laying out the design.

It is our understanding that the City will provide Verde Design with the bid set for the West Little Llagas Creek Interpretative Wildlife Trail project in CAD format.

As a part of Verde Design's design process for the bridge, trail system and lookout deck, we will include the following scope:

- Site Survey
- Geotechnical Report
- Landscape and Civil Engineering plans, details and specifications for existing conditions, demolition, Stormwater and sedimentation control, layout and grading design
- Structural plans, details and calculations for the bridge abutment system
- We will include cost estimates for each of the submittals
- We will work with the manufacturers of the pedestrian bridge to provide plans, details and structural calculations for a pedestrian bridge similar to the bridge at Little Llagas Creek Park on 3rd Street
- We are not including SWPP permitting and documentation because the project site is smaller than the minimum project area requirements

LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING • SPORT PLANNING & DESIGN

Attachment: Verde Agreement 7-2-19 (2381 : Approve Design Services Agreement for West Little Llagas Creek Trail Project)

Improvement needs will be limited to the immediate land above the top of slope and the areas around the bridge and lookout deck effected by the limit of work.

Verde Design proposes a design process to include a project initiation phase, design development (60%), and construction document submittals for 90% and Final Bid documents. This proposal includes bidding and construction support. A conform set will also be provided at the end of construction to include addenda items as necessary.

SCOPE OF SERVICES

Verde Design proposes to provide the following services base on the above stated project understanding.

I. Project Initiation

- A. Project Start-up, Document Review and Schedule.
 - 1. Establish files and in-house documentation.
 - 2. Finalize project schedule and provide input on the milestone schedule with design team.
 - 3. Review all data pertinent to the project as provided by the City, including as-built drawings and proposed plans of the project site.
 - 4. Review current or applicable master plans and any recent planning efforts for the project sites.
- B. Project kick-off meeting with City staff:
 - 1. Meet with the City to determine the project intent, scope, budget and timetable.
 - 2. Identification of roles and responsibilities.
- C. Site Investigation and Existing Conditions
 - 1. Visit the project site to complete a visual inventory of the existing conditions with staff.
 - 2. Prepare and Review a Site Survey
 - 3. Prepare and review a Geotechnical Report
 - 4. Review existing Water District Plans for topographical survey, utilities and landscape design
 - 5. Review permits and agency requirements with the City

II. Design Development

- A. Design Development Package
 - 1. The submittal includes plans, draft technical specifications and preliminary construction estimate. The plans show overall site design including:
 - a. Cover Sheet
 - b. Existing Conditions Plan
 - c. Erosion and Sediment Control Plan
 - d. Demolition Plan
 - e. Grading Plan
 - f. Layout Plan
 - g. Material and Detail Reference Plan
 - h. Site Construction Details
 - i. Bridge and Abutment Plans and Details
 - j. Structural Plans and Details

2. Draft technical specifications.
3. Preliminary statement of probable construction costs.
4. In-house redline review and revisions (QC).
5. Submittal preparation and coordination.
6. Provide City with PDF set of plans, details, specifications, statement of probable construction costs for review.
7. Following submittal of the design development submittal, meet with the City team to review the submittal documents and receive City comments.
8. Prepare meeting minutes of review meeting.
9. Project administration and coordination with City staff and team members.

III. Construction Document Phase - The following outlines the work to be completed to prepare plans and specifications for construction.

A. 90% Submittal Package

1. Review submittal comments and incorporate them into the 90% submittal.
2. Modify base plan as required to incorporate comments.
3. Develop a set of drawings, details, specifications and cost estimate equivalent to 90% construction drawings.
4. In-house redline review and revisions (QC).
5. Submittal preparation and coordination.
6. Provide City with PDF set of plans, details, specifications, statement of probable construction costs for review.
7. Following submittal of the 90% submittal, meet with the City team to review the submittal documents and receive City comments.
8. Prepare meeting minutes of review meeting.
9. Project administration and coordination with City staff and team members.

C. 100%/Bid Submittal - Coordinate final bid package and provide to City.

1. Review submittal comments and incorporate them into the 100%/Bid submittal.
2. Develop a set of drawings, details, specifications and cost estimate equivalent to 100%/Bid construction drawings.
3. In-house redline review and revisions (QC).
4. Submittal preparation and coordination.
5. Provide City with PDF set of plans, details, specifications, statement of probable construction costs for bidding.
6. Project administration and coordination with City staff and team members.

III. Bid and Construction Support

The consultant agrees to provide the following services to the City on an on-call basis following the bid submittal.

- A. Attend pre-bid meeting.
- B. Answer questions during bidding.

LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING • SPORT PLANNING & DESIGN

- C. Assist in preparing addenda.
- D. Respond to questions, request for information and provide clarifications during construction.
- E. Review submittals and shop drawings.
- F. Attend (2) two construction meetings visits. Site observation reports will be provided. Meeting agendas and reports are not included for the construction meetings.
- G. Attend Substantial Completion Site walk and Prepare Punch List
- H. Review contractor as-built plans and submit review to the City. As we provide RFI or field directive responses during construction, CAD files will be updated.
- I. Provide a CAD set of as-built plans.
- J. Project closeout.

CLIENT'S RESPONSIBILITIES

In order to complete the items described in Scope of Services above, we respectfully request that the City provide the following information:

- 1. All available construction, utility or record drawings of the project area
- 2. All available proposed development Plans, Specifications and Estimates of the project area
- 3. Any specific owner requests regarding design and maintenance
- 4. Site topographical survey of existing site
- 5. Geotechnical testing and inspection during construction
- 6. Coordination, review or permitting with State and environmental agencies
- 7. Construction meeting agendas and reports
- 8. Bid set copies of plans and specifications for the design team

SPECIAL PROVISIONS

- A. Without attempting to be all-inclusive and for purposes of clarity, the following items are specifically not included in the Scope of Services:
 - 1. Meetings other than those listed
 - 2. Project-specific outreach meeting with the residents living near the Lake Silveira Wildlife Trail as a pre-construction task
 - 3. Coordination with San Jose Conservation Corps to see if they can help build the project.
 - 4. Renderings and presentations to public bodies other than those listed
 - 5. SWPP setup and permitting (QSD services) and testing and inspection during construction (QSP services)
 - 6. Coordination, review or permitting with State and environmental agencies
 - 7. Permit fees associated with the project
 - 8. CEQA process
 - 9. Environmental inspection and review during design and construction
 - 10. Bridge and structural inspection and testing required during construction
 - 11. Design for areas not identified in the project understanding

12. Bridge plans and structural calculations for the bridge:
 - a. The manufacturer will provide the required plans and structural engineering design.
 - b. Verde Design will work with the bridge manufacturers to coordinate the design of the bridge and abutments.
 - c. Costs for manufacturers plans and specifications.
13. Separate bid packages or construction sequences implementation beyond what is proposed.
- B. This fee will be valid for 60 days, should the City choose to extend or add to the contract, the unbilled portion of this agreement will be subject to an increase in January of 2017 to cover annual wage adjustments for office personnel.
- C. Services will be diligently pursued, and every reasonable effort will be made to meet the mutually agreed upon schedule. If the completion of the services is delayed at any time in the progress of the work undertaken in this Agreement by conditions beyond the control of the Consultant; including but not limited to: strikes, lockouts, labor disputes, or the inability of City, their consultants, utility companies, or jurisdictional agencies to provide required information, processing or direction; the time of completion shall be extended during such period and Consultant shall be held harmless from any and all claims arising out of such delay.
- D. Should Contech Engineering Solutions not receive a contract for purchase of their bridge and construction of the abutments, as designed, or an equivalent Contech Engineering Solutions product within six (6) months from the acceptance date of this proposal or within 60 days of final submittal approval, whichever is sooner, then the City is responsible for payment of the professional design fee for the bridge, abutments and structural calculations not to exceed \$32,000.
- E. Contech Engineering Solutions requires a deposit of up to \$16,500 (actual deposit shall depend on final foundation design fee) upon acceptance of this agreement. The deposit shall be invoiced upon acceptance of this agreement. The remaining balance will be invoiced, if necessary, per the terms above. Upon order of Contech Engineering Solutions product(s), the \$16,500 deposit and any additional payments, up to \$32,000, shall be deducted from the total cost of structures and foundation design.

PROFESSIONAL COMPENSATION

For the scope of services and products identified in this proposal, Verde Design respectfully requests the following lump sum fee including all reasonable reimbursable expenses that are outlined to be included in the project.

■ Task 1: Project Initiation and Site Survey	*\$30,320
■ Task 2: Design Development (60% Submittal)	*\$63,385
■ Task 3: Construction Documents (90% and 100%/Bid Submittals)	\$85,420
■ Task 4: Bid and Construction Support	\$20,770
Total	\$199,895

*As noted above, Tasks 1 and 2 fees include deposit and design costs of \$16,000 each, for the Contech Engineering Solutions bridge and abutment design, and structural calculations. This \$32,000 will be deducted from the final cost of the bridge. This brings the Geotechnical Engineer and Consultant Design, coordination and bidding and construction support services fee to \$167,895

Additional services will be charged on a time and material basis. Charges for additional services will be billed separately.

Pedestrian Bridge at West Little Llagas Creek Interpretative Wildlife Trail Project
April 30, 2019
Page 6

CHANGE IN SERVICES

Client may order changes in scope or character of service, either decreasing or increasing the amount of Consultant's services, and if necessary, changing the character of services. In the event that such changes are ordered, Consultant is entitled to full compensation for all services performed and expenses incurred prior to receipt of notice of change.

TERMINATION OF AGREEMENT

In the event the project is terminated or indefinitely suspended in the manner herein provided, Verde Design shall turn over copies of any and all documents completed to that date. Verde Design shall be entitled to compensation up to and including said termination date. Original work shall remain the property of Verde Design.

Thank you again for the opportunity to work with the City of Morgan Hill on this project.

Respectfully Submitted,
Verde Design, Inc.

Derek McKee, RLA
Principal

Enclosure: 2019 Charge Rate Schedule

cc: Nance Cronin, Verde Design

Attachment: Verde Agreement 7-2-19 (2381 : Approve Design Services Agreement for West Little Llagas Creek Trail Project)

EXHIBIT B
SCHEDULE OF COMPENSATION RATES

See Attached

Pedestrian Bridge at West Little Llagas Creek Interpretative Wildlife Trail Project
 April 30, 2019
 Page 7

Verde Design, Inc. Charge Rate Schedule

Effective until December 31, 2019

The following chart outlines the current charge rate for professional and office costs. Reimbursable rates and expenses are shown at the bottom.

Project Rates

Principal	\$225.00 per hour
Project Manager/Construction Manager	
Level Four	\$210.00 per hour
Level Three	\$190.00 per hour
Level Two	\$165.00 per hour
Level One	\$150.00 per hour
IT Manager	\$165.00 per hour
CAD Manager	\$160.00 per hour
Project Designer	\$140.00 per hour
Job Captain/Staff Engineer/Construction Administrator	\$135.00 per hour
Draftsperson Level II	\$120.00 per hour
Draftsperson Level I	\$115.00 per hour
Project Administrator	\$80.00 per hour
Intern	\$70.00 per hour

Reimbursable Rates

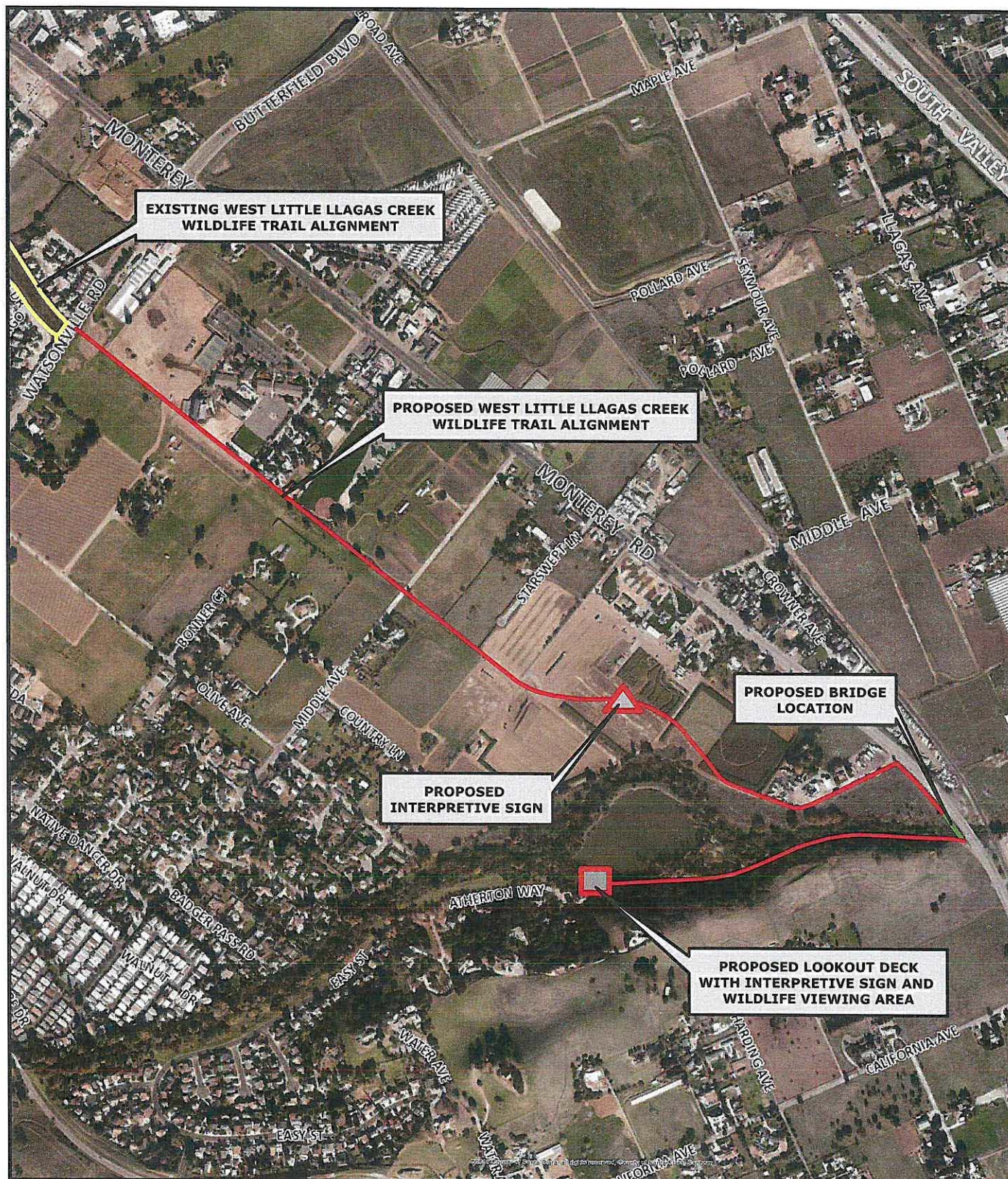
Blueprints, Printing and Reproductions	Cost plus 10%
Sub Consultant Services	Cost plus 10%

Reimbursable Expenses

Blueprints and Reproductions	Travel Expenses
Photography	Parking and Toll Expenses
Models and Renderings	Permit Fees
Postage/Overnight Mail Service	Courier Delivery Service

**EXHIBIT C
SCHEDULE OF PERFORMANCE**

Project schedule to be determined at kick-off meeting.



CITY OF MORGAN HILL
Engineering and Utilities Department
CIP Engineering Division

G:\R-14\Proj\GIS\John\Yat_WestLittle LlagasCreek.mxd

WEST LITTLE LLAGAS CREEK



0 370 740 1,480 2,220 2,960
 Feet



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Mariah Dabel, Community Services Supervisor
APPROVED BY: City Manager

APPROVE FUNDING AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF SILICON VALLEY

RECOMMENDATION(S)

Authorize the City Manager to execute a funding agreement with the Boys and Girls Clubs of Silicon Valley for Park Place Apartments youth program services.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community

2019 Strategic Priorities

Financial Stewardship

GUIDING DOCUMENTS

Bikeways
Trails
Parks and Recreation Masterplan

REPORT NARRATIVE:

To balance community access with fiscal sustainability and further leverage existing partnerships, staff recommends entering into a funding agreement with Boys and Girls Clubs of Silicon Valley (BGCSV) to deliver youth services at Park Place Apartments, an EAH Housing community. Under the recommended funding agreement, the City will pay BGCSV \$72,000 per year to deliver 33 weeks of school year programming and a 7-week summer camp program to up to 50 youth, ages 6 to 13 at Park Place Apartments.

BGCSV's mission is to *inspire and empower all young people, especially those who need us most, to realize their full potential as productive, responsible and caring adults*. The organization currently services 3,000 children annually at 13 clubhouses in Silicon Valley, including 1 in Morgan Hill. BGCSV provides outcome and needs-based programs that develop the skills children need to be successful.

Continuing program services at the existing location, the Park Place Apartments Community Room, BGCSV will deliver a multi-element youth development program that will feature academic support, arts, sports, and fitness and recreational activities. Under the funding agreement, BGCSV will maintain the same number of weeks and hours of service as currently provided as well as the same staffing levels. BGCSV's program will

include enhanced curriculum and staff training made possible by BGCSV's extensive experience delivering youth programs. As part of the agreement, BGCSV will prepare quarterly program reports detailing participants, attendance, and expenses. The afterschool and summer program will remain free of charge to families. Funds received by BGCSV under the agreement will only be used to deliver services to EAH Housing Park Place Apartments youth residents.

Background

The City has delivered the afterschool and summer program at the Park Place Apartments (formerly Village Avante) since 2015. The City's Community Services Department provides program supervision, primary staffing with recreation leaders, and contracts with Discovery Counseling Center to coordinate volunteers for tutoring and homework assistance during the school year.

The program was initially launched as a three day per week program funded by a California Gang Reduction, Intervention and Prevention (CalGRIP) Program Grant as part of the City's involvement with the South County Youth Task Force. The need for the program was identified based on the large number of youths that returned home immediately after school, many without parental supervision or any afterschool support program. In 2015-16, the City began contributing funding to increase the program to five days per week. When the CalGRIP grant expired in December 2017, the City's General Fund absorbed the entire program expense, with no offsetting revenue. The City has since secured a small offsetting grant through the California Violence Intervention and Prevention (CalVIP) Program, about \$20,000 a year, but the majority of the program is still funded by the General Fund.

The recommended partnership is expected to provide a more sustainable service delivery model. The program oversight provided by BGCSV will allow for the reallocation of Recreation Services Coordinator's valuable time, which currently supervises the program. EAH Housing will fund the continuation of Discovery Counseling Center's volunteer coordination services for school year homework assistance. In addition, EAH Housing and BGCSV will pursue grant funding uniquely available to nonprofits and affordable housing organizations for future enhancements and cost increases.

COMMUNITY ENGAGEMENT: Inform

In developing this service delivery model, City staff met with EAH Housing, Discovery Counseling Center, Boys and Girls Clubs of Silicon Valley (BGCSV), and the CalVIP grant representative. If approved, BGCSV and EAH Housing will conduct outreach to program participants and their families for the September 2019 registration and family orientation meeting.

ALTERNATIVE ACTIONS:

The City Council could opt to keep the current service delivery model of City staff delivering program services under the direction of the Community Services Department.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- The City Council approved funding for two days per week of program (above the grant funded three days) in the 2015-16 and 2016-17 budgets.
- On June 6, 2018, the City Council adopted the City's two-year operating budget which allocated General Fund expenses for this program in adopted FY 2018-19 and FY 2019-20 biennial budget.

FISCAL AND RESOURCE IMPACT:

This recommended action is projected to be cost neutral. The adopted FY 2019-20 budget includes \$72,000 for the Park Place Apartments program, which will be reallocated from part-time temporary personnel and materials/supplies to contractual services within the Community Services budget in the General Fund (010). GL#: 010.2180.42231. This expense will be partially offset by the CalVIP Grant.

CEQA (California Environmental Quality Act):

Not a Project.

Since the resulting activity is an administrative program that will not result in a change to the physical environment, this action is not a project under the California Environmental Quality Act.

LINKS/ATTACHMENTS:

1. BGCSV_Park Place MOU-signed v2
2. Letter of Support EAH Housing

MEMORANDUM OF UNDERSTANDING FOR FUNDING ASSISTANCE BETWEEN THE CITY OF MORGAN HILL AND THE BOYS and GIRLS CLUBS OF SILICON VALLEY FOR AFTERSCHOOL AND SUMMER PROGRAMS AND SERVICES TO THE EAH HOUSING PARK PLACE YOUTH RESIDENTS

THIS MEMORANDUM OF UNDERSTANDING (MOU) is effective as of the last signature date below, by and between Boys and Girls Clubs of Silicon Valley, a California non-profit corporation ("BGC"), and City of Morgan Hill, a municipal corporation ("City"), hereinafter referred to collectively as "Parties."

RECITALS

The following recitals are a substantive part of the MOU:

1. Supporting our youth is an ongoing City Council Priority.
2. The City and the BGC desire to support continual youth development services to the EAH Housing Park Place Apartments youth residents.
3. The City will be providing funding to the Boys and Girls Clubs of Silicon Valley to deliver services to the EAH Housing Park Place Apartments youth residents.

AGREEMENT

1. **City Authority.** This MOU is entered into pursuant to action of the Morgan Hill City Council on _____ to provide financial support to BGC for supporting continual youth development services to the EAH Housing Park Place Apartments youth residents.
2. **Term of Agreement.** The term of the MOU shall be from August 12, 2019 through August 11, 2021. The City Manager is authorized to renew this MOU annually for up to an additional 3 years provided funding has been allocated by the City Council.
3. **Funding Assistance and Collaboration.** City and BGC will work together, as described in this section.
 - 3.1. City shall support BGC in providing services in coordinating use of City facilities for special events (CRC pool visits twice per session; weekly summer CRC, Aquatic Center, Community and Cultural Center spray pad visits).
 - 3.2. City shall support BGC by providing a sum not to exceed \$72,000 each program year to support BGC Services within the City of Morgan Hill, provided funding has been allocated by the City Council. The first program year is August 12, 2019 through August 11, 2020.
 - 3.3. Payments will be quarterly. BGC to invoice the City no later than 2 weeks following the completion of each fiscal quarter.
 - 3.4. BGC will not charge participants or their families any fees for afterschool or summer program services as outlined under this agreement.
 - 3.5. BGC agrees that funds received under this contract shall be used only for the purpose of delivering services to the EAH Housing Park Place Apartments youth residents.

4. **Program Scope of Services.**

- 4.1 BGC shall deliver 33 weeks of afterschool programming Mondays through Fridays for a minimum of 2.5 hours per day during the school year and 7 weeks of summer programming Mondays through Fridays for a minimum of 4 hours per day.
- 4.2 Services shall be primarily delivered on site at EAH Housing Park Place Apartments Community Room and adjacent outdoor area. Services may also be provided at various City facilities.
- 4.3 BGC to provide up to 50 youth, ages 6 to 13, with a youth development program that will feature small group and one-to-one mentoring with adult professionals; academic support, arts, sports, fitness and recreational activities in a fun, safe and supportive environment.
- 4.4. Core program components will include:
 - 4.4.1 Academic Enrichment: daily homework assistance (school year only); literacy, math and science activities.
 - 4.4.2 Technology: computer science, typing, digital arts and internet safety.
 - 4.4.3 Arts: painting, printmaking, collage, mixed media, sculpture and more.
 - 4.4.4 Sports and Fitness: activities that improve health and fitness while developing skills, teamwork and sportsmanship.
 - 4.4.5 Recreation activities that address social-emotional development by building cooperation and interpersonal communication skills.
- 4.5. BGC to ensure afterschool sessions will align with the school day bell schedule. Summer sessions will begin after lunch. Youth will be grouped into age cohorts with programs scheduled cyclically. A typical afterschool day will consist of a daily snack, compulsory homework assistance and tutoring (aka Power Hour) followed by two core programming rotations. Summer enrichment will feature four hours of core programming with an additional hour scheduled weekly for swim days.
- 4.6. BGC to coordinate schedule with school schedules and Park Place Apartments Community Room availability; changes to schedule that would impact minimum hours or weeks of service delivered are subject to approval by City.
- 4.7. The afterschool program must also incorporate a life skills component similar to Botvin Life Skills curriculum, per State grant requirements.
- 4.8. BGC to serve a healthy snack every day of program.
- 4.9. BGC may offer program enhancements with a registration, transportation, or materials fee such as field trips or regional events, as long as these are completely separate in location and time from activities under this agreement. Any such activities are subject to approval by EAH Housing. Participation must be optional for participants and requires specific approval/enrollment by parents/guardians. These optional activities are outside the scope and funding of this agreement.

5. **Staffing.**

- 5.1 BGC to deliver services with a minimum of 3 dedicated on-site recreation specialists, and 1 homework assistant (at 12 hours per week) and ensure a maximum ratio of 1 staff to 15 participants. Volunteers or paid staff from Discovery Counseling Center will

not count toward required supervision ratios.

- 5.2 BGC to provide supervision of on-site team to lead staff meetings, monitor program, approve curriculum and calendars, advise on behavior management approaches, and coordinate/attend parent/guardian registration meeting and special parent/guardian meetings.
- 5.3 New staff hires must receive background check, reference verification, and TB test; CPR and First Aid Certification within 90 days of hire.

6. **Roles and Responsibilities.**

- 6.1 BGC will coordinate with EAH Housing Park Place Resource Coordinator on Community Room usage, participant registration, family meetings, special events, and Discovery Counseling Center homework assistance volunteers.
- 6.2 City of Morgan Hill to assist in coordinating use of City facilities for special events and aquatics visits (CRC pool visit twice per season; weekly summer CRC, Aquatics Center, Community and Cultural Center spray pad visits).
- 6.3 BGC to recruit, train, and supervise on-site specialists delivering program services and purchase and maintain all program supplies and materials.
- 6.4 BGC to provide specialist team with office location and computer workstation and cell phone; sufficient to prepare program calendars and curriculum and communicate via email and phone with program participants and families.
- 6.5 BGC shall recognize the City as a partner in all communications and materials that are utilized for outreach within Morgan Hill.

7. **Reporting and Oversight.**

- 7.1 BGC to submit a quarterly program report to the City within 2 weeks of the completion of each fiscal quarter (Oct 14, Jan 14, Apr 14, July 14). Report to include:
 - a. Total number of new registered participants this period
 - b. Number of unduplicated participants who attended program
 - c. Average daily attendance
 - d. Demographics of registered participants including gender, age, and ethnicity
 - e. Number of life skills workshops/classes held and participant attendance
 - f. Highlights of successes and challenges
 - g. Grant-required financial records: completed financial report (to be provided), accompanied by program materials/equipment receipts and timekeeping records for specialists.
- 7.2 BGC shall provide to the City an annual report on operations due each August. Report to include:
 - a. Number of youths served
 - b. Programs/activities offered
 - c. Program costs for participation
 - d. Financial assistance provided
 - e. Demographic information including location of youth served (if possible)

- 8. **Confidentiality.** BGC shall ensure that all information is kept confidential as required by State

and Federal law.

9. **Termination**. City or BGC shall have the right to terminate this MOU, without cause, by giving thirty (30) days' written notice or less under urgent circumstances.

10. **Document Review and Audit**. The City shall have the right to examine, monitor and audit (hereinafter "review") all records, documents, conditions, and activities of BGC related to services under this MOU. City shall provide at least 15 days' notice of its intent to review the records, and the review shall take place at BGC offices. City agrees to review the records only, unless said review is performed as part of audit as described herein. Pursuant to Government Code Section 8546.7, because this MOU involves the expenditure of public funds in excess of \$10,000, the Parties to this MOU may be subject, at the request of the City or as part of any audit of the City, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this MOU for a period of three years after final payment under the MOU.

11. **Insurance**. BGC shall provide insurance as required in Exhibit A.

12. **Indemnification**.

12.1 **Defense and Indemnification**. BGC shall, to the fullest extent permitted by law, indemnify, defend and hold harmless City, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the performance of this Agreement or the failure to comply with any obligations contained in this Agreement by BGC, and/or its agents, officers, employees, subcontractors, or independent contractors ("CLAIM").

12.2 **Exceptions**. BGC is not required to indemnify INDEMNITEES against liability for bodily injury, property damage or personal injury, or any other loss, damage or expense arising from the sole negligence or willful misconduct of the City.

12.3 **Not limited by insurance**. The indemnity, defense and hold harmless provisions of this Agreement apply to all CLAIMs alleged against an INDEMNITEE, regardless of whether any insurance policies are applicable. Policy limits do not act as a limitation upon the amount of indemnification or defense to be provided by BGC.

12.4. **Right to Offset**. City shall have the right to offset against any compensation due BGC under this Agreement any amount due City from BGC as a result of BGC's failure to pay City promptly any indemnification arising under this Section (21) and any amount due City from BGC arising from BGC's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.

12.5 **Interpretation**. This Section shall constitute an agreement or contract of indemnity, incorporating the interpretations under California Civil Code Section 2778. It is expressly understood and agreed that the obligation of the BGC to indemnify the INDEMNITEE shall be as broad and inclusive as permitted by the laws of the State of California and shall survive termination of this Agreement.

13. **Independent Contractor**. BGC is an independent contractor and not an agent or employee of City.

14. **No assignment**. Neither this MOU nor any portion shall be assigned by BGC, without prior written consent of City. Any attempted assignment not first approved by City shall be void and, at City's option, shall terminate this MOU effective as of the date of such attempted assignment.

15. **Governing Law.** This MOU shall be construed in accordance with the laws of the State of California. This MOU was entered into and is to be performed in the County of Santa Clara. Any action or dispute arising out of this MOU shall only be brought in Santa Clara County.

16. **Authority to Execute.** Those individuals who are signing this MOU on behalf of entities represent and warrant that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this MOU.

17. **No liability of City Officials.** No official or employee of City shall be personally liable for any default or liability under this Agreement.

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2/18/15

18. **Notice.** Any notice or instrument required or permitted to be given hereunder shall be deemed received upon personal delivery for five (5) days after deposit in any United States mail depository, first class postage prepaid and addressed to the party for whom intended.

For City: City Manager
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

For BGC: Boys and Girls Clubs of Silicon Valley
518 Valley Way
Milpitas, CA 95035

IN WITNESS THEREOF, the Parties have executed this Memorandum of Understanding on the day and year shown below:

ATTEST:

CITY OF MORGAN HILL

City Clerk/Deputy City Clerk

City Manager

Michelle Wilson
Print Name

Christina Turner
Print Name

Date: _____

Date: _____

APPROVED AS TO FORM

BOYS AND GIRLS CLUBS OF SILICON VALLEY

City Attorney

By: _____

Donald A. Larkin
Print Name

Title: _____

Max Duganne

Chief Executive officer

Print Name and Title of Signer

If Corporate: Chairman, President or
Vice President

Date: _____

Date: *7/8/19*

By: _____

Mark Walsh

Title: _____

Chief Operating officer

Print Name and Title of Signer

If Corporate: Secretary,
Assistant Secretary, Chief
Financial Officer or Assistant
Treasurer

Date: *7/8/19*

Exhibit A

1. **Insurance Requirements.** BGC shall procure and provide proof of the insurance coverage required by this section in the form of certificates and endorsements. The required insurance must cover the activities of BGC, including its subcontractors, employees and agents, relating to or arising from the performance of any work or service under this Agreement, and must remain in full force and effect at all times during the period covered by this Agreement. **The coverages may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or "umbrella" policies, provided each such policy complies with the requirements set forth herein. BGC further understands that the City reserves the right to modify the insurance requirements set forth herein, with thirty (30) days' notice provided to BGC, at any time as deemed necessary to protect the interests of the City.**

1.1. **Insurance Types and Amounts.**

1.1.1. **Commercial General Liability (CGL).** BGC shall maintain CGL against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) two million dollars (\$2,000,000.00) combined single limit each occurrence and a general aggregate limit of four million dollars (\$4,000,000.00) or (ii) the maximum amount of such insurance available to BGC under BGC's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

1.1.2. **Sexual Abuse/Molestation Liability.** Because the performance of BGC's work or service under this Agreement involves contact with minors, BGC shall procure and maintain Sexual Abuse and Molestation insurance in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to BGC under BGC's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

1.1.3. **Automobile Liability.** BGC shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if BGC does not own automobiles, then BGC shall maintain Hired/Non-owned Automobile Liability) against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) combined single limit, or (ii) the maximum amount of such insurance available to BGC under BGC's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

1.1.4. **Workers' Compensation Insurance and Employer's Liability.** BGC shall maintain Workers Compensation coverage, as required by law, in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to BGC under BGC's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. If BGC is self-insured, BGC shall provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.

1.2. **Endorsements.** BGC shall provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:

1.2.1. **General Liability.**

1.2.1.1. The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds; and

1.2.1.2. insurance shall be primary non-contributing.

1.2.2. All policies.

The insurer waives the right of subrogation against the City of Morgan Hill and the City's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers.

- 1.3. **Qualification of Insurers.** All insurance required pursuant to this Agreement must be issued by a company licensed and admitted, or otherwise legally authorized to carry out insurance business in the State of California, and each insurer must have a current A.M. Best's financial strength rating of "A" or better and an financial size rating of "VII" or better.
- 1.4. **Certificates.** BGC shall furnish City of Morgan Hill with copies of all policies or certificates as outlined herein, whether new or modified, promptly upon receipt. No policy subject to the BGC's agreement with the City shall be canceled or materially changed except after thirty (30) days' notice by the insurer to City. Certificates, including renewal certificates, may be mailed electronically to riskmgmt@morganhill.ca.gov or delivered to the Certificate Holder address provided herein

Certificate Holder address:

City of Morgan Hill
Attn: Risk Management
17575 Peak Avenue
Morgan Hill, CA 95037

Expanding the range of opportunities for all by developing, managing and promoting quality affordable housing and diverse communities.



July 3, 2019

To Whom It May Concern:

On behalf of EAH Housing, we are pleased to support the City of Morgan Hill's new partnership with the Boys & Girls Club of Silicon Valley (BGCSV) in providing afterschool and summer programming to youth ages 6 to 13 at Park Place Apartments in Morgan Hill. The families and children at Park Place have greatly benefitted from the ongoing supportive services from the City of Morgan Hill Recreation Department over the last several years, and we fully approve of the decision to enter into a funding agreement with BGCSV to continue to deliver sustainable and quality programs to the community.

If I am able to provide any further information for your consideration, please do not hesitate to reach out to me. We look forward to this opportunity for our Park Place youth!

Sincerely,

Kristin Taylor
Director of Resident Services
EAH Housing
kristin.taylor@eahhousing.org



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Michelle Katsuyoshi, Human Resources Director

APPROVED BY: City Manager

APPROVE SENIOR ACCOUNTANT SALARY RANGE AND AFSCME SALARY SCHEDULE

RECOMMENDATION(S)

1. Approve the Senior Accountant monthly salary range of \$7,220 - \$9,215; and
2. Approve the American Federation of State, County, and Municipal Employees (AFSCME) Salary Schedule.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Fostering a Positive Organizational Culture
Preserving and Cultivating Public Trust

2019 Strategic Priorities

Financial Stewardship

REPORT NARRATIVE:

On June 5, 2019, the City Council adopted the Fiscal Year (FY) 2019-20 mid-cycle budget amendments, which included a reclassification of one of the two Accountant I positions to a Senior Accountant position. The new classification of Senior Accountant will remain in the American Federation of State, County, and Municipal Employees (AFSCME) group.

Staff is recommending a monthly base salary range of \$7,220 - \$9,215, which is 10% above the top salary step of Accountant I. This is consistent with the City of Morgan Hill's Employee Compensation Guiding Principles, which recommends a 10%-15% salary differential between journey level and advanced level positions.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the position's recommended salary range.

ALTERNATIVE ACTIONS:

The City Council could decide not to approve the recommended Senior Accountant salary range and recommend a different salary range.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

As mentioned above, the reclassification and budget appropriation were reviewed and approved by the City Council as part of the FY 2019-20 Mid-Cycle Budget process on June 5, 2019.

FISCAL AND RESOURCE IMPACT:

The salary difference between the existing Accountant I and the new Senior Accountant is included in the FY 2019-20 Budget, funded by the General Fund (010).

CEQA (California Environmental Quality Act):

Not a Project - Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. Revised AFSCME 2019-2021 Salary Schedule

CITY OF MORGAN HILL AFSCME LOCAL 101 MONTHLY SALARY FOR REGULAR EMPLOYEES BY CLASSIFICATION

Exhibit A

Effective 12/30/2018 (3.5% increase)												
Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Accountant I	\$ 6,876	\$ 39.67	\$ 7,219	\$ 41.65	\$ 7,580	\$ 43.73	\$ 7,959	\$ 45.92	\$ 8,358	\$ 48.22	\$ 8,776	\$ 50.63
Accounting Asst. I	4,546	26.23	4,773	27.54	5,013	28.92	5,263	30.36	5,526	31.88	5,802	33.47
Accounting Asst. II	4,758	27.45	4,996	28.82	5,245	30.26	5,507	31.77	5,783	33.36	6,071	35.03
Assistant Planner	6,876	39.67	7,219	41.65	7,580	43.73	7,959	45.92	8,358	48.22	8,776	50.63
Assistant Engineer	7,638	44.07	8,021	46.28	8,423	48.59	8,843	51.02	9,285	53.57	9,750	56.25
Associate Planner	7,401	42.70	7,772	44.84	8,160	47.08	8,568	49.43	8,996	51.90	9,446	54.50
Associate Engineer	8,873	51.19	9,317	53.75	9,783	56.44	10,272	59.26	10,786	62.23	11,325	65.34
Business Assistant	5,269	30.40	5,533	31.92	5,810	33.52	6,100	35.19	6,406	36.96	6,725	38.80
Building Inspector II	7,676	44.28	8,059	46.49	8,461	48.81	8,884	51.26	9,329	53.82	9,795	56.51
Building Inspector Supervisor	9,029	52.09	9,481	54.70	9,955	57.43	10,453	60.30	10,975	63.32	11,524	66.48
Code Compliance Officer	6,952	40.11	7,300	42.11	7,665	44.22	8,048	46.43	8,451	48.75	8,873	51.19
Community Services Coordinator	5,786	33.38	6,076	35.05	6,380	36.81	6,699	38.65	7,034	40.58	7,386	42.61
Council Services Assistant	5,235	30.20	5,496	31.71	5,771	33.30	6,060	34.96	6,363	36.71	6,681	38.54
Custodian	3,504	20.21	3,678	21.22	3,863	22.28	4,056	23.40	4,259	24.57	4,472	25.80
Development Services Technician	6,072	35.03	6,376	36.78	6,694	38.62	7,029	40.55	7,381	42.58	7,750	44.71
Electrician	7,233	41.73	7,595	43.82	7,975	46.01	8,373	48.31	8,792	50.72	9,232	53.26
Engineering Technician I	5,369	30.97	5,637	32.52	5,918	34.14	6,214	35.85	6,525	37.64	6,851	39.52
Engineering Technician II	5,936	34.24	6,233	35.96	6,544	37.76	6,871	39.64	7,215	41.63	7,576	43.71
Environmental Programs Coordinator	6,876	39.67	7,219	41.65	7,580	43.73	7,959	45.92	8,358	48.22	8,776	50.63
Exec. Sec. to the Chief of Police	5,369	30.97	5,637	32.52	5,918	34.14	6,214	35.85	6,525	37.64	6,851	39.52
Facilities Maintenance Specialist	5,786	33.38	6,076	35.05	6,380	36.81	6,699	38.65	7,034	40.58	7,386	42.61
Housing Program Coordinator	7,401	42.70	7,772	44.84	8,160	47.08	8,568	49.43	8,996	51.90	9,446	54.50
Information Services Technician	6,876	39.67	7,219	41.65	7,580	43.73	7,959	45.92	8,358	48.22	8,776	50.63
Junior Engineer	6,876	39.67	7,219	41.65	7,580	43.73	7,959	45.92	8,358	48.22	8,776	50.63
Maintenance Worker I	4,758	27.45	4,996	28.82	5,245	30.26	5,507	31.77	5,783	33.36	6,071	35.03
Maintenance Worker II	5,250	30.29	5,512	31.80	5,788	33.39	6,078	35.06	6,382	36.82	6,701	38.66
Maintenance Supervisor	7,625	43.99	8,006	46.19	8,406	48.50	8,827	50.92	9,267	53.47	9,731	56.14
Management Analyst	7,050	40.68	7,403	42.71	7,774	44.85	8,163	47.09	8,571	49.45	8,999	51.92
Municipal Services Assistant	5,014	28.92	5,264	30.37	5,527	31.89	5,803	33.48	6,093	35.15	6,397	36.91
Office Assistant I	3,616	20.86	3,797	21.91	3,987	23.00	4,187	24.15	4,396	25.36	4,615	26.63
Office Assistant II	4,546	26.23	4,773	27.54	5,013	28.92	5,263	30.36	5,526	31.88	5,802	33.47
Police Analyst	7,775	44.86	8,164	47.10	8,572	49.45	9,000	51.93	9,451	54.52	9,924	57.25
Public Works Inspection Supervisor	9,029	52.09	9,481	54.70	9,955	57.43	10,453	60.30	10,975	63.32	11,524	66.48
Public Works Inspector	7,233	41.73	7,594	43.81	7,974	46.00	8,372	48.30	8,790	50.71	9,230	53.25
Recreation Services Coordinator	5,786	33.38	6,076	35.05	6,380	36.81	6,699	38.65	7,034	40.58	7,386	42.61
Senior Accountant (added 7/17/2019)	7,220	41.65	7,581	43.74	7,960	45.92	8,358	48.22	8,776	50.63	9,215	53.16
Senior Maintenance Worker	5,786	33.38	6,076	35.05	6,380	36.81	6,699	38.65	7,034	40.58	7,386	42.61
Senior Utility Worker	5,786	33.38	6,076	35.05	6,380	36.81	6,699	38.65	7,034	40.58	7,386	42.61
Senior Public Works Inspector	7,775	44.86	8,164	47.10	8,572	49.45	9,000	51.93	9,451	54.52	9,924	57.25
Support Services Supervisor	6,859	39.57	7,202	41.55	7,562	43.63	7,940	45.80	8,337	48.10	8,754	50.50
Utility Worker I	4,758	27.45	4,996	28.82	5,245	30.26	5,507	31.77	5,783	33.36	6,071	35.03
Utility Worker II	5,250	30.29	5,512	31.80	5,788	33.39	6,078	35.06	6,382	36.82	6,701	38.66
Utility Supervisor	7,750	44.71	8,137	46.95	8,544	49.29	8,971	51.76	9,420	54.34	9,891	57.06
Water Quality Specialist	6,391	36.87	6,711	38.72	7,046	40.65	7,398	42.68	7,768	44.81	8,156	47.05

Attachment: Revised AFSCME 2019-2021 Salary Schedule (2390 : Approval of Senior Accountant Salary

Exhibit B

Effective 01/01/2020 (3.25% increase)												
Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Accountant I	\$ 7,099	\$ 40.96	\$ 7,454	\$ 43.00	\$ 7,827	\$ 45.15	\$ 8,218	\$ 47.41	\$ 8,629	\$ 49.78	\$ 9,061	\$ 52.28
Accounting Asst. I	4,693	27.08	4,929	28.43	5,175	29.86	5,434	31.35	5,706	32.92	5,991	34.56
Accounting Asst. II	4,913	28.34	5,158	29.76	5,416	31.25	5,686	32.81	5,970	34.44	6,269	36.17
Assistant Planner	7,099	40.96	7,454	43.00	7,827	45.15	8,218	47.41	8,629	49.78	9,061	52.28
Assistant Engineer	7,887	45.50	8,282	47.78	8,697	50.17	9,130	52.68	9,587	55.31	10,067	58.08
Associate Planner	7,642	44.09	8,024	46.29	8,425	48.61	8,846	51.04	9,289	53.59	9,753	56.27
Associate Engineer	9,162	52.85	9,620	55.50	10,101	58.27	10,606	61.19	11,136	64.25	11,693	67.46
Business Assistant	5,440	31.39	5,713	32.96	5,998	34.61	6,299	36.34	6,614	38.16	6,944	40.06
Building Inspector II	7,925	45.72	8,320	48.00	8,736	50.40	9,173	52.92	9,632	55.57	10,114	58.35
Building Inspector Supervisor	9,323	53.79	9,789	56.47	10,278	59.30	10,792	62.26	11,332	65.38	11,898	68.64
Code Compliance Officer	7,178	41.41	7,537	43.48	7,914	45.66	8,310	47.94	8,726	50.34	9,162	52.85
Community Services Coordinator	5,974	34.46	6,273	36.19	6,587	38.00	6,916	39.90	7,263	41.90	7,626	44.00
Council Services Assistant	5,405	31.18	5,675	32.74	5,959	34.38	6,257	36.10	6,570	37.90	6,898	39.80
Custodian	3,617	20.87	3,798	21.91	3,988	23.01	4,188	24.16	4,397	25.37	4,618	26.64
Development Services Technician	6,270	36.17	6,583	37.98	6,912	39.88	7,257	41.87	7,621	43.96	8,002	46.17
Electrician	7,468	43.08	7,842	45.24	8,234	47.50	8,645	49.88	9,078	52.37	9,532	54.99
Engineering Technician I	5,543	31.98	5,820	33.58	6,110	35.25	6,416	37.02	6,737	38.87	7,073	40.81
Engineering Technician II	6,129	35.36	6,435	37.13	6,757	38.98	7,095	40.93	7,450	42.98	7,822	45.13
Environmental Programs Coordinator	7,099	40.96	7,454	43.00	7,827	45.15	8,218	47.41	8,629	49.78	9,061	52.28
Exec. Sec. to the Chief of Police	5,543	31.98	5,820	33.58	6,110	35.25	6,416	37.02	6,737	38.87	7,073	40.81
Facilities Maintenance Specialist	5,974	34.46	6,273	36.19	6,587	38.00	6,916	39.90	7,263	41.90	7,626	44.00
Housing Program Coordinator	7,642	44.09	8,024	46.29	8,425	48.61	8,846	51.04	9,289	53.59	9,753	56.27
Information Services Technician	7,099	40.96	7,454	43.00	7,827	45.15	8,218	47.41	8,629	49.78	9,061	52.28
Junior Engineer	7,099	40.96	7,454	43.00	7,827	45.15	8,218	47.41	8,629	49.78	9,061	52.28
Maintenance Worker I	4,913	28.34	5,158	29.76	5,416	31.25	5,686	32.81	5,970	34.44	6,269	36.17
Maintenance Worker II	5,420	31.27	5,692	32.84	5,976	34.48	6,275	36.20	6,589	38.01	6,918	39.91
Maintenance Supervisor	7,873	45.42	8,266	47.69	8,680	50.07	9,113	52.58	9,569	55.20	10,047	57.97
Management Analyst	7,280	42.00	7,644	44.10	8,027	46.31	8,428	48.62	8,849	51.05	9,292	53.61
Municipal Services Assistant	5,177	29.86	5,435	31.36	5,707	32.92	5,992	34.57	6,291	36.29	6,605	38.11
Office Assistant I	3,734	21.54	3,921	22.62	4,116	23.75	4,323	24.94	4,539	26.18	4,765	27.49
Office Assistant II	4,693	27.08	4,929	28.43	5,175	29.86	5,434	31.35	5,706	32.92	5,991	34.56
Police Analyst	8,028	46.31	8,429	48.63	8,851	51.06	9,293	53.61	9,758	56.29	10,246	59.11
Public Works Inspection Supervisor	9,323	53.79	9,789	56.47	10,278	59.30	10,792	62.26	11,332	65.38	11,898	68.64
Public Works Inspector	7,468	43.08	7,841	45.23	8,233	47.50	8,644	49.87	9,076	52.36	9,530	54.98
Recreation Services Coordinator	5,974	34.46	6,273	36.19	6,587	38.00	6,916	39.90	7,263	41.90	7,626	44.00
Senior Accountant (added 7/17/2019)	7,454	43.01	7,827	45.16	8,219	47.41	8,629	49.79	9,061	52.27	9,514	54.89
Senior Maintenance Worker	5,974	34.46	6,273	36.19	6,587	38.00	6,916	39.90	7,263	41.90	7,626	44.00
Senior Utility Worker	5,974	34.46	6,273	36.19	6,587	38.00	6,916	39.90	7,263	41.90	7,626	44.00
Senior Public Works Inspector	8,028	46.31	8,429	48.63	8,851	51.06	9,293	53.61	9,758	56.29	10,246	59.11
Support Services Supervisor	7,082	40.86	7,436	42.90	7,808	45.04	8,198	47.29	8,608	49.66	9,039	52.15
Utility Worker I	4,913	28.34	5,158	29.76	5,416	31.25	5,686	32.81	5,970	34.44	6,269	36.17
Utility Worker II	5,420	31.27	5,692	32.84	5,976	34.48	6,275	36.20	6,589	38.01	6,918	39.91
Utility Supervisor	8,002	46.17	8,402	48.47	8,822	50.89	9,263	53.44	9,726	56.11	10,212	58.91
Water Quality Specialist	6,599	38.07	6,929	39.98	7,275	41.97	7,639	44.07	8,020	46.27	8,421	48.58

Attachment: Revised AFSCME 2019-2021 Salary Schedule (2390 : Approval of Senior Accountant Salary

Exhibit C

Effective 01/01/2021 (3.25% increase)												
Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Accountant I	\$ 7,330	\$ 42.29	\$ 7,696	\$ 44.40	\$ 8,081	\$ 46.62	\$ 8,485	\$ 48.95	\$ 8,910	\$ 51.40	\$ 9,356	\$ 53.97
Accounting Asst. I	4,846	27.96	5,089	29.36	5,344	30.83	5,611	32.37	5,891	33.99	6,186	35.69
Accounting Asst. II	5,072	29.26	5,326	30.73	5,592	32.26	5,871	33.87	6,164	35.56	6,472	37.34
Assistant Planner	7,330	42.29	7,696	44.40	8,081	46.62	8,485	48.95	8,910	51.40	9,356	53.97
Assistant Engineer	8,143	46.98	8,551	49.33	8,979	51.80	9,427	54.39	9,898	57.11	10,394	59.96
Associate Planner	7,890	45.52	8,285	47.80	8,699	50.19	9,134	52.69	9,591	55.33	10,070	58.10
Associate Engineer	9,459	54.57	9,933	57.30	10,429	60.17	10,951	63.18	11,498	66.34	12,073	69.65
Business Assistant	5,617	32.41	5,899	34.03	6,193	35.73	6,503	37.52	6,829	39.40	7,170	41.36
Building Inspector II	8,183	47.21	8,591	49.56	9,020	52.04	9,471	54.64	9,945	57.37	10,442	60.24
Building Inspector Supervisor	9,626	55.53	10,107	58.31	10,612	61.22	11,143	64.29	11,700	67.50	12,285	70.87
Code Compliance Officer	7,411	42.76	7,782	44.90	8,172	47.14	8,580	49.50	9,009	51.98	9,459	54.57
Community Services Coordinator	6,168	35.58	6,477	37.37	6,801	39.24	7,141	41.20	7,499	43.26	7,874	45.42
Council Services Assistant	5,581	32.20	5,859	33.80	6,153	35.50	6,460	37.27	6,784	39.14	7,122	41.09
Custodian	3,735	21.55	3,921	22.62	4,118	23.76	4,324	24.95	4,540	26.19	4,768	27.51
Development Services Technician	6,473	37.35	6,797	39.21	7,137	41.17	7,493	43.23	7,868	45.39	8,262	47.67
Electrician	7,710	44.48	8,097	46.71	8,502	49.05	8,926	51.50	9,373	54.08	9,842	56.78
Engineering Technician I	5,723	33.02	6,009	34.67	6,309	36.40	6,625	38.22	6,956	40.13	7,303	42.13
Engineering Technician II	6,328	36.51	6,645	38.33	6,977	40.25	7,325	42.26	7,692	44.37	8,077	46.60
Environmental Programs Coordinator	7,330	42.29	7,696	44.40	8,081	46.62	8,485	48.95	8,910	51.40	9,356	53.97
Exec. Sec. to the Chief of Police	5,723	33.02	6,009	34.67	6,309	36.40	6,625	38.22	6,956	40.13	7,303	42.13
Facilities Maintenance Specialist	6,168	35.58	6,477	37.37	6,801	39.24	7,141	41.20	7,499	43.26	7,874	45.42
Housing Program Coordinator	7,890	45.52	8,285	47.80	8,699	50.19	9,134	52.69	9,591	55.33	10,070	58.10
Information Services Technician	7,330	42.29	7,696	44.40	8,081	46.62	8,485	48.95	8,910	51.40	9,356	53.97
Junior Engineer	7,330	42.29	7,696	44.40	8,081	46.62	8,485	48.95	8,910	51.40	9,356	53.97
Maintenance Worker I	5,072	29.26	5,326	30.73	5,592	32.26	5,871	33.87	6,164	35.56	6,472	37.34
Maintenance Worker II	5,596	32.29	5,877	33.90	6,170	35.60	6,479	37.38	6,803	39.25	7,143	41.21
Maintenance Supervisor	8,129	46.90	8,535	49.24	8,962	51.70	9,410	54.29	9,880	57.00	10,374	59.85
Management Analyst	7,516	43.36	7,892	45.53	8,288	47.81	8,702	50.21	9,137	52.71	9,594	55.35
Municipal Services Assistant	5,345	30.83	5,612	32.38	5,892	33.99	6,187	35.69	6,496	37.47	6,820	39.35
Office Assistant I	3,855	22.24	4,048	23.36	4,250	24.52	4,463	25.75	4,686	27.03	4,920	28.38
Office Assistant II	4,846	27.96	5,089	29.36	5,344	30.83	5,611	32.37	5,891	33.99	6,186	35.69
Police Analyst	8,289	47.82	8,703	50.21	9,138	52.72	9,595	55.36	10,075	58.12	10,579	61.03
Public Works Inspection Supervisor	9,626	55.53	10,107	58.31	10,612	61.22	11,143	64.29	11,700	67.50	12,285	70.87
Public Works Inspector	7,710	44.48	8,095	46.70	8,500	49.04	8,925	51.49	9,371	54.06	9,840	56.77
Recreation Services Coordinator	6,168	35.58	6,477	37.37	6,801	39.24	7,141	41.20	7,499	43.26	7,874	45.42
Senior Accountant (added 7/17/2019)	7,697	44.40	8,082	46.62	8,486	48.96	8,910	51.40	9,355	53.97	9,823	56.67
Senior Maintenance Worker	6,168	35.58	6,477	37.37	6,801	39.24	7,141	41.20	7,499	43.26	7,874	45.42
Senior Utility Worker	6,168	35.58	6,477	37.37	6,801	39.24	7,141	41.20	7,499	43.26	7,874	45.42
Senior Public Works Inspector	8,289	47.82	8,703	50.21	9,138	52.72	9,595	55.36	10,075	58.12	10,579	61.03
Support Services Supervisor	7,312	42.18	7,677	44.29	8,061	46.51	8,464	48.83	8,888	51.27	9,332	53.84
Utility Worker I	5,072	29.26	5,326	30.73	5,592	32.26	5,871	33.87	6,164	35.56	6,472	37.34
Utility Worker II	5,596	32.29	5,877	33.90	6,170	35.60	6,479	37.38	6,803	39.25	7,143	41.21
Utility Supervisor	8,262	47.67	8,675	50.05	9,108	52.55	9,564	55.18	10,042	57.93	10,544	60.83
Water Quality Specialist	6,813	39.31	7,154	41.27	7,512	43.34	7,887	45.50	8,281	47.77	8,695	50.16

Attachment: Revised AFSCME 2019-2021 Salary Schedule (2390 : Approval of Senior Accountant Salary



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Mario Ramirez,
APPROVED BY: City Manager

APPROVE PURCHASE OF THREE UNMARKED POLICE VEHICLES

RECOMMENDATION(S)

1. Approve the purchase and build out of three new unmarked replacement vehicles for the Police Department for the not to exceed amount of \$138,212, which includes 10% contingency of \$12,565;
2. Approve repurposing of the existing three unmarked vehicles within the Police Department; and
3. Authorize the City Manager to approve the purchase order with Priority 1 Public Safety Equipment Installation, Inc.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Fiscal Responsibility

2019 Strategic Priorities

Financial Stewardship

GUIDING DOCUMENTS

Public Safety Master Plan

REPORT NARRATIVE:

Staff recommends the purchase of three 2020 Ford Explorers to replace two aged 2011 and 2012 Ford Taurus vehicles, and a 2011 Chevy Malibu. The three new vehicles will replace the three aged vehicles as follows:

Aged Vehicles	Mileage	New Vehicles
2011 Chevy Malibu # 304- unmarked vehicle	102,166	2020 Ford Explorer
2011 Ford Taurus # 305- unmarked vehicle	127,737	2020 Ford Explorer
2012 Ford Taurus # 306- unmarked vehicle	81,911	2020 Ford Explorer

FLEET BACKGROUND

There are currently 39 vehicles and five trailers in Police Department's fleet. Seventeen patrol cars and two motorcycles are assigned to twenty-four patrol officers in Field Operations. Eight unmarked police cars are assigned to eight detectives, all assigned to Special Operations, and three unmarked police vehicles are assigned to Administration. Other vehicles include training motorcycles, OES, Property/Evidence, Command Vehicle, pool patrol vehicles and a 4WD Expedition used by the SRO. Each vehicle has

a replacement date of approximately six – ten years, depending on the type of vehicle and its assignment. The Police Department's Vehicle Replacement Plan allows the City to financially plan for scheduled vehicle purchases to maintain safe, operational police vehicles for patrol officers, detectives, and civilian members of the Department.

Staff recommends repurposing the existing three aged vehicles within the Police Department. The 2011 Ford Taurus and 2011 Chevy Malibu will be repurposed as pool cars and the 2012 Ford Taurus will be assigned to the Administrative Sergeant. A pool car is a vehicle that is available for use by members of the police department. Using these vehicles as pool cars will help reduce training cost as members of the department will be able to take the pool car to training, rather than their own vehicle, which would require reimbursement for mileage. In addition, these vehicles will be available to members while attending meetings or other department business outside the city limits. These vehicles will also be used as spare vehicles for our Special Operations Bureau when other unmarked vehicles are undergoing regular maintenance.

1. 2011 Chevy Malibu- Vehicle # 304 (102,166 miles)

The Chevy Malibu will be replaced with a 2020 Ford Explorer. The 2011 Chevy Malibu was due for replacement in 2017; however, staff elected to defer the replacement of the vehicle. The vehicle is still safe for emergency use and suitable as a pool car; therefore, we ask to keep it in the fleet as a "spare" for one year or until the repairs exceed the regular maintenance. The vehicle would be sent to auction or salvage upon the need for repair beyond normal maintenance.

2. 2011 Ford Taurus- Vehicle 305 (127,737 miles)

The Ford Taurus will be replaced with a 2020 Ford Explorer. The 2011 Ford Taurus was due for replacement in 2018; however, staff elected to defer the replacement of the vehicle. This vehicle is still safe for emergency use and suitable as a pool car; therefore, we ask to keep it in the fleet as a "spare" for one year or until the repairs exceed the regular maintenance. The vehicle would be sent to auction or salvage upon the need for repair beyond normal maintenance.

3. 2012 Ford Taurus- Vehicle 306 (81,911 miles)

The Ford Taurus will be replaced with a 2020 Ford Explorer. The 2012 Ford Taurus was due for replacement in 2018; however, staff elected to defer the replacement of the vehicle. This vehicle is still safe for emergency use and suitable as the Administrative Sergeant vehicle. This position requires the Sergeant to travel for training manager meetings and conduct internal affairs investigations. The Administrative Sergeant has a dynamic role within the department; the sergeant is called upon to handle a variety of tasks, to include Press Information Officer (PIO) duties and is the backup sergeant for the Special Operations Bureau. It is important for this sergeant to independently come and go to address the day to day administrative duties required by this position. The vehicle would be sent to auction or salvage upon the need for repair beyond normal maintenance.

The Police Department recommends buying three 2020 Ford Explorers through Priority 1 Public Safety Equipment Installation Inc. Priority 1 Public Safety Equipment

Installation Inc. will, in turn, purchase the vehicles from Towne Ford at a price of \$35,936. The price through Priority 1 is \$2,187 less than the state bid and \$1,678 less than purchasing the vehicles locally. The state government competitive bid contract price for an identically equipped vehicle is \$38,123 and the local dealer price from The Ford Store is \$37,614. Purchasing the vehicles locally or through the State contract would also require delivery to Belmont, which adds to the cost and will also require separate DMV and Purchase Order coordination, adding to staff time. Based on a lower cost and reduced staff time, staff recommends consolidating the purchase through Priority 1 to provide vehicles fully built-out for police use.

The vehicle purchase price does not include build-out of the vehicle. The costs associated with vehicle build-out, including but not limited to; lights, siren, control modules, radio installation, and cargo box, are listed under the fiscal impact section of this staff report.

COMMUNITY ENGAGEMENT: Inform

This staff report serves to inform the community of the Police Department's Vehicle Replacement Plan. This is required to maintain a safe and operational fleet. All police vehicles are outfitted with emergency communications and officer safety equipment.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council has previously accepted the use of Priority 1 for the purchase and build-out of police vehicles.

FISCAL AND RESOURCE IMPACT:

The price of the Ford Explorer Utility is \$41,882 each, totaling \$125,647 for all three vehicles. The break-down of costs for each vehicle is below. The cost for all three vehicles will be \$125,647. Staff recommends a 10% contingency for a total authorized purchase price of \$138,212.

Item	Cost
Ford Explorer	\$35,936 (Tax included)
Emergency System Build-out	\$ 5,946 (Tax included)

The funds for the replacement vehicles and build-outs are budgeted within the Vehicle Replacement Fund (790). GL#790.8500.43830.

CEQA (California Environmental Quality Act):

Not a Project.

Continuing administrative activities, such as purchases for supplies and equipment, is not a project subject to environmental review.

LINKS/ATTACHMENTS:

1. Quote



Priority 1 Public Safety Equipment Installation Inc.

425 Harbor Blvd. #6
Belmont, CA 94002-4048
TEL: (650) 654-9900
FAX: (650) 654-9947

Estimate

Date	Estimate #
6/24/2019	2721

Name / Address
City of Morgan Hill 100 Edes Ct Morgan Hill, CA 95037

Attention
Sgt. Ramirez

Vehicle#	Terms	Rep
Explorer	Net 30	Marc

Item	Description	Qty	Total
K7D	2020 Ford Explorer XLT FWD with the following options: (99H) 2.3L EcoBoost Engine, (44D) 10-Speed Transmission, (JS) Iconic Silver, (8N) Sandstone Unique Cloth, Captain's Chairs and 200A Equipment Group	3	98,880.00T
Tire Fee	Ca. Tire Tax Fee	3	26.25T
PRI-KIT	Wire harness-Relays, diodes, connectors, hardware etc.	3	660.00T
5046	Blue Sea 8 gsnng fuse block	3	108.00T
CG.X	Charge Guard timer	3	247.80T
2150A	Whelen headlight flasher	3	156.78T
IONR	Whelen ION series universal light head (windshield & grille)	6	804.96T
IONB	Whelen ION Series universal light head (windshield & grille)	6	804.96T
ELUC2S010 R	Sound Off Hide-a-Way L.E.D, RED (taillights)	6	450.00T
ELUC2S010 B	Sound Off Hide-a-Way L.E.D, BLUE (taillights)	6	450.00T
EGHST1 J-12	Sound Off bracket mount Ghost Light, RED/BLUE (rear window)	3	300.00T
EGHST1 M-12	Sound Off bracket mount Ghost Light, AMBER/BLUE (rear window)	3	300.00T
Misc	Stico Antenna	3	1,959.00T
75813	Streamlight Stinger DSC4 LED Flashlight	3	390.00T
LOFT-FPIU-2G	Loft dual gunlock system	3	2,265.15T
BETA112R	Whelen Beta remote siren amp with PA functions. PA sold seperate.	3	795.00T
Freight	Freight	3	375.00T
Labor	Install emergency equipment, police radio and gunlock system	1	6,300.00T
Subtotal			\$115,272.90
Sales Tax (9.0%)			\$10,374.56
Total			\$125,647.46

Attachment: Quote (2377 : Purchase of Three Unmarked Police Vehicles)



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Lynette Kong, Associate Engineer
APPROVED BY: City Manager

ACCEPT 2018 PAVEMENT RESURFACING PROJECT

RECOMMENDATION(S)

1. Accept as complete, the 2018 Pavement Resurfacing Project, in the final amount of \$1,528,721;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Fiscal Responsibility

2019 Strategic Priorities

Infrastructure

GUIDING DOCUMENTS

General Plan/Housing Element

REPORT NARRATIVE:

On June 20, 2018, City Council awarded a construction contract for the 2018 Pavement Resurfacing Project. The project scope included cold-in-place recycling (CIR) pavement rehabilitation, hot mix asphalt concrete (AC) overlay, full depth AC pavement repair, slurry sealing, crack sealing, replacement of pavement delineation and markings, utility adjustments, and traffic signal loops. The striping work included the installation of a new Class II bicycle lane facility along northbound Hill Road from E. Dunne Avenue to Diana Avenue. The crack sealing work was completed on Cochrane Road, E. Dunne Avenue, Tennant Avenue, and the slurry seal treatment street locations.

The project was awarded to O'Grady Paving, Inc. for \$1,556,651 and the project authorized a 10% contingency of \$155,665. During construction, one contract change order totaling \$20,970 was authorized for the restoration of existing survey monumentation disturbed within the rehabilitated pavement sections.

On September 27, 2017, City Council adopted a resolution to include Sutter Boulevard to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, the Road Repair and Accountability Act of 2017. At the time of the resolution was adopted, the City anticipated receiving an estimated \$246,598 in RMRA funding for fiscal year 2017-18. The actual amount the City received from the RMRA funds was \$258,670 and was deposited back into the Street CIP Fund. The project

costs to rehabilitate Sutter Boulevard was more than the RMRA fund amount and the work met the intent of proposed project in the resolution.

Staff recommends accepting the project as the work is complete and in accordance with the plans and specifications.

COMMUNITY ENGAGEMENT: Inform

Prior to commencement of work, the contractor notified residents and businesses adjacent to the construction work zone. Staff also provided notifications and weekly project updates through the City's website.

ALTERNATIVE ACTIONS:

Accepting the project in accordance with the contract documents is a required process and enables the City to release any retained funds owed to the contractor per the California Public Contract Code Section 7107.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- On September 27, 2017, City Council adopted a Resolution to amend the FY 17-18 Capital Improvement Project budget to include the Sutter Boulevard Rehabilitation Project funded by SB 1, the Road Repair and Accountability Act.
- On June 20, 2018, City Council awarded a construction contract to O'Grady Paving, Inc. for the 2018 Pavement Resurfacing Project for \$1,556,650.50.

FISCAL AND RESOURCE IMPACT:

The final contract amount for the 2018 Pavement Resurfacing Project is \$1,528,721. The project was awarded to O'Grady Paving for \$1,556,651 and the project was authorized with a 10% contingency of \$155,665, totaling \$1,712,316 authorized for construction. Out of the original base contract, only \$1,507,751 was spent along with one change order of \$20,970 for a final contract cost of \$1,528,721. The remaining balance of \$183,595 will be returned to the Pavement Rehabilitation Project #519000. The project was funded by the Street CIP Fund (Fund 308) with \$258,670 received from the State's SB 1 Road Maintenance and Rehabilitation Account (RMRA) for fiscal year 2017-18, for the work completed on Sutter Boulevard; the money received was deposited into Fund 308.

CEQA (California Environmental Quality Act):

Categorical Exemption

The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15301(c) of the CEQA (Existing Facilities), as the subject work involves the repair, maintenance or minor alteration of existing City roadway facilities involving negligible or no expansion of use of those facilities.

LINKS/ATTACHMENTS:

1. Funding Closeout Statement 2018 Pavement Resurfacing 07-17-19
2. Notice of Completion 2018 Pavement Resurfacing 07-17-19
3. Project Location Map

CIP Contract Acceptance Funding Closeout Statement

Project:	2018 Pavement Resurfacing		
Project No:	519000		
Date of Project Award:	20-Jun-18	Project Award Amount:	\$1,556,651
Funding Source:	f308	Contingency Authorized:	\$155,665
Date of Project Acceptance:	17-Jul-19	Total Authorized:	\$1,712,316
		Actual Base Contract Spent:	\$1,507,751

Change Orders				
	Description	Date	Council Approval Req'd? (Y/N)	
C.O. #1:	Survey monument restorations	7-Jan-19	N	\$20,970
Total C.O.:				\$20,970

Additional Appropriations		
Source	Amount	Date
None		

Construction Fund Balance:	\$183,595	Total Construction Amount (Base Contract plus CO's):	\$1,528,721
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Attachment: Funding Closeout Statement 2018 Pavement Resurfacing 07-17-19 (2398 : Accept 2018 Pavement Resurfacing Project)

Record at the Request of
and When Recorded Mail to:

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

Record at No Fee Pursuant to
Government Code Section 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Civil Code Section 9204, that:

- 1) On July 19, 2018, the City of Morgan Hill, a Municipal Corporation, entered to a contract with O'Grady Paving, Inc. for the 2018 Pavement Resurfacing Project located along Hill Road from E. Dunne Avenue to Diana Avenue Road, Llagas Creek Estates (Adair Ct., Christeph Dr., Kay Springs Ct., Llagas Creek Dr., Llagas Vista Dr., and Serpentine Ct.), Sparhawk Estates (Eagle Springs Ct., Llagas Creek Dr., Sparhawk Dr., and Sparhawk Ct.), and Sutter Boulevard from Cochrane Road to Butterfield Boulevard in Morgan Hill, CA.
- 2) The owner of said property is the City of Morgan Hill, a Municipal Corporation, located at 17575 Peak Avenue, Morgan Hill, CA 95037, and is the owner of said property in fee simple.
- 3) The contractor is O'Grady Paving, Inc. located at 2513 Wyandotte Street, Mountain View, CA 94043.
- 4) The surety is "Travelers Casualty and Surety Company of America".
- 5) The project was completed on October 31, 2018 and accepted by the City Council of the City of Morgan Hill on July 17, 2019.

CITY OF MORGAN HILL, a Municipal Corporation

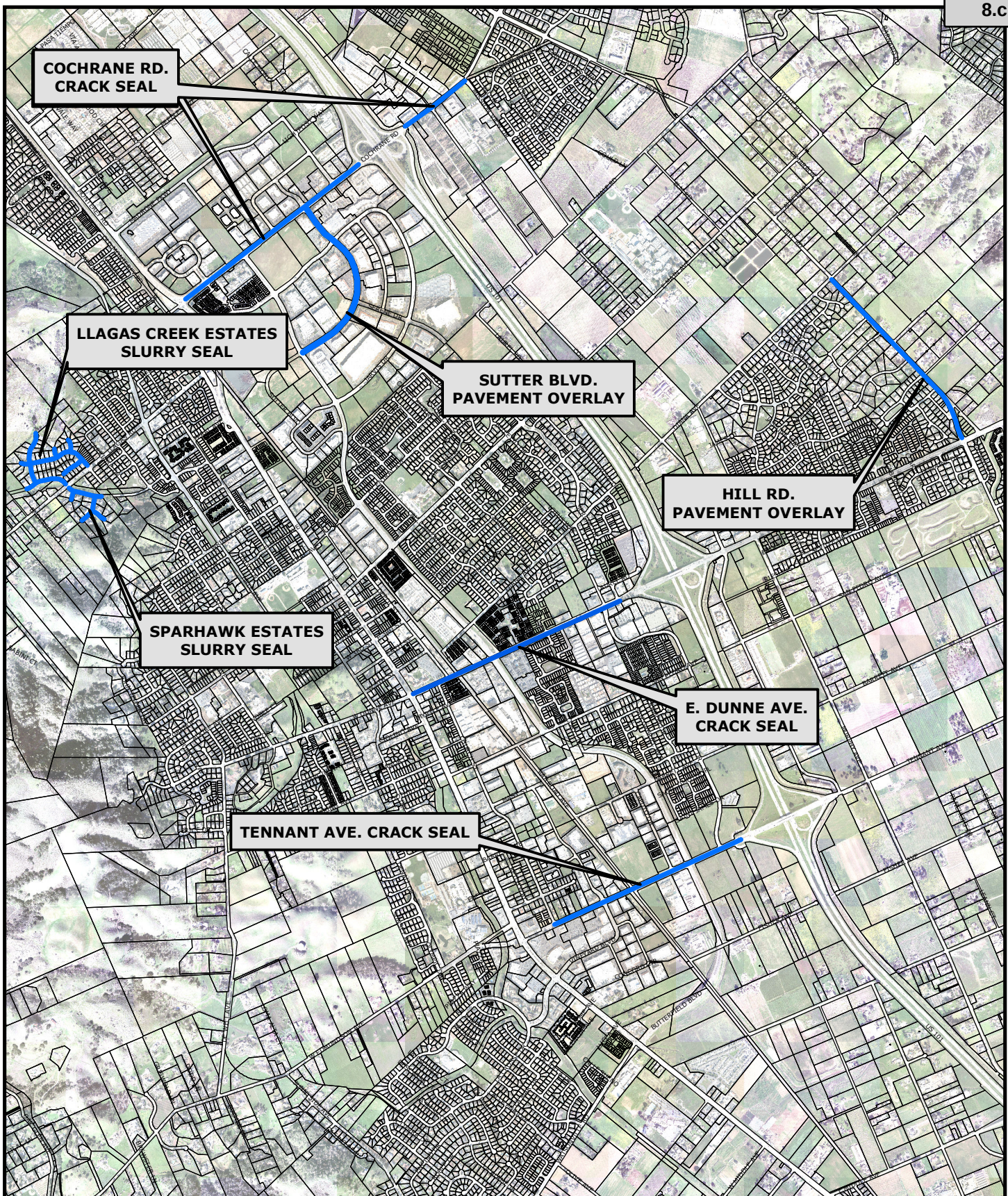
By _____
Scott Creer
City Engineer

I, the undersigned, declare that I am the City Engineer for the City of Morgan Hill. I have read the forgoing Notice of Completion and know and understand the contents thereof and that the facts stated therein are true and correct. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, at Morgan Hill, California.

Scott Creer
City Engineer

Attachment: Notice of Completion 2018 Pavement Resurfacing 07-17-19 (2398 : Accept 2018 Pavement Resurfacing Project)



Attachment: Project Location Map (2398 : Accept 2018 Pavement Resurfacing Project)



CITY OF MORGAN HILL
Engineering and Utilities Department
CIP Engineering Division

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LOCATION MAP

2018

PAVEMENT RESURFACING PROJECT



0 1,250 2,500 5,000 7,500
 Feet



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Charlie Ha, Supervising Civil Engineer
APPROVED BY: City Manager

ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – MONTEREY PARQUE – TRACT NO. 10331

RECOMMENDATION(S)

1. Accept the subdivision public improvements for Monterey Parque – Tract No. 10331;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety

2019 Strategic Priorities

Infrastructure

GUIDING DOCUMENTS

General Plan/Housing Element

REPORT NARRATIVE:

Monterey Parque – Tract 10331 is a 58-lot subdivision located on the east side of Monterey Road, north of Wright Avenue and south of Old Monterey Road (see attached site map). Subdivision improvements have been completed in accordance with the requirements of the Subdivision Improvements Agreement between the City of Morgan Hill and KB Home South Bay Inc. dated April 11, 2016 and as specifically set forth in the plans and specifications approved by the City.

To date, the total length of streets previously accepted by the City is 128.42 miles.

Street Name	Miles
Granada Street	0.06
Total	0.06

The value of the public improvements being accepted is \$781,253.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the project acceptance.

ALTERNATIVE ACTIONS: Not Applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council approved the Final Map and Subdivision Improvements Agreement for Monterey Parque – Tract No. 10331 on March 23, 2016.

FISCAL AND RESOURCE IMPACT:

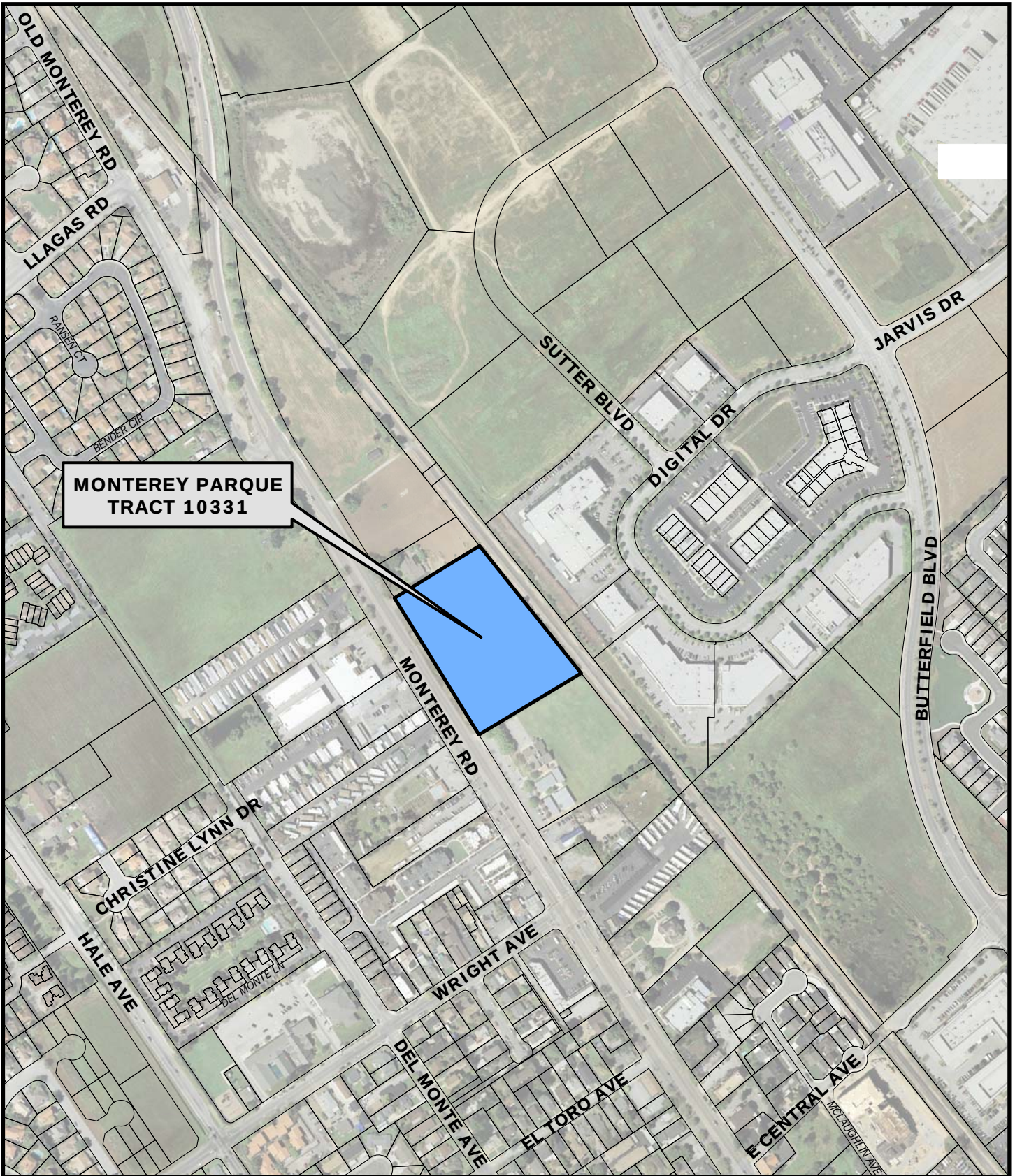
Staff time for this project was paid by the developer's land development fees.

CEQA (California Environmental Quality Act):

A Mitigated Negative Declaration was adopted on October 14, 2014.

LINKS/ATTACHMENTS:

1. Site Map
2. Notice of Completion



Attachment: Site Map (2271 : ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS - MONTEREY PARQUE - TRACT NO. 10331)



CITY OF MORGAN HILL
Development Services
Land Development Engineering

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SITE MAP
MONTEREY PARQUE
TRACT 10331



Record at the Request of
and When Recorded Mail to:

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

Record at No Fee Pursuant to
Government Code Section 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Civil Code Section 9204, that:

- 1) On **April 11, 2016**, the City of Morgan Hill, a Municipal Corporation, entered into a contract with **KB Home South Bay Inc.** for the **Monterey Parque – Tract No. 10331** subdivision project located on the east side of Monterey Road, north of Wright Avenue and south of Old Monterey Road, Morgan Hill, California.
- 2) The owner of the subdivision public improvements is the City of Morgan Hill, a Municipal Corporation, located at 17575 Peak Avenue, Morgan Hill, CA 95037
- 3) The contractor is **KB Home South Bay Inc.**
- 4) The surety is **Westchester Fire Insurance Company.**
- 5) The project was completed on **June 5, 2019** and accepted by the City Council of the City of Morgan Hill on **July 17, 2019.**

CITY OF MORGAN HILL, a Municipal Corporation

By _____
Scott Creer
City Engineer

I, the undersigned, declare that I am the City Engineer for the City of Morgan Hill. I have read the forgoing Notice of Completion and know and understand the contents thereof and that the facts stated therein are true and correct. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, at Morgan Hill, California.

Scott Creer
City Engineer



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Chris Ghione, Public Services Director
APPROVED BY: City Manager

ACCEPT REPORT REGARDING CITY RECREATION PROGRAMS OVERVIEW

RECOMMENDATION(S)

Receive report.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community
Enhancing Diversity and Inclusiveness

GUIDING DOCUMENTS

Bikeways
Trails
Parks and Recreation Masterplan

REPORT NARRATIVE:

The intent of this report is to provide background on the City's recreation and social services program offerings. It is in follow-up to questions and the request for additional information expressed by Councilmembers during the annual Council Goal Setting Workshop held January 25 & 26, 2019.

The City of Morgan Hill provides a variety of programs and services for the Morgan Hill community through the City's Community Services Department. Management of recreation and social service programs, facilities and events are managed by the Department's Recreation and Community Services Division (RCSD). Due to limited General Fund revenues and the City's ongoing focus on public safety, the Division has been required to recover a significant portion of its costs through fees for service, rental of facilities, entrance fees, and membership fees. While recovering a significant amount of costs, the Division attempts to balance cost recovery with community access through financial assistance for fee-based programs and a limited number of programs that are offered at no fee or for a very low fee.

The City has received significant recognition over the years for not only recovering high levels of costs not typically seen in municipal recreation, as well as the development of unique partnerships with non-profit and private entities to provide services. The chart

below outlines the Division's cost recovery over the last several years.

	14-15 Actual	15-16 Actual	16-17 Actual	17-18 Actual	18-19 Projected
RCSD Revenue	6,224,569	6,649,365	6,690,174	7,026,655	7,496,990
RCSD Expenditure	6,331,958	6,602,791	7,339,808	7,690,260	8,124,638
Transfers In	50,000	60,000	75,000	75,000	75,000
RCSD Net Impact	(57,389)	106,574	(574,634)	(588,604)	(552,648)
Cost Recovery	99.1%	101.6%	92.2%	92.5%	93.2%

The Division operates an integrated fashion, but is broken down by three functional areas:

- Membership and Program Services
- Facility Services
- Community Services

While the functional areas are broken down for budgetary purposes, they do not function independently as many teammates support all three areas in their regular work.

The following list summarizes the programs offered in each of the functional areas.

Membership and Program Services

The Membership and Program Services area accounts for all fee-based recreation memberships and programs, including the primary operations of the Centennial Recreation Center and Aquatics Center. This area achieves the highest level of cost recovery. It also accounts for the greatest number of programs and services offered to the Community. Financial assistance is offered for low income families to participate in these programs.

The City's Recreation Activity Guide outlines the programs offered by the Division. The current guide is available here:

<https://www.morganhill.ca.gov/285/Recreation-Activity-Guide>

Programs include:

Name of Program	Description
Aquatic Programs	Thousands of youth and adults participate in swim lessons, swim team, public recreation swim, lap swim, coached masters swim, water aerobics and other programs. <u>Highlights:</u> • Splash Swim Team includes an average of 140 swimmers a month, in the summer over 200 swimmers a month participate. Practice is held 5 days a week.

	- Over 3,000 participants enroll in swim lessons per year. - Recreation Swim at the AC includes over 50,000 visitors each summer.
CRC Membership	Membership for all ages, includes health and wellness, aquatics and recreation activities. Use and access to Fitness Center, Pools at CRC and AC, group exercise classes, three wellness sessions, Kids Club, and computer lab. <u>Highlights:</u> - Roughly 4,900 Membership Units. - Kids Club open 6 days a week - Over 100 group exercise classes per week
Camps	Fifty-one sessions of enrichment summer camps (preschool, science, engineering, sports, animation, and swim camps) and 2-3 school break camps.
Preschool Program	Three part-time preschool classes serving 70 youth ages 3-5 each school year.
Recreation Classes	Approximately 45 enrichment classes (many with multiple sessions) are offered each season for youth and adults. Classes are led by contract instructors and part-time teammates, and include dance, tennis, karate, soccer, basketball, Lego engineering and robotics.
Recreation Special Events	Seven special events offered a year. Participants average over 100 for each of the events. Events include: Father Daughter Dance, Mother Son Dance, Bike to Work Day, Family Overnight, Doggie Dip Day, CRC Get Fit, CRC Youth Triathlon.

Facilities Services

The Facilities Services area accounts for management and use of the all the City's recreation facilities and public use of other City facilities. This includes management of long-term leases, hourly rentals of facilities and other reserved uses. Facilities managed in this area include:

- Rental and use of all Community and Cultural Center Facilities
- Meetings and rentals of rooms occurring at the CRC and Council Chambers,
- Rental of Aquatics Center pools and lap lanes
- Lease agreements for:
 - Gavilan College Morgan Hill Campus
 - Boys and Girls Club at the Friendly Inn
 - Outdoor Sports Center Concessionaire Agreement
 - Other smaller leases for City owned facilities
- Park Rentals (Picnic areas, Tennis Courts, Fields, etc.)
- Citywide Special Event Permitting

In Fiscal Year 2017-18, hourly rentals totaled 47,000 rental hours and an estimated 266,000 facility visitors. Facility rentals are primarily fee based to recover costs, but the City does offer non-profit organizations the opportunity to book rooms at almost no cost for many public meetings through the City's Community Use Policy. The City provided 444 hours of Community Use discounted facility reservations to local organizations in 2017-18.

In addition to managing paid rentals, the City provides support and event use for several free or discounted events through, fee-waivers approved by the City Council, internal City events and meetings led by other City Departments, and the use of meeting spaces by other governmental entities when the primary target is Morgan Hill residents.

Community Services

The Community Services area accounts for programs and services that are provided at low or no cost to the community. Programs are typically those aligned with Council Priorities and are primarily funded from General Fund support. Programs and services include:

Older Adult Programs and Services	This program area is managed out of the Centennial Recreation Senior Center overseeing the Age-Friendly Cities initiative and older adult programs and services. The Senior Center provides comprehensive programs and services to adults 50+. Access to the Senior Center is free to the community, and open 8am-3pm Monday-Friday. Coffee and pastries are located in the lobby and café daily. Free drop-in programming at the Senior Center includes: Socialization, card games, TV, newspapers, book sharing, puzzles, discussion and writing groups, computer lab and drop in computer center (bringing in your own device), games, ping-pong, pool, movies, karaoke, hikes, social events, entertainment, parties, and presentations. Support Services provided in partnership for free to the community: • Health Insurance Counseling • Senior Adult Legal Assistance • Tax Preparation • Senior Resource Assistance • Health Screening • Shared Housing Program Low cost programming: Lifelong learning classes, recreational programs, health and wellness classes, concerts, day trips. Transportation Coordination: The Older Adult Services team educates the community on transportation options, and coordinates transportation programs. The City currently offers a Volunteer
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	Driver Program, Get'n Around Town, for seniors who are no longer able to drive.
Senior Nutrition Program	The County funds a senior nutrition program, and the YMCA has a contract with the County to administer the program in partnership with the City. Lunch is served Monday-Friday at 12pm. Meals are provided for those over the age of 60 for a \$3 donation. Presentations, entertainment, parties and activities are also offered in the Senior Café.
Volunteer Coordination	Coordination of the City's volunteer program (outside of public safety volunteers) is managed in the Community Services Division, supporting group volunteer activities, youth volunteer work, community service hours, and program volunteers.
Teen Center	Located at the CRC, free for Morgan Hill Residents and open to grades 6-12. Teen programs, clubs, computer lab and homework assistance. Average of 11 participants a day visit the Teen Center.
YAC	Teen Youth Action Council (roughly 20 teens aged 13-18). The YAC serves as the voice of youth for the City providing recommendations on City projects and activities. YAC also promotes events and fundraising to support City activities, including the Senior Ball and Youth Leadership Morgan Hill Program.
Partnerships	Discovery Counseling, Boys and Girls Club, Community Christian, YMCA, Poppy Jasper International Film Festival, American Red Cross, Healthier Kids Foundation, Advent Ministries, Morgan Hill Historical Society
Community Programming and Outreach	This area includes programs and activities that are free to the Community. • Downtown Splash Spray Pad • Afterschool program at Park Place • Free Aquatics Center visits/transportation • Hispanic Heritage Month events (Latin Concert; Zumbathon) • Summer Fun in the Park series • Outreach and Coordination with CBO's and housing complexes

Over the past 12 years the Recreation and Community Services Team has achieved significant success by managing the Division with flexibility, creativity and a focus on cost recovery. As a result, recreation services have been provided to the Morgan Hill Community at or near 100% direct cost recovery. In recent years, under direction of the City Council, the division began placing a greater emphasis on maintenance of facilities, and non-fee-based services (Senior Center and afterschool program). The Division also supported both the Library, Culture and Arts Commission and the Parks and Recreation returning to "full-time" Commissions with monthly meetings. Additionally, in FY 2018-19 the Division began fully funding facility future replacement costs. These changes account for the reduced cost recovery in the near term but provides for more appropriate goals in the long-term.

The Division will continue to focus on maintaining a high level of cost recovery while

looking for ways to maximize the level of community access to services. The division partners strategically with community organizations that have goals in line with the City's priorities.

COMMUNITY ENGAGEMENT: Inform

This report is informational only and serves to share information on Recreation and Community Services Division activities. The Division utilizes significant engagement and outreach tools to share information and receive customer feedback throughout its various activities.

ALTERNATIVE ACTIONS:

No action is required as this report is informational in nature. The Council may elect to provide feedback or comments to City staff.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council and Parks and Recreation Commission have taken numerous actions related to Recreation and Community Services activities. This report was prepared in response to questions asked during the January 2019 Council Goal Setting Workshop.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with receiving this report.

CEQA (California Environmental Quality Act):

Categorical Exemption

The planned maintenance and management of city facilities falls within the CEQA categorical exemption of Class 1, Existing Facilities.



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Dat Nguyen, Finance Director
APPROVED BY: City Manager

ACCEPT MAY 2019 FINANCIAL AND INVESTMENT REPORT

RECOMMENDATION(S)

Accept and file report.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Preserving and Cultivating Public Trust

2019 Strategic Priorities

Financial Stewardship

REPORT NARRATIVE:

As part of the City Council's expectation to maintain a high level of transparency and to be responsible stewards of public funds, attached are the Financial and Investment Reports for the month ended May 31, 2019. The Revenue and Expense Summary for the month of May is included on the first page. Overall, General Fund revenues through May totaled \$36.9 million or 91% of the budget. Expenditures, including encumbrances, amounted to \$38.5 million through May.

COMMUNITY ENGAGEMENT: Inform

Finance staff prepares these financial reports in an effort to keep City officials, the Council, the community, and various lenders and stakeholders informed on the financial health of the organization, which assists each one of the interested parties in making sound financial and investment decisions.

ALTERNATIVE ACTIONS:

No alternative action is recommended, as this is a monthly financial report on City transactions which have already occurred.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council receives and files the financial and investment report for each month. At the September 16, 2015 meeting, City Council recommended monthly financial and investment reports be agendaized under the Consent Agenda, and quarterly financial and investment reports be presented to City Council as an "Other Business" item.

FISCAL AND RESOURCE IMPACT:

The preparation of the report is a part of the Finance workplan.

CEQA (California Environmental Quality Act):

Not a Project.

This report is not a project, as defined in Section 15378 of the State CEQA Guidelines. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. May 2019 Financial Statement Analysis
2. May 2019 Financial and Investment Report



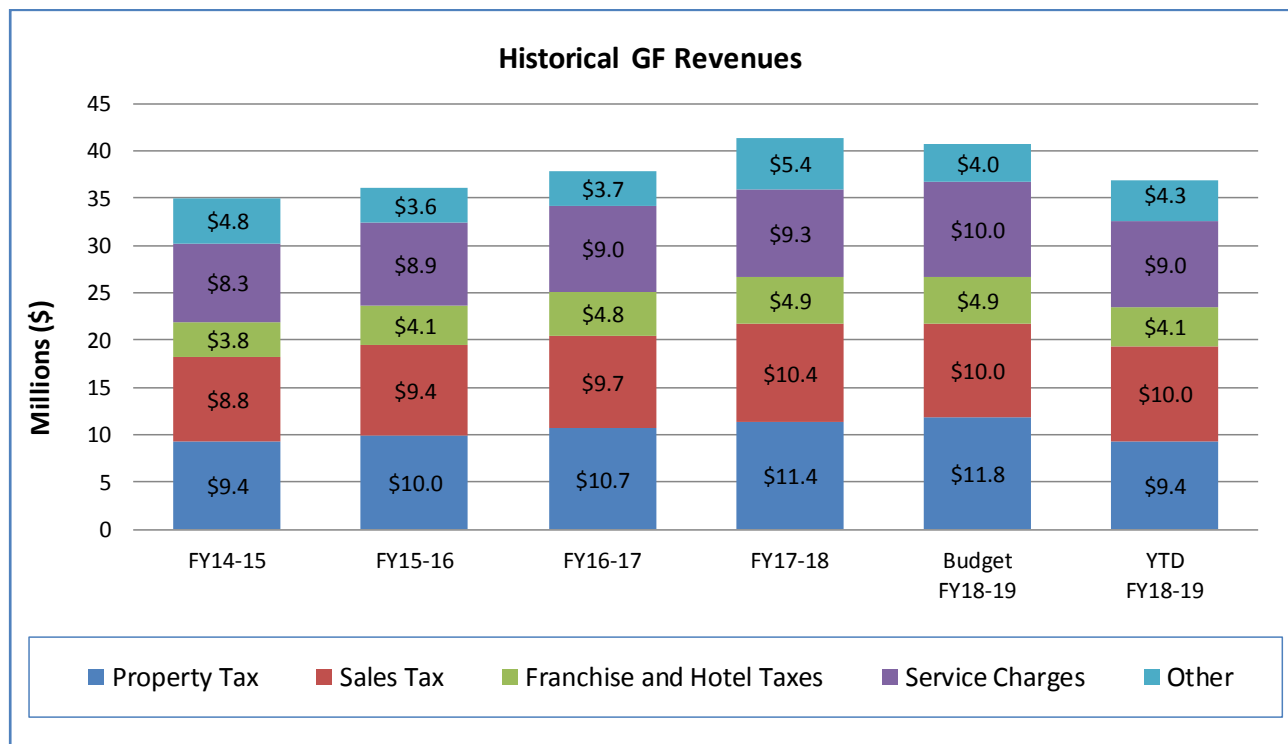
CITY OF MORGAN HILL, CALIFORNIA
FINANCIAL STATEMENT ANALYSIS - FISCAL YEAR 2018-19
FOR THE MONTH ENDED MAY 2019 – 92% OF YEAR COMPLETE

- **General Fund** – Revenues through the month of May totaled \$36.9 million, or 91% of the budgeted revenues. The amount received is 4% or \$1.4 million higher than a year ago at this time primarily due to higher tax collections, partially offset by a reduction in other revenues. Sales tax collections increased by 3% compared to prior year.

Property tax revenue, excluding the property transfer tax, is forecasted to end the year at \$12.6 million, which is approximately \$800,000 more than the adopted budget partially attributable to the higher excess Educational Revenue Augmentation Fund (ERAF) distribution of \$943,000 versus \$495,000 budgeted. Excess ERAF is the money that is returned to the cities, counties, and special districts after schools reach their state-mandated thresholds. Property tax is the largest source of Morgan Hill's General Fund revenue. However, it accounts for only 29% of the approximately \$40.7 million General Fund revenue. Although property tax tends to be a more predictable revenue source, other major revenue categories such as sales tax and transient occupancy tax, which account for a large portion of the City's General Fund revenue, are more volatile and tend to fluctuate more with swings in the economy.

The small category of business licenses already came in slightly over the budgeted amount as annual business license renewal payments are usually received in the first few months of the fiscal year.

The chart below shows historical General Fund revenues by major revenue category from FY14-15 through FY17-18 Actual, FY18-19 Budget, and YTD as of May 31, 2019.

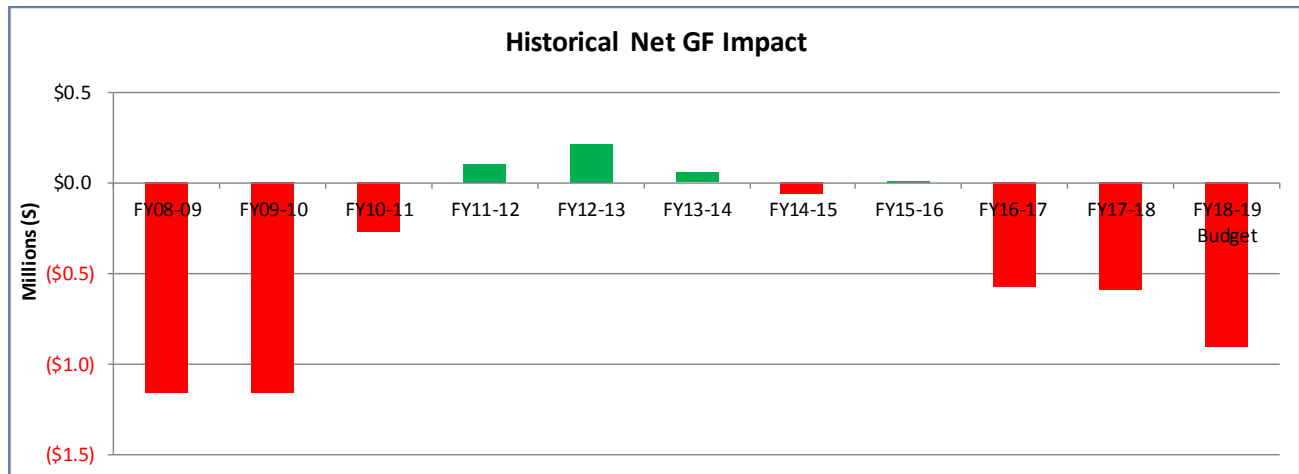


General Fund expenditures and encumbrances as of May 31, 2019 totaled \$38.5 million, of which approximately \$1.4 million is attributable to outstanding encumbrances.



CITY OF MORGAN HILL, CALIFORNIA
FINANCIAL STATEMENT ANALYSIS - FISCAL YEAR 2018-19
FOR THE MONTH ENDED MAY 2019 – 92% OF YEAR COMPLETE

- **Community Services** - The Community Services Department's recreation operations, as reflected in the schedule presented on page 4 of the Monthly Financial and Investments Reports, shows a negative impact to the General Fund of approximately \$0.7 million through the month of May. Without the carry-over encumbrances, the year to date operations through the month of May resulted in a smaller negative net impact to the general fund of approximately \$149,000. Any net impact from the recreation operations increases (decreases) reserves in the General Fund.



Due to longstanding governmental accounting and budgeting convention, the City's recreation operations are not charged for indirect costs (known in Morgan Hill as "General Fund Administration") from the central services departments of City Attorney, City Manager, and Administrative Services. The City's other governmental funds, such as Community Development, and the proprietary funds, such as Water and Wastewater, and the Information Services Fund, are assessed such charges through the City's indirect cost allocation plan, prepared in compliance with the Federal government's OMB Circular No. A-87, which mandates certain calculation and cost allocation practices that must be followed in order to qualify for Federal grant funding, but which also represent best practice for non-grant funded City operations like utilities and information services.

- **Development Services Fund** – Revenues through May totaled \$4.7 million, an increase of 16% or approximately \$0.7 million more than a year ago at this time partially due to the fee increases that went into effect January 1, 2018. Expenditures, including encumbrances, totaled \$6.2 million. Without the outstanding encumbrances, however, expenditures through the month of May amounted to \$4.9 million. The fund is budgeted to end the fiscal year with an operating deficit of approximately \$1.5 million. This is primarily due to the timing of fee increases, services or new projects unsupported by fees, such as front counter services, responding to public inquiries, tree removal permits, use permits for non-profits or special projects, and continued implementation of Measure S. In addition, fees are based on average time for processing, the more complicated the case, the more time is spent assisting the applicant in the application process. This extra time is not incorporated into the cost recovery model. There is available fund reserve to support the fund's operating deficits in the two-year window, however, General Fund support may be required in future years due to the aforementioned reasons.
- **Debt Service Funds** – Expenditures through the month of May totaled approximately \$685,000. The debt service for the first half of the year includes both interest and principal, while the second half of



CITY OF MORGAN HILL, CALIFORNIA
FINANCIAL STATEMENT ANALYSIS - FISCAL YEAR 2018-19
FOR THE MONTH ENDED MAY 2019 – 92% OF YEAR COMPLETE

the year will include interest only. Debt service payments were all scheduled when the bonds were issued, and are budgeted for in the months delineated in the underlying bond documents. The General Fund's portion of the annual debt service payments is approximately \$200,000, less than one percent of the General Fund's budgeted revenues.

- **Wastewater Operations** – Revenues from Wastewater or Sewer Operations through the month of May totaled \$10.4 million. Expenditures and outstanding encumbrances totaled \$9.6 million or 85% of the budget. The table below shows historical Sewer Operations revenues and expenditures from FY14-15 through FY17-18 Actual, FY18-19 Budget, and YTD as of May 31, 2019.

(amount in millions)	FY14-15	FY15-16	FY16-17	FY17-18	Budget FY18-19	YTD FY18-19
Revenues	10.3	10.2	9.7	10.3	10.7	10.4
Expenditures	8.8	12.0	9.8	10.8	11.3	9.6
Operating Margin	1.5	(1.8)	(0.1)	(0.5)	(0.6)	0.8
Operating Margin without Encumbrances	1.5	(1.8)	(0.0)	(0.3)	(0.6)	1.4

- **Water Operations** – Water Operations includes Utility Billing, Water Conservation, and Water Operations. Revenues from Water Operations through the month of May totaled \$12.8 million, approximately 12% more than a year ago partially due to rate adjustments. Water Operations expenditures, including outstanding encumbrances, totaled approximately \$11.5 million for the year. Without the encumbrances, however, the expenditures amounted to \$10.1 million. The table below shows Water Operations revenues and expenditures from FY14-15 through FY17-18 Actual, FY18-19 Budget, and YTD as of May 31, 2019.

(amount in millions)	FY14-15	FY15-16	FY16-17	FY17-18	Budget FY18-19	YTD FY18-19
Revenues	8.8	8.5	10.9	13.0	13.8	12.8
Expenditures	9.3	9.7	11.2	12.1	13.5	11.5
Operating Margin	(0.5)	(1.2)	(0.3)	0.9	0.3	1.3
Operating Margin without Encumbrances	(0.5)	(1.2)	(0.1)	1.4	0.3	2.7

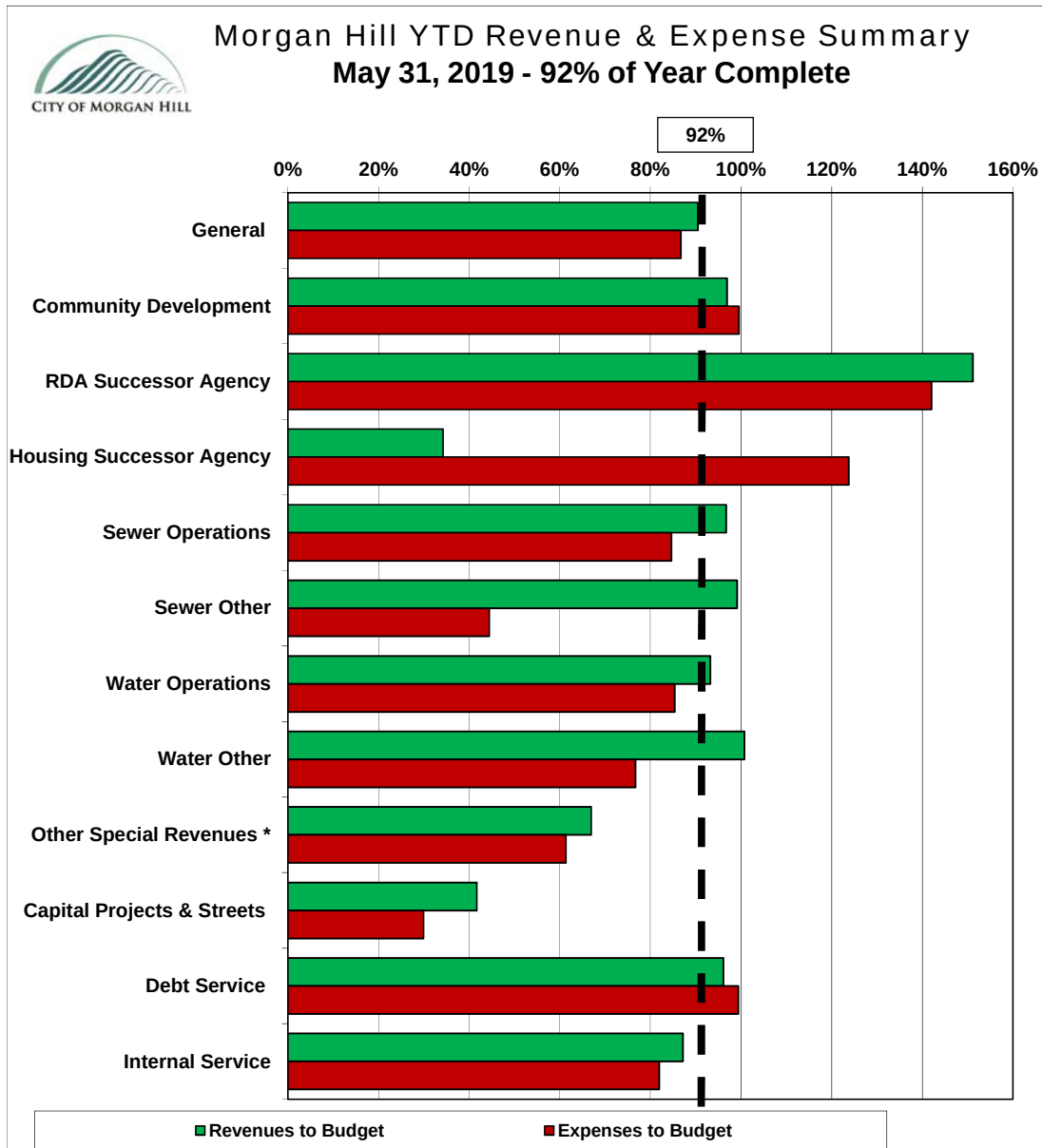
- **Investments** – Two securities were purchased and four securities were called during the month of May 2019. Total interest earnings received on investments were \$164,000 during the month.

CITY OF MORGAN HILL
Monthly Financial and Investment Reports
May 31, 2019 - 92% of Year Complete



CITY OF MORGAN HILL

Prepared by:
FINANCE DIVISION



FUND NAME	REVENUES		EXPENSES	
	ACTUAL	% OF BUDGET	ACTUAL PLUS ENCUMBRANCES	% OF BUDGET
General	\$ 36,857,954	90%	\$ 38,458,480	87%
Community Development	4,730,414	97%	6,210,715	100%
RDA Successor Agency	12,012,728	151%	11,338,641	142%
Housing Successor Agency	817,890	34%	4,556,017	124%
Sewer Operations	10,392,347	97%	9,574,843	85%
Sewer Other	7,703,151	99%	6,872,426	45%
Water Operations	12,815,524	93%	11,488,050	85%
Water Other	3,795,744	101%	4,532,434	77%
Other Special Revenues *	2,761,445	67%	3,389,822	61%
Capital Projects & Streets	17,632,861	42%	18,127,226	30%
Debt Service	648,479	96%	684,882	99%
Internal Service	10,391,828	87%	9,498,346	82%
TOTAL FOR ALL FUNDS	\$ 120,560,367	80%	\$ 124,731,882	67%

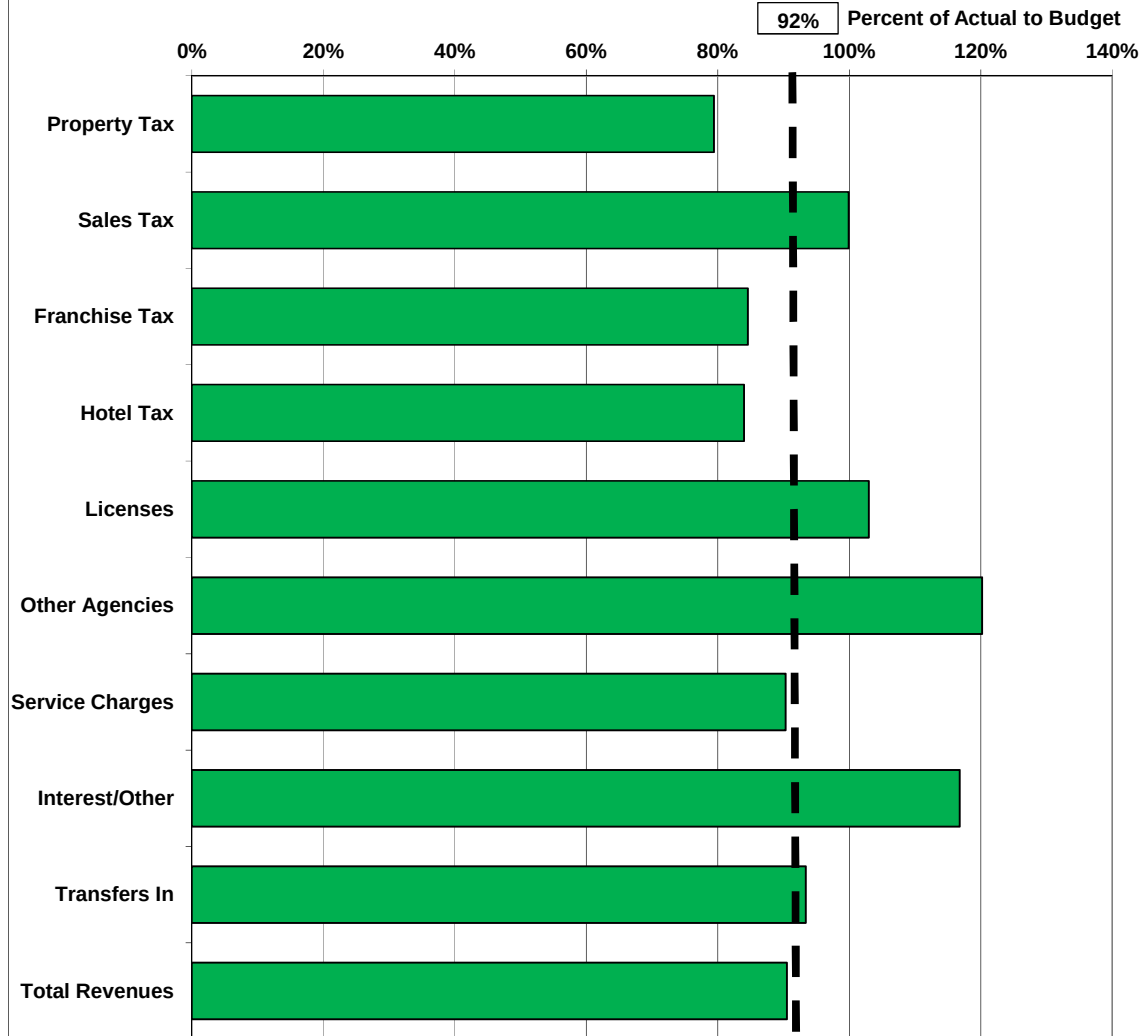
* Includes all Special Revenue Funds except Community Development, Street Funds, and RDA and Housing Successor Agencies.

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



Morgan Hill YTD General Fund Revenues

May 31, 2019 - 92% of Year Complete



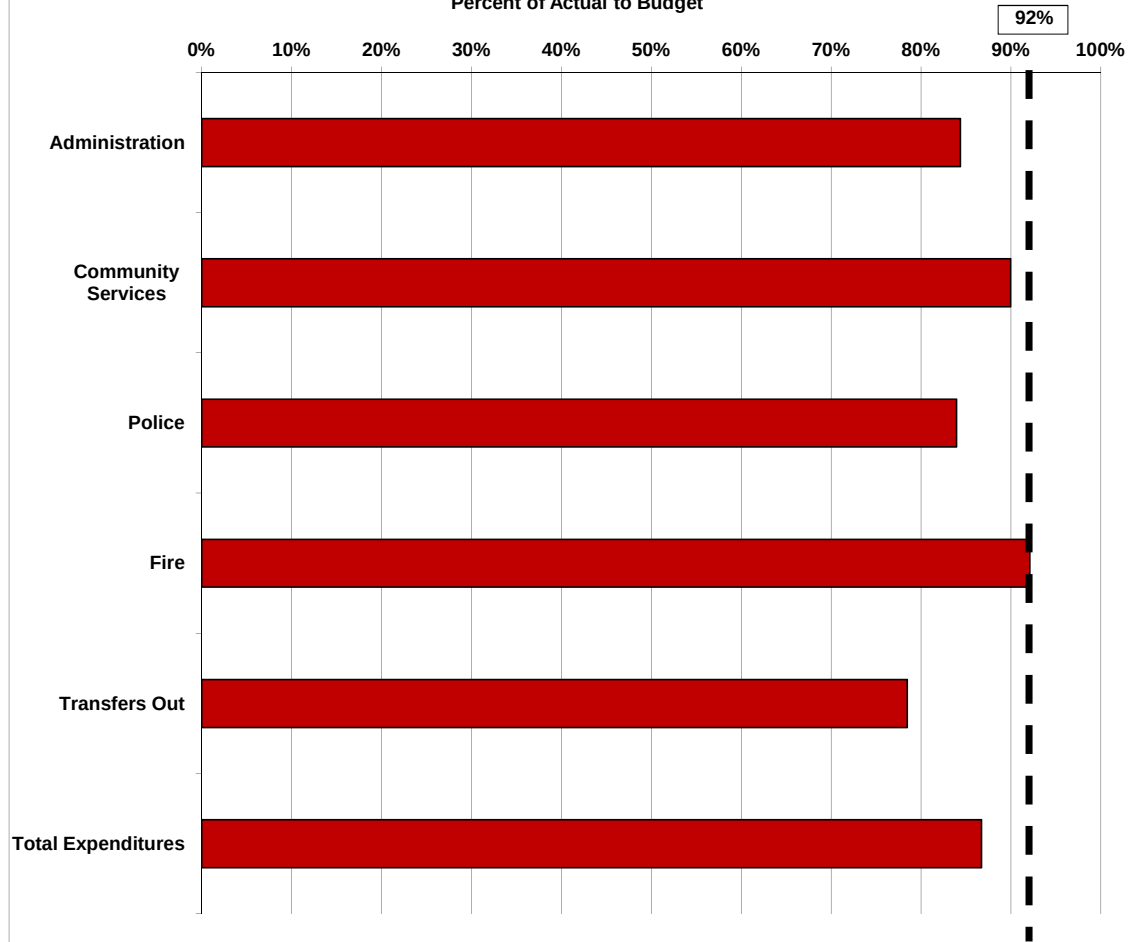
REVENUE CATEGORY	BUDGET	ACTUAL	% OF BUDGET	PRIOR YEAR TO DATE	% CHANGE FROM PRIOR YEAR
Property Tax	\$11,813,532	\$ 9,381,211	79%	\$ 8,599,607	9%
Sales Tax	9,981,124	9,975,811	100%	9,671,906	3%
Franchise Tax	2,164,190	1,831,777	85%	1,726,156	6%
Hotel Tax	2,754,000	2,314,530	84%	2,226,481	4%
Licenses	200,800	206,919	103%	198,522	4%
Other Agencies	775,656	932,387	120%	474,958	96%
Service Charges	9,993,089	9,028,570	90%	8,425,003	7%
Interest/Other	1,406,042	1,642,406	117%	2,746,233	-40%
Transfers In	1,653,560	1,544,343	93%	1,368,881	13%
TOTAL REVENUES	\$40,741,993	\$36,857,954	91%	\$ 35,437,746	4%



Morgan Hill YTD General Fund Expenditures

May 31, 2019 - 92% of Year Complete

Percent of Actual to Budget



EXPENDITURE CATEGORY	BUDGET	ACTUAL PLUS ENCUMBRANCES	% OF BUDGET	PRIOR YTD PLUS ENCUMBRANCES	% CHANGE FROM PRIOR YEAR
Administration	\$ 5,043,269	\$ 4,255,083	84%	\$ 6,886,773	-38%
Community Services	12,540,603	11,283,218	90%	10,020,532	13%
Police	17,636,042	14,803,545	84%	14,662,412	1%
Fire	6,999,059	6,447,352	92%	5,495,388	17%
Transfers Out	2,127,498	1,669,283	78%	1,766,463	-6%
TOTAL EXPENDITURES	\$ 44,346,470	\$ 38,458,480	87%	\$ 38,831,568	-1%

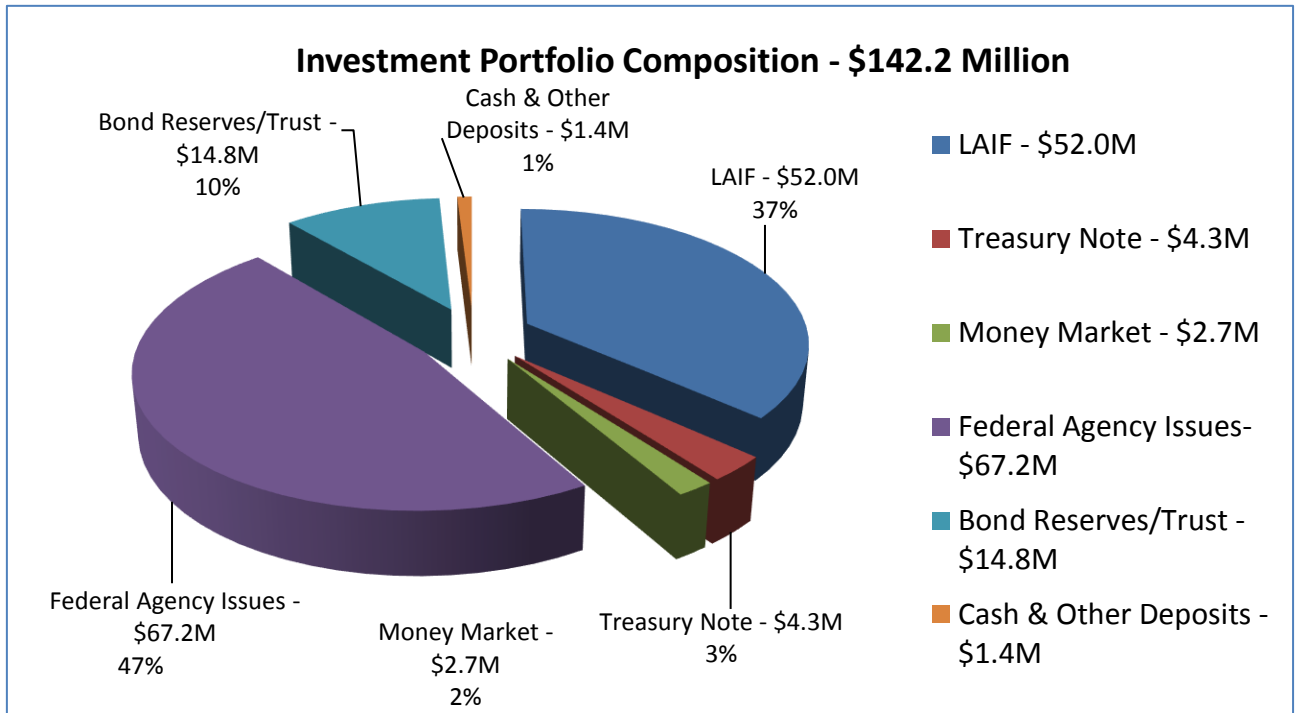


**City of Morgan Hill
Recreation Report - Fiscal Year 2018-19
For the Month and Eleven Months Ended May 31, 2019
92% of Year Complete**

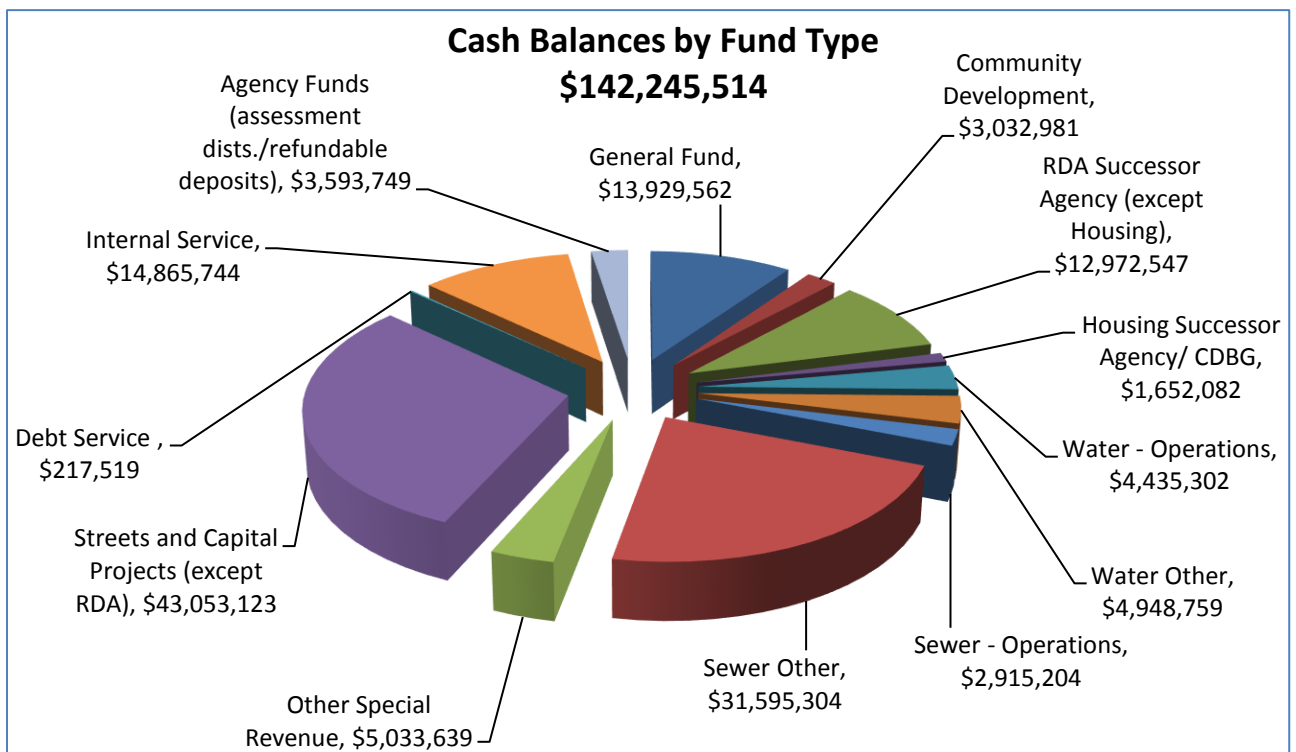
	<u>Budget</u>	<u>May 2019</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues				
Membership Services & Rec Programs	\$ 6,241,196	\$ 537,406	\$ 5,809,505	
Facility Rentals	898,700	76,406	889,064	
Community Services	147,840	2,390	91,114	
Transfers in	75,000	6,250	68,750	
Total Revenues	<u>\$ 7,362,736</u>	<u>\$ 622,452</u>	<u>\$ 6,858,432</u>	93%
Less: Expenditures				
Membership & Program Services	\$ 6,309,009	\$ 372,578	\$ 5,265,885	
Facility Rentals	1,355,732	108,279	1,211,451	
Community Services	653,307	44,227	529,737	
Total Expenditures	<u>\$ 8,318,049</u>	<u>\$ 525,084</u>	<u>\$ 7,007,073</u>	84%
Net Impact without encumbrances	<u>\$ (955,313)</u>	<u>\$ 97,368</u>	<u>\$ (148,641)</u>	
Encumbrances	-	-	584,698	
Net Impact with encumbrances	<u>\$ (955,313)</u>	<u>\$ 97,368</u>	<u>\$ (733,339)</u>	

City of Morgan Hill Monthly Investment Report - May 31, 2019

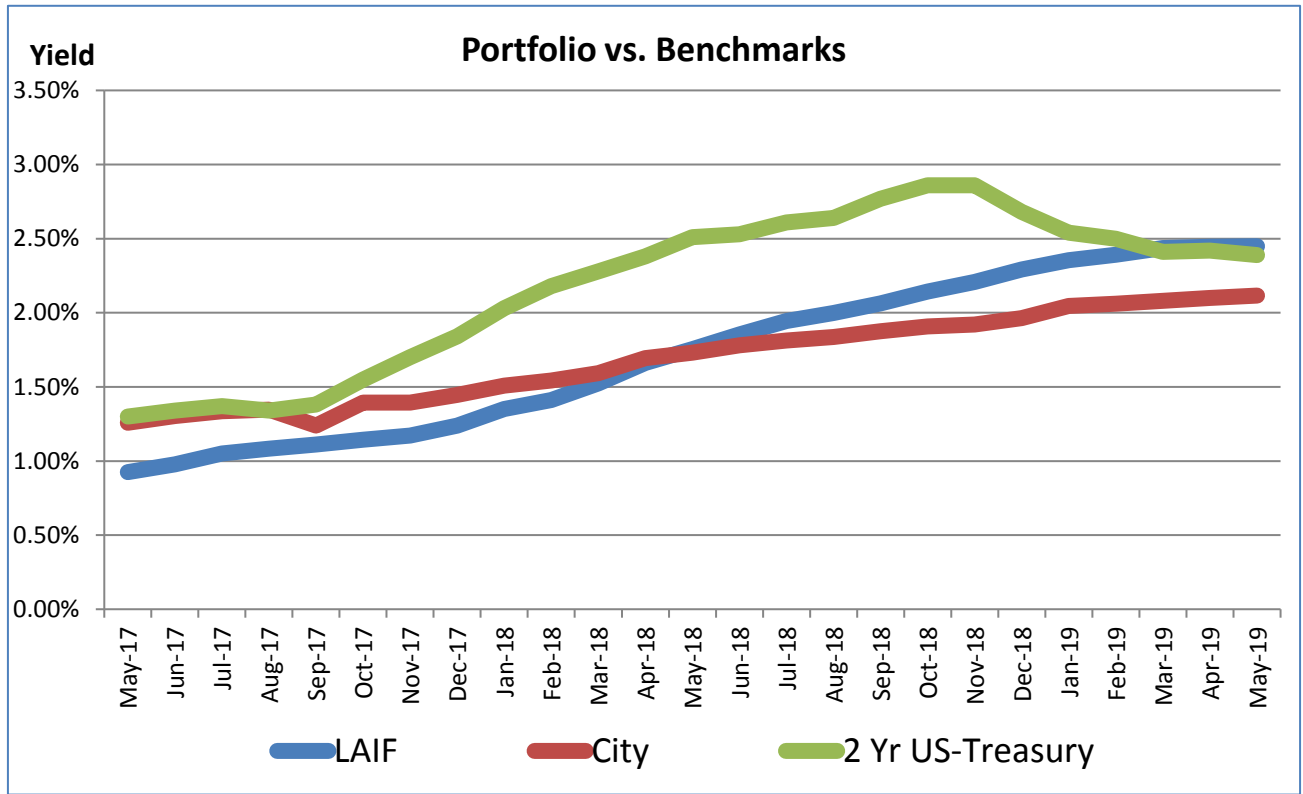
The following are the snapshots of City's investment portfolio as of May 31, 2019. The first chart shows the portfolio composition by investment type:



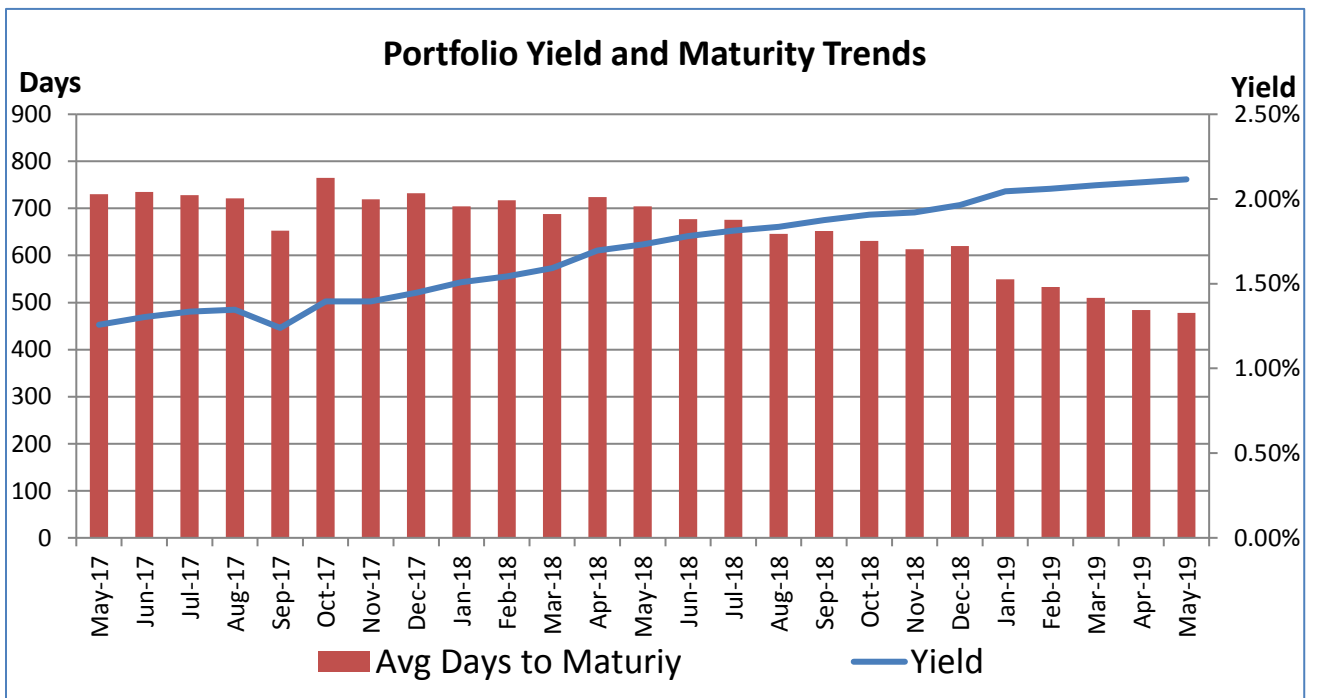
The chart below shows cash balances by fund type reconciled to City's financial system:



The following chart illustrates a yield comparison by month among the City's portfolio, LAIF and 2-Year US Treasury:



The chart below illustrates monthly average days to maturity of the City's portfolio along with the weighted average yield for the past two years:





City of Morgan Hill
Investment Portfolio Detail
As of May 31, 2019

Investment Type	Settlement Date	Book Value	% of Portfolio	Market Value	YTM at Cost	Next Call Date	Date of Maturity
L A I F		\$ 51,981,905	36.54%	\$ 51,989,544	2.45%		
City Managed							
Fed Home Loan Bank	10/19/2015	4,000,000	2.81%	3,978,640	1.70%	7/19/2019	10/19/2020
Fed Home Loan Bank	6/30/2016	4,000,000	2.81%	3,959,520	1.50%	6/30/2021	6/30/2021
Fed Natn'l Mortgage Assn	8/25/2016	4,000,000	2.81%	3,949,240	1.40%	8/25/2021	8/25/2021
Fed Home Loan Mortgage	9/29/2016	2,000,000	1.41%	1,982,540	1.65%	6/29/2019	9/29/2021
Fed Natn'l Mortgage Assn	9/29/2016	4,000,000	2.81%	3,966,240	1.60%	6/29/2019	9/29/2021
Fed Home Loan Mortgage	10/27/2016	4,000,000	2.81%	3,958,560	1.60%	7/27/2019	10/27/2021
Fed Natn'l Mortgage Assn	10/28/2016	4,000,000	2.81%	3,961,560	1.55%	7/28/2019	10/28/2021
Fed Home Loan Mortgage	10/28/2016	2,000,000	1.41%	1,982,180	1.65%	7/28/2019	10/28/2021
Fed Home Loan Bank	11/15/2016	4,000,000	2.81%	3,955,960	1.55%	11/15/2021	11/15/2021
Fed Home Loan Bank	11/23/2016	3,000,000	2.11%	2,972,970	1.65%	11/23/2021	11/23/2021
Fed Home Loan Bank	11/23/2016	4,000,000	2.81%	3,962,240	1.63%	11/23/2021	11/23/2021
Fed Home Loan Mortgage	11/30/2016	4,000,000	2.81%	3,984,320	1.88%	11/26/2021	11/26/2021
Fed Home Loan Mortgage	6/29/2017	1,300,000	0.91%	1,300,078	2.15%	9/29/2019	6/29/2022
Fed Home Loan Bank	10/19/2017	3,850,000	2.71%	3,850,000	2.15%	10/19/2022	10/19/2022
Fed Natn'l Mortgage Assn	10/26/2017	4,150,000	2.92%	4,150,083	2.20%	7/26/2019	10/26/2022
Fed Home Loan Mortgage	1/30/2018	3,000,000	2.11%	3,001,470	2.50%	7/30/2019	1/30/2023
Treasury Note	4/30/2018	4,302,687	3.02%	4,430,925	2.73%	3/31/2023	3/31/2023
Sub Total/Average		\$ 59,602,687	41.90%	\$ 59,346,526	1.82%		
Money Market		\$ 1,630,095	1.15%	\$ 1,630,095	2.30%		
Total City Managed/Average		\$ 113,214,687	79.59%	\$ 112,966,164	2.19%		
City Managed - HighMark							
Fed Natn'l Mortgage Assn	8/18/2016	749,968	0.53%	748,508	1.18%	7/26/2019	7/26/2019
Fed Natn'l Mortgage Assn	8/23/2016	749,994	0.53%	748,043	1.25%	8/23/2019	8/23/2019
Fed Home Loan Mortgage	8/31/2016	750,000	0.53%	748,335	1.25%	8/15/2019	8/15/2019
Fed Home Loan Mortgage	10/7/2016	749,968	0.53%	747,803	1.29%	6/12/2019	9/12/2019
Fed Natn'l Mortgage Assn	10/24/2016	749,992	0.53%	747,375	1.25%	6/30/2019	9/30/2019
Fed Natn'l Mortgage Assn	12/29/2016	740,138	0.52%	739,800	1.39%	6/20/2019	6/20/2019
Fed Home Loan Mortgage	9/14/2018	823,229	0.58%	823,540	2.56%	8/1/2019	8/1/2019
Fed Home Loan Bank	9/26/2018	747,436	0.53%	750,435	2.80%	3/30/2020	3/30/2020
Fed Home Loan Bank	11/6/2018	744,527	0.52%	746,738	2.87%	11/15/2019	11/15/2019
Fed Home Loan Mortgage	1/18/2019	999,238	0.70%	1,001,650	2.59%	4/23/2020	4/23/2020
Fed Farm Credit Sys Disc	4/30/2019	887,617	0.62%	888,759	2.39%	12/31/2019	12/31/2019
Fed Home Loan Bank	5/9/2019	1,499,634	1.05%	1,500,435	2.64%	11/9/2021	11/9/2021
Fed Home Loan Bank	5/28/2019	1,690,686	1.19%	1,691,007	2.38%	8/23/2019	8/23/2019
Money Market		1,041,485	0.73%	1,041,485	2.30%		
Sub Total/Average		\$ 12,923,912	9.09%	\$ 12,923,911	2.10%		
Bond Reserve Accounts - Held By Trustees		\$ 12,568,865	8.84%	\$ 12,613,586			
Cash/Deposits		\$ 1,350,646	0.95%	\$ 1,350,646			
PARS Trust		\$ 2,187,404	1.54%	\$ 2,473,609			
GRAND TOTAL/AVERAGE		\$ 142,245,514	100.00%	\$ 142,327,917			

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



CITY OF MORGAN HILL CASH AND INVESTMENT REPORT
FOR THE MONTH OF MAY 31, 2019
FOR THE FISCAL YEAR OF 2018-19

	Invested in Fund	Yield	Book Value End of Month	% of Total	Market Value
Investments					
State Treasurer LAIF - City	All Funds Pooled	2.45%	\$ 47,949,203	33.71%	\$ 47,956,249
2015 Wastewater Rev Bonds - CIP	Wastewater Fund	2.45%	4,032,702	2.84%	4,033,295
Federal Issues	All Funds Pooled	1.62%	67,182,427	47.23%	66,798,027
US Treasury Notes	All Funds Pooled	2.73%	4,302,687	3.02%	4,430,925
Dreyfus Treas Cash Management Acct	All Funds Pooled	2.30%	2,671,580	1.88%	2,671,580
	SUBTOTAL		\$ 126,138,599	88.68%	\$ 125,890,076
Bond Reserve Accounts - held by trustees					
Zions Bank - Civic Center/Library Facility					
Blackrock Liq Fund	Debt Service	2.04%	81	0.00%	81
Zions Bank - MH Police Facility Lease Revenue Bonds					
Blackrock Liq Fund	Debt Service	2.04%	103	0.00%	103
BNY - RDA Bonds					
Dreyfus Cash Mgmt 521	Successor Fund	2.30%	6,371,022	4.48%	6,371,022
US Treasury Notes - Reserve Acct.	Successor Fund	1.25%	5,074,237	3.57%	5,118,957
Zions Bank - MH Ranch 2015					
Blackrock Liq Funds Fed Fund -DI -2015	Agency Fund	2.04%	581,615	0.41%	581,615
Zions Bank - Madrone Bus Park Taxable/ Tax Exempt 2015					
Blackrock Liquidity Temp Fund-2015	Agency Fund	2.04%	541,807	0.38%	541,807
	SUBTOTAL		12,568,865	8.84%	12,613,586
Other Cash/Deposits					
General Checking	All Funds		1,313,534	0.92%	1,313,534
Workers' Comp Administrators	Workers' Comp		30,000	0.02%	30,000
Petty Cash & Emergency Cash	General Fund		7,112	0.00%	7,112
PARS - OPEB Trust			1,387,404	0.98%	1,578,261
PARS - PENSION Trust			800,000	0.56%	895,349
	SUBTOTAL		3,538,050	2.49%	3,824,255
Total Cash and Investments			\$ 142,245,514	100.00%	\$ 142,327,917

CASH ACTIVITY SUMMARY
FY 2018-19

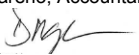
Fund Type	07/01/18 Balance	Change in Cash Balance	5/31/2019 Balance
General Fund	\$ 15,044,885	\$ (1,115,323)	\$ 13,929,562
Community Development	3,419,872	(386,891)	3,032,981
RDA Successor Agency (except Housing)	12,277,198	695,349	12,972,547
Housing Successor Agency/ CDBG	4,150,303	(2,498,221)	1,652,082
Water - Operations	2,317,454	2,117,848	4,435,302
Water Other	4,954,819	(6,061)	4,948,759
Sewer - Operations	1,505,059	1,410,145	2,915,204
Sewer Other	29,212,866	2,382,437	31,595,304
Other Special Revenue	5,052,285	(18,646)	5,033,639
Streets and Capital Projects (except RDA)	42,155,711	897,411	43,053,123
Debt Service	253,454	(35,935)	217,519
Internal Service	12,991,987	1,873,757	14,865,744
Agency Funds (assessment dists./refundable deposits)	4,116,381	(522,632)	3,593,749
Total	\$ 137,452,276	\$ 4,793,237	\$ 142,245,514

Note: See Investment Portfolio Detail for maturities of "Investments." Market values are obtained from the City's investment brokers' monthly reports.

I certify the information on the investment reports on pages has been reconciled to the general ledger and bank statements and that there are sufficient funds to meet the expenditure requirements of the City for the next six months. The portfolio is in compliance with the City of Morgan Hill investment policy and all State laws and regulations.

Prepared by: 
 Gina Nazareno, Accountant I

Approved by:

Reviewed by: 
 Dat Nguyen, Finance Director

David Clink, Treasurer

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



City of Morgan Hill
Year to Date Revenues - Fiscal Year 2018-19
For the Eleven Months Ended May 31, 2019
92% of Year Complete

FUND REVENUE SOURCE	ADOPTED BUDGET	AMENDED BUDGET	CURRENT YTD ACTUAL	% OF BUDGET	PRIOR YTD	INCR (DECR) FROM PRIOR YTD	% CHANGE
010 GENERAL FUND							
TAXES							
Property Tax - Secured/Unsecured	\$ 10,131,882	\$ 10,131,882	\$ 8,653,365	85%	\$ 8,091,982	\$ 561,383	7%
Property Tax - RPTTF Residual Distribution	1,405,500	1,405,500	451,634	32%	265,874	185,760	70%
Property Tax - Supplemental Roll	276,150	276,150	276,213	100%	241,751	34,462	14%
Sales Tax	9,601,124	9,601,124	9,667,937	101%	9,380,332	287,605	3%
Public Safety Sales Tax	380,000	380,000	307,874	81%	291,574	16,300	6%
Transient Occupancy Taxes	2,754,000	2,754,000	2,314,530	84%	2,226,481	88,049	4%
Franchise (Refuse, Cable, PG&E)	2,164,190	2,164,190	1,831,777	85%	1,726,156	105,622	6%
Property Transfer Tax	505,000	505,000	453,228	90%	438,903	14,325	3%
TOTAL TAXES	27,217,846	27,217,846	23,956,558	88%	22,663,052	1,293,506	6%
LICENSES/PERMITS							
Business License	196,000	196,000	201,548	103%	195,035	6,513	3%
Other Permits	4,800	4,800	5,371	112%	3,487	1,884	54%
TOTAL LICENSES/PERMITS	200,800	200,800	206,919	103%	198,522	8,397	4%
FINES AND PENALTIES							
Parking Enforcement	8,250	8,250	8,514	103%	7,205	1,309	18%
Bails & Fines	71,500	71,500	81,724	114%	59,819	21,905	37%
Administrative Citations	9,500	9,500	55,494	584%	61,100	(5,606)	-9%
TOTAL FINES AND PENALTIES	89,250	89,250	145,732	163%	128,123	17,608	14%
OTHER AGENCIES							
Motor Vehicle in-Lieu	23,934	23,934	21,366	89%	23,237	(1,871)	-8%
Other Revenue - Other Agencies	271,398	775,656	932,387	120%	474,958	457,429	96%
TOTAL OTHER AGENCIES	295,332	799,590	953,753	119%	498,195	455,558	91%
CHARGES CURRENT SERVICES							
Police False Alarm Charge	33,000	33,000	28,715	87%	37,245	(8,530)	-23%
Business License Application Review	36,000	36,000	36,826	102%	34,012	2,814	8%
Membership Services & Rec Programs	6,241,196	6,241,196	5,809,505	93%	5,459,854	349,651	6%
Facility Rentals	898,700	898,700	889,064	99%	872,573	16,491	2%
Community Services	147,840	147,840	91,114	62%	129,581	(38,468)	-30%
General Administration Overhead	1,709,712	1,709,712	1,563,936	91%	1,210,264	353,672	29%
Other Charges Current Services	926,641	926,641	609,411	66%	681,473	(72,062)	-11%
TOTAL CURRENT SERVICES	9,993,089	9,993,089	9,028,570	90%	8,425,003	603,567	7%
OTHER REVENUE							
Use of money/property	458,589	458,589	430,425	94%	350,270	80,156	23%
Other Revenues	254,014	329,269	591,654	180%	1,805,700	(1,214,046)	-67%
TOTAL OTHER REVENUE	712,603	787,858	1,022,080	130%	2,155,970	(1,133,890)	-53%
TRANSFERS IN							
Asset Seizure	-	15,840	-	0%	-	-	0%
Public Safety	100,000	100,000	100,000	100%	106,000	(6,000)	-6%
Streets	738,968	738,968	712,150	96%	535,000	177,150	33%
Police Impact	25,000	25,000	22,913	92%	22,913	-	n/a
Sewer Operations	349,376	349,376	320,265	92%	318,109	2,156	1%
Water Operations	349,376	349,376	320,265	92%	318,109	2,156	1%
Park Development	75,000	75,000	68,750	92%	68,750	-	n/a
TOTAL TRANSFERS IN	1,637,720	1,653,560	1,544,343	93%	1,368,881	175,462	13%
TOTAL GENERAL FUND	40,146,640	40,741,993	36,857,954	90%	35,437,746	1,420,208	4%
SPECIAL REVENUE FUNDS							
202 STREET MAINTENANCE							
Gas Tax 2105 - 2107.5	751,089	751,089	649,231	86%	658,290	(9,058)	-1%
Interest / Other Revenue/Other Charges	-	-	2,930	n/a	885	2,045	231%
202 STREET MAINTENANCE	751,089	751,089	652,162	87%	659,175	(7,013)	-1%

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



City of Morgan Hill
Year to Date Revenues - Fiscal Year 2018-19
For the Eleven Months Ended May 31, 2019
92% of Year Complete

FUND REVENUE SOURCE	ADOPTED BUDGET	AMENDED BUDGET	CURRENT YTD ACTUAL	% OF BUDGET	PRIOR YTD	INCR (DECR) FROM PRIOR YTD	% CHANGE
SPECIAL REVENUE FUNDS							
205 PUBLIC SAFETY TRUST							
Interest Income	202	202	1,118	554%	239	879	367%
Police Grant/SLEF/JAG	100,000	100,000	127,868	128%	106,083	21,785	21%
205 PUBLIC SAFETY TRUST	100,202	100,202	128,987	129%	106,322	22,664	21%
206 COMMUNITY DEVELOPMENT							
Building Fees	2,996,450	2,996,450	2,308,477	77%	2,399,666	(91,189)	-4%
Planning Fees	1,396,529	1,396,529	1,968,029	141%	933,971	1,034,058	111%
Engineering Fees	462,524	462,524	399,896	86%	683,861	(283,965)	-42%
Other Revenue/Current Charges	24,265	24,265	54,012	223%	49,967	4,045	8%
206 COMMUNITY DEVELOPMENT	4,879,768	4,879,768	4,730,414	97%	4,067,466	662,948	16%
207 LONG RANGE PLANNING	741,894	741,894	624,013	84%	585,889	38,124	7%
215 and 216 HCD BLOCK GRANT							
Interest Income/Other Revenue	2,821	2,821	1,090	39%	197,784	(196,695)	-99%
215 and 216 HCD BLOCK GRANT	2,821	2,821	1,090	39%	197,784	(196,695)	-99%
225 ASSET SEIZURE	1,670	1,670	33,637	2014%	1,804	31,833	1765%
229 LIGHTING AND LANDSCAPE	188,591	188,591	100,116	53%	95,925	4,191	4%
230 COMMUNITY FACILITIES DISTRICT	44,198	44,198	34,660	78%	23,728	10,932	46%
232 ENVIRONMENTAL PROGRAMS	394,158	394,158	415,667	105%	423,439	(7,772)	-2%
234 MOBILE HOME PARK RENT STAB.	661	661	9,350	1414%	3,023	6,327	2099%
235 SENIOR HOUSING	3,347	3,347	3,691	110%	2,774	916	33%
236 HOUSING MITIGATION	1,613,912	2,613,912	1,387,658	53%	2,167,281	(779,623)	-36%
240 EMPLOYEE ASSISTANCE	28,949	28,949	20,376	70%	26,449	(6,073)	-23%
247 ENVIRONMENT REMEDIATION	2,118	2,118	2,203	104%	1,761	442	25%
250 COMH-SUCCESSOR AGENCY-MHRDA	7,946,430	7,946,430	12,012,728	151%	8,817,136	3,195,593	36%
255 HOUSING SUCCESSOR AGENCY	2,386,006	2,386,006	817,890	34%	451,993	365,897	81%
TOTAL SPECIAL REVENUE FUNDS	19,085,815	20,085,815	20,974,639	104%	17,631,948	3,342,691	19%
CAPITAL PROJECTS FUNDS							
301 PARK DEVELOPMENT	7,959,013	8,032,013	2,236,352	28%	2,185,180	51,172	2%
302 PARK MAINTENANCE	1,320,332	1,320,332	837,315	63%	1,337,769	(500,454)	-37%
303 LOCAL DRAINAGE	1,394,482	1,394,482	927,826	67%	1,995,556	(1,067,730)	-54%
304 LOCAL DRAINAGE/NON AB1600	80,981	80,981	151,467	187%	156,118	(4,651)	-3%
306 AGRICULTURE & OPEN SPACE PRESERVATION	2,652,538	2,652,538	2,214,430	83%	945,228	1,269,202	134%
308 STREET CIP	3,861,662	3,861,662	2,538,320	66%	2,510,522	27,799	1%
309 TRAFFIC IMPACT	17,251,157	19,501,157	4,793,419	25%	621,284	4,172,135	672%
311 POLICE IMPACT	277,713	277,713	283,377	102%	248,584	34,793	14%
313 FIRE IMPACT	349,306	349,306	339,927	97%	86,934	252,993	291%
346 PUBLIC FACILITIES NON-AB1600	590,499	590,499	135,832	23%	107,623	28,209	26%
347 PUBLIC FACILITIES IMPACT	198,932	340,412	203,355	60%	170,879	32,476	19%
348 LIBRARY	909,565	909,565	951,979	105%	729,673	222,305	30%
350 UNDERGROUNDING	45,800	45,800	146,954	321%	204,432	(57,478)	-28%
355 SCHOOL PEDESTRIAN/TRAFFIC SAFETY	684,678	749,778	132,420	18%	117,353	15,068	13%
360 COMMUNITY/REC IMPACT FUND	1,275,010	1,415,260	1,087,727	77%	953,025	134,702	14%
TOTAL CAPITAL PROJECTS FUNDS	38,851,668	41,521,498	16,980,700	41%	12,370,159	4,610,541	37%
DEBT SERVICE FUNDS							
420 CIVIC CENTER DEBT	298,856	298,856	274,054	92%	271,025	3,030	1%
441 POLICE FACILITY BOND	375,764	375,764	374,425	100%	381,458	(7,033)	-2%
TOTAL DEBT SERVICE FUNDS	674,620	674,620	648,479	96%	652,483	(4,003)	-1%

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



City of Morgan Hill
Year to Date Revenues - Fiscal Year 2018-19
For the Eleven Months Ended May 31, 2019
92% of Year Complete

FUND REVENUE SOURCE	ADOPTED BUDGET	AMENDED BUDGET	CURRENT YTD ACTUAL	% OF BUDGET	PRIOR YTD	INCR (DECR) FROM PRIOR YTD	% CHANGE
ENTERPRISE FUNDS							
640 SEWER OPERATION							
Sewer Service Fees	10,391,000	10,391,000	9,547,153	92%	8,925,545	621,608	7%
Interest Income/Transfers	37,151	37,151	39,531	106%	27,788	11,744	42%
Other Revenue/Current Charges	318,700	318,700	805,663	253%	280,447	525,216	187%
640 SEWER OPERATION	10,746,851	10,746,851	10,392,347	97%	9,233,780	1,158,568	13%
641 SEWER EXPANSION							
Interest Income	215,856	215,856	296,676	137%	187,498	109,178	58%
Development Impact Fee	4,717,263	4,717,263	4,694,146	100%	3,618,196	1,075,950	30%
Transfers/Other	-	-	-	0%	-	-	0%
641 SEWER EXPANSION	4,933,119	4,933,119	4,990,822	101%	3,805,695	1,185,127	31%
642 SEWER RATE STABILIZATION	38,641	38,641	42,403	110%	339,840	(297,437)	-88%
643 SEWER-CAPITAL PROJECT	2,797,976	2,797,976	2,669,925	95%	2,300,713	369,212	16%
TOTAL SEWER FUNDS	18,516,587	18,516,587	18,095,498	98%	15,680,028	2,415,470	15%
650 WATER OPERATION							
Water Sales	12,435,000	12,435,000	11,457,306	92%	10,252,808	1,204,498	12%
Meter Install & Service	123,000	123,000	114,957	93%	239,067	(124,110)	-52%
Transfers-In / Interest Income	440,840	440,840	428,403	97%	408,538	19,865	5%
Other Revenue/Current Charges	752,660	752,660	814,859	108%	649,013	165,846	26%
650 WATER OPERATION	13,751,500	13,751,500	12,815,524	93%	11,549,426	1,266,099	11%
651 WATER EXPANSION							
Interest Income/Other Revenue/Transfer	47,561	47,561	47,489	100%	46,854	635	1%
Development Impact Fee	1,311,698	1,311,698	1,415,073	108%	981,360	433,713	44%
651 WATER EXPANSION	1,359,259	1,359,259	1,462,562	108%	1,028,214	434,348	42%
652 Water Rate Stabilization	8,223	8,223	9,071	110%	467,929	(458,858)	-98%
653 Water Capital Project	2,400,895	2,400,895	2,324,111	97%	1,252,187	1,071,925	86%
TOTAL WATER FUNDS	17,519,877	17,519,877	16,611,269	95%	14,297,755	2,313,514	16%
TOTAL ENTERPRISE FUNDS	36,036,464	36,036,464	34,706,767	96%	29,977,782	4,728,984	16%
INTERNAL SERVICE FUNDS							
730 INFORMATION SYSTEMS	1,870,983	1,870,983	1,735,354	93%	1,474,769	260,585	18%
740 BUILDING MAINTENANCE	3,326,619	3,380,619	3,077,116	91%	2,847,866	229,249	8%
741 BUILDING REPLACEMENT	789,958	789,958	709,937	90%	459,228	250,709	55%
745 CIP ADMINISTRATION	1,780,750	1,780,750	1,341,004	75%	1,261,806	79,197	6%
760 UNEMPLOYMENT INSURANCE	2,324	2,324	2,518	108%	2,047	471	23%
770 WORKERS COMPENSATION	775,343	775,343	745,276	96%	935,671	(190,395)	-20%
790 EQUIPMENT REPLACEMENT	1,064,433	1,123,757	1,140,079	101%	992,820	147,259	15%
791 EMPLOYEE BENEFITS	1,171,099	1,171,099	697,015	60%	562,887	134,128	24%
793 CORPORATION YARD COMMISSION	-	-	3,236	0%	1,850	1,386	75%
795 GENERAL LIABILITY INSURANCE	1,020,581	1,020,581	940,293	92%	873,844	66,449	8%
TOTAL INTERNAL SERVICE FUNDS	11,802,090	11,915,414	10,391,828	87%	9,412,789	979,039	10%
TOTAL FOR ALL FUNDS	\$ 146,597,297	\$ 150,975,804	\$ 120,560,367	80%	\$ 105,482,907	\$ 15,077,460	14%

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



City of Morgan Hill
Year to Date Expenses - Fiscal Year 2018-19
For the Month and Eleven Months Ended May 31, 2019
92% of Year Complete

FUND NO.	FUND/ACTIVITY	CURRENT MONTH ACTUAL EXPENSES	AMENDED BUDGET	YTD EXPENSES	OUTSTANDING ENCUMBRANCE	TOTAL ALLOCATED	PERCENT OF TOTAL TO BUDGET	PRIOR YTD
010 GENERAL FUND								
I. ADMINISTRATION								
	CITY COUNCIL	\$ 8,907	\$ 337,607	\$ 281,639	\$ 25,000	\$ 306,639	91%	\$ 306,639
	CITY ATTORNEY	50,836	768,318	566,042	106,190	672,232	87%	644,042
	CITY MANAGER	29,211	433,799	359,090	3,948	363,038	84%	2,314,038
	HUMAN RESOURCES	64,692	846,813	725,962	23,478	749,440	89%	614,440
	COUNCIL SVCS & RECORDS MGMT							
	Council Svcs & Records Mgmt	47,902	614,068	514,636	22,300	536,936	87%	536,936
	Elections	1,671	322,533	145,189	-	145,189	45%	7,189
	COUNCIL SVCS & RECORDS MGMT	49,573	936,601	659,825	22,300	682,125	73%	604,125
	FINANCE	126,171	1,720,130	1,454,225	27,385	1,481,610	86%	1,454,225
	TOTAL ADMINISTRATION	329,391	5,043,269	4,046,782	208,300	4,255,083	84%	5,943,083
II. COMMUNITY SERVICES								
	Membership Services & Rec. Programs	372,578	6,309,009	5,265,885	530,248	5,796,133	92%	4,896,133
	Recreation Facility Rentals	108,279	1,355,732	1,211,451	24,049	1,235,500	91%	1,171,451
	Community Services	44,227	653,307	529,737	30,401	560,138	86%	614,138
	Environmental Services	17,138	303,894	196,102	-	196,102	65%	176,102
	Street Maintenance	212,521	2,362,851	2,127,188	107,865	2,235,053	95%	1,827,053
	Downtown Maintenance	18,884	354,644	282,274	8,907	291,181	82%	252,181
	Cable Television	1,744	21,581	19,368	-	19,368	90%	19,368
	COMMUNITY SERVICES	775,372	11,361,018	9,632,007	701,470	10,333,476	91%	8,964,476
	CODE COMPLIANCE	12,113	150,464	136,144	-	136,144	90%	114,144
	CONGESTION MANAGEMENT	1,304	81,861	42,734	-	42,734	52%	54,734
	ECONOMIC DEVELOPMENT PROGRAMS	90,900	947,260	690,795	80,069	770,864		
	TOTAL COMMUNITY SERVICES	879,689	12,540,603	10,501,679	781,539	11,283,218	90%	9,133,218
III. PUBLIC SAFETY								
	POLICE							
	PD Administration	87,950	1,222,942	1,206,327	49,383	1,255,710	103%	1,056,327
	Field Operations	660,551	9,375,273	7,792,386	125,257	7,917,643	84%	7,000,386
	Support Services	188,248	2,288,547	2,003,347	22,813	2,026,159	89%	1,873,347
	Emergency Services/Haz Mat	14,788	188,507	157,387	-	157,387	83%	187,387
	Special Operations	183,319	2,886,370	2,001,020	-	2,001,020	69%	2,221,020
	Dispatch Services	110,333	1,674,402	1,440,596	5,029	1,445,625	86%	1,435,625
	POLICE	1,245,190	17,636,042	14,601,063	202,482	14,803,545	84%	13,781,063
	FIRE	582,959	6,999,059	6,226,979	220,373	6,447,352	92%	5,456,979
	TOTAL PUBLIC SAFETY	1,828,149	24,635,101	20,828,042	422,855	21,250,897	86%	19,238,042
IV. TRANSFERS								
	Other	151,753	2,127,498	1,669,283	-	1,669,283	78%	1,761,283
	TOTAL TRANSFERS	151,753	2,127,498	1,669,283	-	1,669,283	78%	1,761,283
	TOTAL GENERAL FUND	3,188,982	44,346,470	37,045,786	1,412,694	38,458,480	87%	36,083,480

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)



City of Morgan Hill
Year to Date Expenses - Fiscal Year 2018-19
For the Month and Eleven Months Ended May 31, 2019
92% of Year Complete

FUND NO.	FUND/ACTIVITY	CURRENT MONTH ACTUAL EXPENSES	AMENDED BUDGET	YTD EXPENSES	OUTSTANDING ENCUMBRANCE	TOTAL ALLOCATED	PERCENT OF TOTAL TO BUDGET	PRIOR YTD
SPECIAL REVENUE FUNDS								
202	STREET MAINTENANCE	326	742,877	718,825	-	718,825	97%	53%
205	PUBLIC SAFETY/SUPP.LAW	545	106,536	105,995	-	105,995	99%	100%
206	COMMUNITY DEVELOPMENT FUND							
	Planning	214,932	2,597,350	2,029,002	634,124	2,663,125	103%	1,75%
	Building	147,351	1,976,108	1,664,140	156,851	1,820,992	92%	1,54%
	Engineering	122,490	1,668,062	1,237,921	488,677	1,726,598	104%	1,20%
206	COMMUNITY DEVELOPMENT FUND	484,773	6,241,520	4,931,063	1,279,652	6,210,715	100%	4,50%
207	LONG RANGE PLANNING	43,137	1,383,881	557,857	518,764	1,076,620	78%	56%
215/216	CDBG	413	4,961	4,879	-	4,879	98%	20%
225	ASSET SEIZURE	-	15,840	-	-	-	0%	-
229	LIGHTING AND LANDSCAPE	13,444	195,274	151,336	12,230	163,566	84%	15%
230	COMMUNITY FACILITIES DISTRICT	1,247	46,262	20,228	-	20,228	44%	1%
232	ENVIRONMENT PROGRAMS	32,085	406,727	352,939	-	352,939	87%	34%
234	MOBILE HOME PARK	34	405	374	-	374	92%	-
236	HOUSING MITIGATION	(231,344)	3,323,394	1,495,786	158,042	1,653,828	50%	63%
240	EMPLOYEE ASSISTANCE	78	28,430	6,416	-	6,416	23%	2%
247	ENVIRONMENTAL REMEDIATION	109	-	4,171	807	4,978	0%	-
250	COMH-SUCCESSOR AGENCY-MHRDA	9,263	7,983,635	11,314,751	23,890	11,338,641	142%	7,05%
255	HOUSING SUCCESSOR AGENCY	30,946	3,679,973	3,845,471	710,546	4,556,017	124%	2,78%
TOTAL SPECIAL REVENUE FUNDS		385,058	24,159,715	23,510,089	2,703,931	26,214,020	109%	16,93%
CAPITAL PROJECT FUNDS								
301	PARK DEVELOPMENT	194,845	8,952,955	616,052	759,776	1,375,828	15%	4,34%
302	PARK MAINTENANCE	80,278	1,248,941	975,279	156,945	1,132,224	91%	2,37%
303	LOCAL DRAINAGE	10,676	2,773,416	2,350,690	8,226	2,358,916	85%	1%
304	LOCAL DRAIN. NON-AB1600	(3,895)	338,627	519	-	519	0%	5%
306	AGRICULTURE & OPEN SPACE PRESERVATION	174,754	8,483,054	3,209,977	56,457	3,266,434	39%	10%
308	STREET CIP	52,578	5,392,576	1,863,509	188,090	2,051,600	38%	2,15%
309	TRAFFIC IMPACT	31,625	22,743,433	5,148,830	113,524	5,262,354	23%	1,95%
311	POLICE IMPACT	2,350	228,096	225,645	314	225,959	99%	23%
313	FIRE IMPACT	32,574	172,227	63,976	8,052	72,028	42%	1%
346	PUBLIC FAC.NON AB1600	4,520	1,041,119	436,524	65,560	502,084	48%	56%
347	PUBLIC FACILITIES IMPACT	3,444	207,439	7,382	141,794	149,176	72%	1%
348	LIBRARY IMPACT	44,742	3,849,962	563,390	44,879	608,270	16%	43%
350	UNDERGROUNDING	85	56,024	935	-	935	2%	-
355	SCHOOL PEDESTRIAN & TRAFFIC SAFETY	9,019	1,830,740	121,762	53,206	174,967	10%	25%
360	COMM/REC CENTER IMPACT	6,149	2,419,177	82,997	144,111	227,108	0%	7%
TOTAL CAPITAL PROJECTS FUNDS		643,744	59,737,787	15,667,467	1,740,934	17,408,401	29%	12,58%
DEBT SERVICE FUNDS								
420	CIVIC CENTER DEBT	799	308,656	298,768	-	298,768	97%	28%
441	POLICE FACILITY BOND DEBT	305	380,313	386,114	-	386,114	102%	39%
TOTAL DEBT SERVICE FUNDS		1,104	688,969	684,882	-	684,882	99%	67%

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City of Morgan Hill
 Year to Date Expenses - Fiscal Year 2018-19
 For the Month and Eleven Months Ended May 31, 2019
 92% of Year Complete

FUND NO.	FUND/ACTIVITY	CURRENT MONTH ACTUAL EXPENSES	AMENDED BUDGET	YTD EXPENSES	OUTSTANDING ENCUMBRANCE	TOTAL ALLOCATED	PERCENT OF TOTAL TO BUDGET	PRIOR YTD
ENTERPRISE FUNDS								
SEWER								
640	SEWER OPERATIONS	796,084	11,311,787	8,928,900	645,942	9,574,843	85%	9,341
641	SEWER CAPITAL EXPANSION	480,712	4,406,573	1,554,556	396,185	1,950,742	44%	1,281
642	SEWER RATE STABILIZATION	86	1,027	946	-	946	92%	-
643	SEWER-CAPITAL PROJECTS	40,601	11,033,664	4,349,468	571,271	4,920,739	45%	3,311
TOTAL SEWER FUND(S)		1,317,484	26,753,051	14,833,871	1,613,398	16,447,269	61%	13,941
WATER								
	Water Operations	726,417	12,440,123	9,280,096	1,350,945	10,631,041	85%	8,871
	Utility Billing	61,752	809,160	709,545	17,561	727,106	90%	651
	Water Conservation	6,578	210,082	81,903	48,000	129,903	62%	91
650	WATER OPERATIONS	794,747	13,459,365	10,071,544	1,416,506	11,488,050	85%	9,621
651	WATER CAPITAL EXPANSION	248,673	3,374,572	1,831,598	741,520	2,573,118	76%	351
652	WATER RATE STABILIZATION	28	335	308	-	308	92%	-
653	WATER-CAPITAL PROJECTS	1,170,399	2,535,148	1,925,277	33,731	1,959,008	77%	1,861
TOTAL WATER FUND(S)		2,213,846	19,369,421	13,828,727	2,191,757	16,020,484	83%	11,841
TOTAL ENTERPRISE FUNDS		3,531,330	46,122,472	28,662,598	3,805,155	32,467,753	70%	25,791
INTERNAL SERVICE FUNDS								
730	INFORMATION SYSTEMS	128,024	2,013,703	1,394,108	94,754	1,488,862	74%	1,471
740	BUILDING MAINTENANCE	224,589	3,430,986	2,808,951	238,925	3,047,877	89%	2,741
741	BUILDING REPLACEMENT	-	429,806	234,165	60,581	294,747	69%	351
745	CIP ADMINISTRATION	119,279	1,813,012	1,341,024	16,344	1,357,368	75%	1,261
760	UNEMPLOYMENT	5,431	10,000	12,873	-	12,873	129%	-
770	WORKERS COMPENSATION	14,863	947,795	550,322	-	550,322	58%	911
790	EQUIPMENT REPLACEMENT	167,904	1,332,012	732,928	484,291	1,217,219	91%	771
791	EMPLOYEE BENEFITS FUND	130,922	600,000	568,276	-	568,276	95%	601
793	CORP YARD COMMISSION	-	1,903	1,220	-	1,220	0%	-
795	GEN. LIABILITY INSURANCE	96,054	1,010,346	959,583	-	959,583	95%	821
TOTAL INTERNAL SERVICE FUNDS		887,065	11,589,562	8,603,451	894,896	9,498,346	82%	8,961
REPORT TOTAL		\$ 8,637,284	\$ 186,644,974	\$ 114,174,272	\$ 10,557,610	\$ 124,731,882	67%	\$ 101,041

Attachment: May 2019 Financial and Investment Report (2380 : Accept May 2019 Financial and Investment Report)

City of Morgan Hill
Fund Activity Summary - Fiscal Year 2018-19
For the Eleven Months Ended May 31, 2019
92% of Year Complete

Fund No.	Fund	Fund Balance 06-30-18	Revenues		Expenses		Year to-Date Deficit or Carryover	Ending Fund Balance	
			YTD Actual	% of Budget	YTD Actual	% of Budget		Reserved ¹	Unreserved
010	GENERAL FUND	\$ 17,604,727	\$ 36,857,954	90%	\$ 37,045,786	84%	\$ (187,832)	\$ 1,412,694	\$ 16,004,201
TOTAL GENERAL FUND		\$ 17,604,727	\$ 36,857,954	90%	\$ 37,045,786	84%	\$ (187,832)	\$ 1,412,694	\$ 16,004,201
202	STREET MAINTENANCE	58,830	\$ 652,162	87%	\$ 718,825	84%	\$ (66,664)	\$ -	\$ (7,834)
205	PUBLIC SAFETY/SUPPL. LAW	50,422	128,987	129%	105,995	74%	22,992	-	73,414
206	COMMUNITY DEVELOPMENT	2,001,953	4,730,414	97%	4,931,063	79%	(200,649)	1,279,652	521,652
207	LONG RANGE PLANNING	1,160,548	624,013	84%	557,857	40%	66,156	518,764	707,941
215 / 216	CDBG	59,981	1,090	39%	4,879	0%	(3,789)	-	56,192
225	ASSET SEIZURE	111,921	33,637	2014%	-	0%	33,637	-	145,558
229	LIGHTING AND LANDSCAPE	157,826	100,116	53%	151,336	77%	(51,220)	12,230	94,376
230	COMMUNITY FACILITIES DISTRICT	82,203	34,660	78%	20,228	0%	14,432	-	96,635
232	ENVIRONMENTAL PROGRAMS	243,732	415,667	105%	352,939	87%	62,728	-	306,460
234	MOBILE HOME PK RENT STAB.	43,345	9,350	1414%	374	92%	8,976	-	52,321
235	SENIOR HOUSING	224,078	3,691	110%	-	0%	3,691	-	227,769
236	HOUSING MITIGATION	2,714,194	1,387,658	53%	1,495,786	45%	(108,128)	158,042	2,448,024
240	EMPLOYEE ASSISTANCE	38,932	20,376	70%	6,416	23%	13,960	-	52,892
247	ENVIRONMENT REMEDIATION	135,819	2,203	104%	4,171	0%	(1,968)	807	133,044
250	COMH-SUCCESSOR AGENCY-MHRDA	(877,559)	12,012,728	151%	11,314,751	142%	697,977	11,469,149	(11,648,731)
255	HOUSING SUCCESSOR AGENCY	4,072,877	817,890	34%	3,845,471	104%	(3,027,581)	710,546	334,750
260	PUBLIC ART	111	-	n/a	-	-	-	-	111
TOTAL SPECIAL REVENUE FUNDS		\$ 10,279,213	\$ 20,974,639	104%	\$ 23,510,089	97%	\$ (2,535,450)	\$ 14,149,191	\$ (6,405,428)
301	PARK DEV. IMPACT FUND	\$ 2,787,306	\$ 2,236,352	28%	\$ 616,052	7%	\$ 1,620,300	\$ 759,776	\$ 3,647,830
302	PARK MAINTENANCE	4,265,806	837,315	63%	975,279	78%	(137,964)	156,945	3,970,897
303	LOCAL DRAINAGE	10,405,902	927,826	67%	2,350,690	85%	(1,422,864)	8,226	8,974,812
304	LOCAL DRAINAGE/NON-AB1600	1,409,474	151,467	187%	519	0%	150,948	-	1,560,422
306	AGRICULTURE AND OPEN SPACE PRESERV	7,017,877	2,214,430	83%	3,209,977	38%	(995,547)	56,457	5,965,873
308	STREET CIP	2,333,919	2,538,320	66%	1,863,509	35%	674,811	188,090	2,820,640
309	TRAFFIC IMPACT FUND	3,437,980	4,793,419	25%	5,148,830	23%	(355,410)	113,524	2,969,046
311	POLICE IMPACT FUND	(736,934)	283,377	102%	225,645	99%	57,732	314	(679,516)
313	FIRE IMPACT FUND	3,906,952	339,927	97%	63,976	37%	275,951	8,052	4,174,851
346	PUBLIC FACILITIES NON-AB1600	166,110	135,832	23%	436,524	42%	(300,692)	141,794	(276,376)
347	PUBLIC FACILITIES IMPACT FUND	520,300	203,355	60%	7,382	4%	195,973	44,879	671,393
348	LIBRARY IMPACT FUND	2,371,544	951,979	105%	563,390	15%	388,588	-	2,760,132
350	UNDERGROUNDING	707,205	146,954	321%	935	2%	146,019	53,206	800,019
355	SCHOOL PEDESTRIAN/TRAFFIC SFTY	1,502,442	132,420	18%	121,762	7%	10,659	144,111	1,368,989
360	COMM/REC CTR IMPACT FUND	1,113,663	1,087,727	77%	82,997	0%	1,004,730	-	2,118,393
TOTAL CAPITAL PROJECT FUNDS		\$ 41,209,546	\$ 16,980,700	41%	\$ 15,667,467	26%	\$ 1,313,233	\$ 1,675,374	\$ 40,847,405
420	CIVIC CENTER DEBT	\$ 171,658	\$ 274,054	92%	\$ 298,768	97%	\$ (24,713)	\$ 81	\$ 146,864
441	POLICE FACILITY BOND DEBT	82,263	374,425	100%	386,114	102%	(11,689)	103	70,471
TOTAL DEBT SERVICE FUNDS		\$ 253,921	\$ 648,479	96%	\$ 684,882	99%	\$ (36,402)	\$ 183	\$ 217,335

City of Morgan Hill
Fund Activity Summary - Fiscal Year 2018-19
For the Eleven Months Ended May 31, 2019
92% of Year Complete

Fund No.	Fund	Fund Balance 06-30-18	Revenues		Expenses		Year to-Date Deficit or Carryover	Ending Fund Balance	
			YTD Actual	% of Budget	YTD Actual	% of Budget		Reserved ¹	Unreserved
640	SEWER OPERATIONS	\$ 2,901,439	\$ 10,392,347	97%	\$ 8,928,900	79%	\$ 1,463,447	645,942	3,718,944
641	SEWER IMPACT FUND*	15,556,702	4,990,822	101%	1,554,556	35%	3,436,266	396,185	18,596,783
642	SEWER RATE STABILIZATION	2,574,831	42,403	110%	946	92%	41,457	-	2,616,288
643	SEWER-CAPITAL PROJECTS	9,316,726	2,669,925	95%	4,349,468	39%	(1,679,543)	571,271	7,065,912
650	WATER OPERATIONS	3,409,384	12,815,524	93%	10,071,544	75%	2,743,980	1,416,506	4,736,858
651	WATER IMPACT FUND*	2,680,718	1,462,562	108%	1,831,598	54%	(369,036)	741,520	1,570,162
652	WATER RATE STABILIZATION	514,170	9,071	110%	308	92%	8,763	-	522,933
653	WATER -CAPITAL PROJECT	564,089	2,324,111	97%	1,925,277	76%	398,835	33,731	929,193
TOTAL ENTERPRISE FUNDS		\$ 37,518,059	\$ 34,706,767	96%	\$ 28,662,598	62%	\$ 6,044,169	\$ 3,805,155	\$ 39,757,073
730	INFORMATION SERVICES	\$ 591,635	\$ 1,735,354	93%	\$ 1,394,108	69%	\$ 341,246	\$ 94,754	\$ 838,128
740	BUILDING MAINTENANCE	(4,788)	3,077,116	91%	2,808,951	82%	268,164	238,925	24,451
741	BUILDING REPLACEMENT	2,081,486	709,937	90%	234,165	54%	475,772	60,581	2,496,676
745	CIP ENGINEERING	62,962	1,341,004	75%	1,341,024	74%	(20)	16,344	46,598
760	UNEMPLOYMENT	152,405	2,518	108%	12,873	129%	(10,355)	-	142,050
770	WORKERS COMPENSATION	1,763,179	745,276	96%	550,322	58%	194,954	30,000	1,928,133
790	EQUIPMENT REPLACEMENT	4,432,003	1,140,079	101%	732,928	55%	407,151	484,291	4,354,863
791	EMPLOYEE BENEFITS FUNDS	(364,078)	697,015	60%	568,276	95%	128,739	-	(235,339)
793	CORP YARD COMMISSION	-	3,236	0%	1,220	0%	2,016	-	2,016
795	GEN. LIABILITY INSURANCE	1,341,056	940,293	92%	959,583	95%	(19,290)	-	1,321,766
TOTAL INTERNAL SERVICE FUNDS		\$ 10,055,860	\$ 10,391,828	87%	\$ 8,603,451	74%	\$ 1,788,377	\$ 924,896	\$ 10,919,342
SUMMARY BY FUND TYPE									
GENERAL FUND GROUP		\$ 17,604,727	\$ 36,857,954	90%	\$ 37,045,786	84%	\$ (187,832)	\$ 1,412,694	\$ 16,004,201
SPECIAL REVENUE GROUP		10,279,213	20,974,639	104%	23,510,089	97%	(2,535,450)	14,149,191	(6,405,428)
DEBT SERVICE GROUP		253,921	648,479	96%	684,882	99%	(36,402)	183	217,335
CAPITAL PROJECTS GROUP		41,209,546	16,980,700	41%	15,667,467	26%	1,313,233	1,675,374	40,847,405
ENTERPRISE GROUP		37,518,059	34,706,767	96%	28,662,598	62%	6,044,169	3,805,155	39,757,073
INTERNAL SERVICE GROUP		10,055,860	10,391,828	87%	8,603,451	74%	1,788,377	924,896	10,919,342
TOTAL ALL GROUPS		\$ 116,921,326	\$ 120,560,367	80%	\$ 114,174,272	61%	\$ 6,386,095	\$ 21,967,493	\$ 101,339,928

For Enterprise Funds: Unrestricted fund balance = Fund balance net of fixed assets and long-term liabilities.

*Unreserved fund balance includes bond proceeds reserved for projects listed in bond documents.

¹ Amount restricted for encumbrances, fixed asset replacement, long-term receivables, and bond reserves.

² Amount restricted for debt service payments and AB1600 capital expansion projects as detailed in the City's five year CIP Plan and bond agreements.



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Maria Angeles, Senior Civil Engineer
APPROVED BY: City Manager

ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FISCAL YEAR 2018-19 (YEAR 4) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

RECOMMENDATION(S)

Accept the Annual Evaluation Report for FY 2018-19 (Year 4) of the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Protecting the Environment

2019 Strategic Priorities

Community Engagement and Messaging

REPORT NARRATIVE:

The City participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program's (NFIP) Community Rating System (CRS) Program. CRS is a voluntary program with three goals: to reduce flood damages to insurable property, strengthen and support the insurance aspects of the NFIP, and encourage a comprehensive approach to floodplain management. Participating CRS communities earn flood insurance premium discounts for their residents and businesses by conducting floodplain management activities that exceed NFIP minimum requirements. Communities earn CRS points for activities that promote good flood risk reduction practices and encourage the purchase of flood insurance. Types of activities eligible for CRS credit include flood emergency preparedness planning, maintenance of elevation certificates, open space preservation within the designated floodplains, and public outreach and education regarding flood risk and flood insurance. Under CRS, each 500 points earned translates into a 5% discount from flood insurance premiums within the community.

The City of Morgan Hill has participated in the CRS Program since May 2003 and has a current CRS class rating of 7 which provides Morgan Hill floodplain residents and businesses a 15% discount on their flood insurance premium. Based on current NFIP data, there are 438 flood insurance policies in force within the City of Morgan Hill and policy holders paid a total of \$461,300 in annual flood insurance premiums (an average

annual premium of \$1,053 per policy). As a result of the City's CRS class 7 rating, the total annual savings to Morgan Hill policy holders was approximately \$64,461 (an average savings of \$147 per policy).

The Program for Public Information (PPI) was introduced into the CRS in 2013. The PPI encourages participating CRS communities to work together with local stakeholders to design a program for community outreach on flood risk reduction that best fits local needs. The Santa Clara Valley Water District (Valley Water) hosted the development of a PPI in 2013 and 2014 for all participating CRS communities in Santa Clara County. Valley Water invited the City of Morgan Hill and the cities of Cupertino, Gilroy, Los Altos, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, and the County of Santa Clara to form the Santa Clara County CRS Users Group and to participate in the development of a Multi-Jurisdictional PPI.

The City Council adopted the 2015 Santa Clara County Multi-Jurisdictional PPI on August 24, 2016 (Resolution No. 16-134). FEMA requires that annual evaluation reports on the Multi-Jurisdictional PPI be shared with the elected bodies that approved them.

The attached PPI Annual Report (Attachment 1) is the fourth report that covers the City's PPI activities during FY 2018-19 (Year 4). The Year 4 PPI activities, shown in the last column of Appendix A, focused on: (a) continuing to get the PPI approved by the governing bodies of the participating communities; (b) continuing to implement the electronic tracking system to monitor the PPI activities; and (c) Valley Water carrying out an extensive outreach program for flood risk reduction.

On August 15, 2017, an audit of the City's CRS activities was performed by FEMA's consultant, the Insurance Services Office (ISO). The preliminary audit results are contained in the attached ISO letter dated March 27, 2019 (Attachment 2). Per the ISO letter, the City will receive 283 credit points for the Multi-Jurisdictional PPI and other outreach activities under CRS Activity 330. The City will receive 1,727 total credit points for all CRS activities which will keep the City's current CRS class 7 rating. The next CRS audit will be scheduled in 2022.

Morgan Hill will continue to participate in the Santa Clara County CRS Users Group. The City's PPI activities will continue through FY 2019-20. Aside from the additional CRS points that the City can gain through the City's continued participation in the PPI, Morgan Hill also benefits from the close collaboration with the staff from other cities throughout the County which helps strengthen Morgan Hill's CRS program implementation.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community about the City's PPI activities during FY 2018-19.

ALTERNATIVE ACTIONS:

Not Applicable – acceptance of a report only; no action required.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

August 24, 2016 – City Council adopted Resolution No. 16-134 which adopted the 2015 Santa Clara County Multi-Jurisdictional PPI.

June 6, 2018 – City Council received the annual evaluation reports for FY 2015-16 (Year 1) and FY 2016-17 (Year 2).

August 22, 2018 – City Council received the annual evaluation report for FY 2017-18 (Year 3)

FISCAL AND RESOURCE IMPACT:

The acceptance of this report has no fiscal impact. The City's participation in the implementation of the PPI is accommodated with the existing staff and operating budgets for the Floodplain Management Program within the Development Services Department. Valley Water is incurring the cost to manage and coordinate the meetings and other tasks associated with the Multi-Jurisdictional PPI. There are no expected additional costs in the staff's continued PPI participation.

CEQA (California Environmental Quality Act):

Not a Project

The acceptance of this report is considered “an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment.”

LINKS/ATTACHMENTS:

1. PPI Annual Report FY19 - FINAL
2. ISO Letter - Preliminary CRS 2019 Audit Results

Annual Evaluation Report for FY19 (Year 4)

(July 2018 to June 2019)

Santa Clara County 2015 Multi-Jurisdictional Program for Public Information (PPI)



*Revised to reflect updated logos for
City of Sunnyvale and Valley Water*

June 2019

**Santa Clara County 2015 Multi-Jurisdictional Program for Public Information
Annual Evaluation Report for FY19 Year 4 (July 2018 to June 2019)**

I. INTRODUCTION

Ten cities and the Santa Clara Valley Water District (Valley Water) have been active participants in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) for almost 20 years. CRS is a voluntary program of the Federal Emergency Management Agency (FEMA) NFIP that allows participating communities to earn flood insurance premium discounts for their residents and businesses by agreeing to adopt and enforce practices that meet or exceed FEMA's requirement to reduce the risk of flooding. As the flood risk reduction agency for Santa Clara County, Valley Water performs many flood-related outreach and maintenance activities that earn CRS points for the County's CRS-participating communities. Flood insurance premiums for participating communities are reduced in 5% increments for every 500 CRS points earned. The total savings for Santa Clara County residents from CRS discounts last year was approximately \$2.2 million.

The *CRS Coordinator's Manual, 2013 edition*, included the option to undertake a Program for Public Information (PPI) which is a method to customize flood risk reduction outreach messages and increase CRS points. Valley Water hosted a meeting to facilitate the development of a Multi-Jurisdictional PPI in 2013 and 2014 so that all Santa Clara County CRS participating communities could work together and benefit from this activity. This PPI was finalized in April 2015. This Annual Evaluation Report (Report) is the fourth Report to document our PPI activities.

The number of CRS points that will be earned by the PPI are determined by FEMA's auditors that are in the Insurance Services Office (ISO). We estimate that of the possible 350 points, we could earn up to 300 points per participating community for our PPI efforts. The complete list of outreach projects is included as Attachment 1 of this Report is Appendix A, listing all projects proposed in the 2015 PPI, with a "Project Accomplishments" column noting actions taken during the fourth year of the PPI, FY19.

One important benefit from our PPI work has been the close collaboration between city staff who work on flood protection throughout the County. Together, we continue to strengthen not only our individual CRS programs, but also the Santa Clara County CRS Users Group (CRS Users Group). We have learned from one another about shared floodplain management activities, including flood protection and land use issues. For the CRS Users Group, the PPI is our most important project. In addition to the PPI, the CRS Users Group also learned about new FEMA maps that are being updated to reflect coastal flooding in the San Francisco Bay area. A sub-group of shoreline communities worked together on improved maps as part of this process. The CRS Users Group and the PPI effort provided a forum for the advancement of flood protection issues throughout the County. Twelve agencies initially participated in this Multi-Jurisdictional PPI; nine have approved it. We will continue to actively encourage more participation.

II. PPI DEVELOPMENT PROCESS

Valley Water initiated the PPI process for Santa Clara County in November 2013. Valley Water hosted the process and provided staffing, while each participating community was required to: (1) conduct the CRS Self-Assessment; (2) recruit a non-governmental external stakeholder; (3) participate in the PPI Committee meetings; and (4) bring the PPI to their elected body for approval. With the enthusiastic support of the CRS coordinators, the PPI process was started.

**Santa Clara County 2015 Multi-Jurisdictional Program for Public Information
Annual Evaluation Report for FY19 Year 4 (July 2018 to June 2019)**

A number of meetings were held in 2013 and 2014 to develop the PPI. A committee worked between the meetings to draft the PPI and compose the extensive list of possible projects (*Attachment 1, which is Appendix A of the 2015 PPI*). Table 1 shows dates of approval of the PPI by each participating agency as of June 2019. Nine agencies have approved; San Jose, Cupertino, and the County of Santa Clara are still pending approval.

Table 1. Dates of PPI Approval

Agency	Date of Approval	Approved	Not Scheduled
Santa Clara Valley Water District	4/14/15	X	
City of Cupertino	Pending		X
City of Gilroy	11/21/16	X	
City of Los Altos	6/23/15	X	
City of Milpitas	1/19/16	X	
City of Morgan Hill	8/24/16	X	
City of Mountain View	10/27/15	X	
City of Palo Alto	6/8/15	X	
City of San Jose	Pending		X
City of Santa Clara	7/14/15	X	
Santa Clara County	Pending		X
City of Sunnyvale	6/23/15	X	
Total Approved		9	
Not Yet Scheduled			3

III. PPI ACCOMPLISHMENT FOR FY 2019

The PPI accomplishments for FY19 fall into three categories. The first was continuing to get the PPI approved by the governing bodies of the participating communities. The second was to continue to implement our tracking system to monitor the PPI projects. The third was carrying out an extensive outreach program for flood risk reduction.

Elected Body Approval: Including Valley Water, nine of the 12 participating agencies had the PPI approved by their governing body by the end of FY19. The approval dates are shown by city/agency in Table 1. The City of San Jose, City of Cupertino, and the County are each still pending approval.

Accounting System: Because the 2015 PPI included up to 12 agencies, tracking implementation became quite cumbersome compared to a single agency PPI. Valley Water continues to oversee the record-keeping to ensure consistency throughout the County. An electronic file-sharing system, Egnyte, was initially set-up with folders for each of the agencies to file documents related to the 83 potential outreach projects identified in the PPI, including a comprehensive spreadsheet showing which projects were accomplished in any given fiscal year, by community/agency. This spreadsheet, along with the Annual Evaluation Report, will be submitted with annual CRS recertifications. PPI-related projects carried out by Valley Water usually apply to the entire county. Cities carried out projects in addition, and they are shown on the composite spreadsheet which includes input from each city.

Santa Clara County 2015 Multi-Jurisdictional Program for Public Information Annual Evaluation Report for FY19 Year 4 (July 2018 to June 2019)

At the February 25, 2019 CRS Users Group Meeting, the committee discussed the status of the cities' Egnyte usage. We discussed the benefits of using the system for tracking PPI outreach projects and also identified the benefits of restructuring the file system so that all CRS related documentation, including the 2015 PPI projects, could be tracked. The benefits are:

- Information Share/Knowledge Transfer: Communities can view each other's program documentation. When a community improves its CRS rating, another community can access the documents submitted to determine how the CRS credited activities helped improve the score.
- Document Repository: Central location for CRS-related documentation, organized to mirror the CRS Coordinator's Manual (by community/activity/element). This will be helpful for both CRS annual recertifications and cycle verification visits/audits, as well as when a community experiences staff turnover.

Summary of PPI Projects Accomplished in FY19

Appendix A from 2015 PPI noting FY19 Project Accomplishments Worksheet (Attachment No. 1) is summarized as follows:

- Of the 49 Community at Large Outreach Projects (CAL OP) identified in the PPI, at least 48 were accomplished. Three Outreach Projects related to the Winter Preparedness briefing were eliminated because the briefing is not an outreach open to the public.
- For Outreach Projects in the Special Flood Hazard Area (SHFA OP), at least 20 of the 22 potential projects were accomplished.
- Of the 9 Targeted Audience Outreach Projects (TA OP) identified, 8 were accomplished.

These numbers go well beyond the requirements of the CRS Program, and we anticipate collecting the maximum number of points for our collective efforts in FY19.

Outreach Program

Valley Water's campaign theme for the 2018-19 flood awareness campaign was "Climate Changed." It launched shortly after the Fourth National Climate Assessment was published; there could not have been a better time to have this conversation. The federal report assessed intense extreme weather and climate-related events are becoming more frequent and will have catastrophic impacts on vulnerable communities, infrastructure, ecosystems and our economy. Extreme storm events could result in more frequent and severe flooding in our region. Valley Water's message emphasized our commitment to reducing flood risks and protecting the community but acknowledging we cannot eliminate all risks. Thus, we must adapt and we must prepare. And it starts with being informed and aware of risks.

Our community outreach efforts were supplemented by an educational paid advertising campaign. This year, our advertising campaign was supplemented by a series of formative research to truly understand our target audience, its level of awareness, and explore what educational messages and images most appealed to the group.

The overall campaign cost was approximately \$335,000 which included creative and production costs, a media buy of \$201,000, the floodplain mailer production and distribution costs of \$32,000 and a post-campaign survey.

**Santa Clara County 2015 Multi-Jurisdictional Program for Public Information
Annual Evaluation Report for FY19 Year 4 (July 2018 to June 2019)**

The flood awareness paid advertisement campaign ran over a 5-month period from mid-November 2018 to mid-April 2019. The total cost of the paid advertisement campaign was \$201,355. The paid media campaign served a total of 34,808,684 impressions, up from impressions in 2018 at 21,815,542.

Community Events:

Valley Water staff made a concerted effort to actively participate in community events, including community festivals and emergency preparedness affairs, particularly in communities and neighborhoods in or close to flood zones. In 2018, both Valley Water and City staff participated in 19 community events during which information on flood safety and emergency preparedness materials (including the floodplain mailer) were shared.

During the 2018-19 Fiscal Year, Valley Water gave 13 speaker's bureau presentations with an emphasis on flood protection and flood safety to organizations and agencies that requested presentations. Three of these presentations were made at neighborhood association leadership groups and targeted to regions in vulnerable flood zones. The presentations focused on specific flood risks for these areas.

Advertising Campaign: The paid advertisements began in mid-November 2018 and ran through April 2019. In preparation for the campaign, as early as September 2018, Office of Communications staff led social media and digital communication efforts to convey flood safety messages including the use of Facebook, Twitter and blog posts, as well as Valley Water's e-newsletter. A key strategy of the paid campaign was to incorporate key PPI messages in our ads as much as possible. These messages were derived from Valley Water's annual Flood Plain Notification mailer, a publication distributed to residents in FEMA designated floodplains (Attachment 1 - Special Flood Hazard Area [SFHA] Outreach Projects [OP] 1 and 3).

Customer Target: The campaign was targeted to residents and commuters within Santa Clara County, and residents in areas in or near a Special Flood Hazard Area. These targeted areas were determined using zip codes from the floodplain mailer address list, which is based on published FEMA flood maps.

Media: The media breakdown was as follows:

- a) Radio – 34 percent
- b) Print – 33 percent
- c) Online – 12 percent
- d) Outdoor – 13 percent
- e) Collateral (Floodplain Notification mailer) – 8 percent

Radio: (34 percent)

Scripts for the radio emphasized the campaign theme message of adapting and preparing for extreme weather because of climate change. Weather alerts were also produced to include short tips for taking action before or during a storm. These included key PPI messages such as making an emergency plan or getting sandbags. The weather alerts were tied to a forecast throughout the season and ran during weather and traffic segments.

**Santa Clara County 2015 Multi-Jurisdictional Program for Public Information
Annual Evaluation Report for FY19 Year 4 (July 2018 to June 2019)**

The radio buy included 1,135 spots of both :15 weather alerts and :30 campaign spots in four languages: English (KBAY and KRTY), Spanish (KBRG), Vietnamese (KVNN Radio Saigon), and Chinese (Mandarin) (KSQQ). The weather alerts for the KRTY and KVNN buys were all bonus. The Pandora buy featured a banner ad along with the weather alerts and campaign spots running via mobile.

*Total Radio Ads: 1,135 spots
Total Radio Impressions: 7,690,142*

Print: (33 percent)

The print buy utilized publications providing the greatest reach within each ethnic and general population. Community papers were also targeted to reach some of the smaller communities in different cities. Full or half page ads were placed in English (*Mercury News, Metro Weekly News, Palo Alto Post, Morgan Hill Times, and Morgan Hill Life*); Spanish (*El Avisador and El Observador*); Chinese (*World Journal News*); and Vietnamese (*Cali Today*).

Publications were weekly (*El Avisador, El Observador, Cali Today, Metro Weekly News, and Morgan Hill Life*); bi-weekly (*Palo Alto Post and Morgan Hill Times*); and daily (*Mercury News and World Journal News*), with a special edition of a yearly publication for *Cali Today* being placed in their *Tet Magazine* provided as bonus. The buy also included paid and bonus banner ads on *El Observador* and *Cali Today's* websites.

In addition, several cities published information through utility bill inserts.

*Total Print Ads: 53
Total Print Impressions: 10,501,141*

Online: (12 percent)

The online buy included banner ads on Facebook, Comcast and Google AdWords in English, while the Adtaxi buy ran creative in all four languages. Facebook ads were delivered via the sites' newsfeed for desktop and mobile to audiences in two groups – SCC home and business owners ages 30 and up, and SCC renters and business owners ages 19 and up. The targeting interests were weather alerts, flooding, emergency preparedness, and flood insurance. Google AdWords engaged audiences living in flood zones, utilizing keywords similar to the Facebook interests and behaviors. Ads for these buys were geo-targeted to zip codes in flood prone areas.

Comcast ads were aimed at both homeowners or renters. The banner ads running via Adtaxi featured creative with similar targeting used with Facebook /AdWords delivering ads on various websites (i.e. People, Fandango) within its network. This portion of the buy generated 7,120,730 impressions and 16,510 clicks.

*Total Online Sources: Four platforms (Facebook, Google Adwords, Adtax, Comcast)
Total Online Impressions: 7,120,730*

**Santa Clara County 2015 Multi-Jurisdictional Program for Public Information
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Outdoor: (13 percent)

Outdoor ads consisted of center stages, or “wraps” on Valley Transit Authority’s (VTA) light rail cars as well as posters on VTA transit shelters.

Ads were placed on Center Stage lines that ran as close as possible to flood prone areas with creative featuring English ads. The transit shelters were placed in ten locations also in flood prone areas in the cities of San Jose, Palo Alto, Morgan Hill, and Santa Clara in English, Vietnamese, or Spanish. The media buy generated a total of 11,012,832 paid and 1,058,694 bonus impressions (due to ads remaining visible longer than anticipated).

Total Outdoor Ads: 16

Total Outdoor Impressions: 12,071,526

Digital Publications: (non-paid media)

Valley Water also uses its monthly newsletter, news blog and social media profiles to enhance flood awareness efforts before and during a forecasted storm as well as during the campaign season starting as early as September (to use National Preparedness Month to kick start the conversation). From September to April, we published six blog posts on flood preparedness efforts and resources, and highlighted flood safety topics in five of our monthly newsletters. This season, staff also created an instructional video that features Valley Water’s Flood Watch Tool, a map-based instrument that helps residents check on the status of local streams in historically vulnerable and flood-prone locations. This video is hosted on Valley Water’s Flood Ready pages, an online hub of flood safety resources.

During the length of the campaign and leading up to anticipated storm events, Valley Water posted flash flood warnings, and shared posts with key messages about flood safety, promoting the Flood Watch Tool throughout the winter. During the months of September through April, we featured 79 Facebook and 65 Twitter posts with flood safety messages.

Results:

Traffic to the flood protection resources page through the duration of campaign resulted in a total of 30,964-page views to both the flood protection resources and flood safety tip pages. During the campaign months, the flood protection resource page was the second most viewed page on the Valley Water’s website.

The flood protection resources page serves as a hub of flood safety information with icons leading to a series of related web pages including information on flood zone maps, signing up for emergency alerts, sandbags, reporting local flooding and safety tips. Of these subpages, the most accessed was the flood zone awareness page, which features a brief explanation for determining if your home is in a FEMA designated flood zone. It also features an instructional YouTube tutorial for using FEMA’s Map Service Center to identify one’s flood risk.

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IV. 2019 SANTA CLARA COUNTY CRS USERS GROUP MEETINGS – MONITORING AND EVALUATING THE 2015 PPI

Santa Clara County CRS Users Group (CRS Users Group) meetings were held on February 25, 2019 and May 29, 2019 to gather communities' input on project accomplished in FY19. Agenda and attendance sheets for each meeting are included as Attachments 2-5.

At the February 25th meeting, a draft PPI Annual Evaluation Report FY19 (Year 4) was distributed to the communities for their review and input.

As required by CRS, our February and May meetings were to monitor the implementation of the 2015 PPI outreach projects and to see if the desired outcomes were achieved, as well to determine if any changes to the PPI were needed. The Users Group agreed that our 2015 PPI messaging and projects would remain the same for the duration of the 2015 PPI, which sunsets in 2020.

We discussed lessons learned from our fourth year and which projects/messaging were important to continue, as well as strengthen. Attendance was good; staff from eleven agencies participated, as well as some external stakeholders and other interested parties.

At the February 25th meeting, Valley Water staff recapped the Santa Clara County CRS Users Group presentation made at the September 2018 Floodplain Management Association (FMA) Conference.

Valley Water Communications staff gave an overview of our 2018-2019 Flood Awareness Campaign, including the Floodplain Notification that was mailed in November 2018 to all addresses in the FEMA Special Flood Hazard Area (SFHA), as well as to City Managers, Public Works and Planning Directors, and city CRS staff in December 2018.

Valley Water gave a brief overview of our Map-Based Flood Watch Tool <https://gis.valleywater.org/SCVWDFloodWatch/>. This tool is very useful during flood events, and Valley Water encourages communities to utilize it.

The cities of Santa Clara and City of Mountain View shared their preliminary audit results. Under CRS Activity, 510 – Floodplain Management Planning, using the Santa Clara County's Local Hazard Mitigation Plan (LHMP) as their documentation submittal, preliminary indications show each city receiving 280 points out of a possible 382 points. We discussed other cities utilizing the LHMP as either part of an upcoming cycle verification visit or processing a modification, if appropriate, if it could result in improving their CRS classifications.

Also, the cities Santa Clara and Mountain View shared their experiences using our electronic repository filing system, Egnyte, during their respective cycle verification visits. Both communities had positive experiences and believed that using Egnyte facilitated their audits. (Post meeting, we learned that both cities' CRS classing rating improved).

Emergency preparedness starter kits were distributed to the county and all Santa Clara County cities. Valley Water reminded CRS communities that the kits are *starter* kits and not intended to replace comprehensive kits. Therefore, communities should remind the public that these are starter kits that are meant to be used as a starting point when developing comprehensive emergency kits.

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Valley Water shared information on the Department of Water Resources (DWR) statewide agency coordination calls that kicked off on March 20, 2019. The calls will lead up to the 8th-annual 2019 California Flood Preparedness Week (CFPW) that will be held from October 19-26, 2019. We encouraged the CRS communities to participate this year and to forward the information to their communication teams. (After the Users Group Meeting, Valley Water requested DWR's approval to extend the statewide agency coordination calls by inviting all Santa Clara County agencies. A meeting invite for the 6/18/19 call was sent out.)

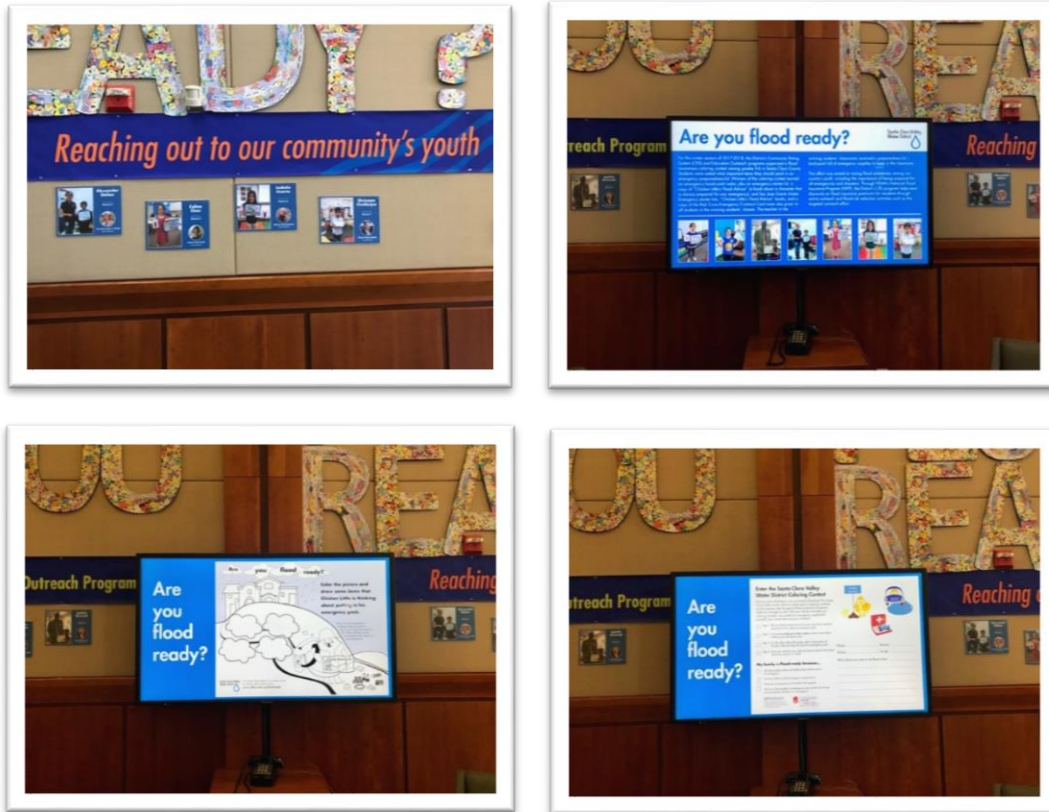
We shared with the group Valley Water's experience in participating on these calls, including the benefits of learning what CFPW is about, ways to participate, and resources for events. We discussed how Valley Water's Education Outreach (EO) Program presented flood awareness programming in classrooms throughout the county from October 2017 to March 2018. The effort reached over 4,000 students in 176 classrooms, from 39 schools. The schools were located in 7 cities throughout the county; Campbell, Cupertino, Milpitas, San Jose, Morgan Hill, Santa Clara, and Saratoga, and were schools that had requested visits from EO for the 2017-18 school year.

All students were invited to enter Valley Water's "Are You Flood Ready?" flood awareness coloring contest. Over 350 entries were received from 16 different schools. Winning entries were selected to represent each of Valley Water's seven board members' districts and prizes were awarded. The winning students received an emergency hand-crank radio, plus an emergency starter kit and a copy of "Chicken Little's Flood Advice" (a book about a character that is always prepared for any emergency). Emergency starter kits, "Chicken Little's Flood Advice" books and a copy of the Red Cross Emergency Contact Card were given to all students in the winning student's classes. The teacher in the winning students' classrooms received a back-pack full of emergency supplies to keep in the classroom.

The coloring contest entry sheets were then decoupaged into an artwork display that was exhibited in Valley Water's headquarters lobby starting during the 2018 CFPW October 20-26, 2018 and running through the end of the flood season in April 2019.



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At the May 29th meeting, Valley Water Office of Emergency Services shared information on our next scheduled Winter Preparedness Workshop, to be held on October 31, 2019. We also informed the meeting participants that this workshop qualifies for the Certified Floodplain Managers (CFMs) continuing education credits.

The City of Mountain View discussed the importance of emergency response coordination between CRS communities and their Office of Emergency Services. As was pointed out at the February 2019 meeting, activities like the County's LHMP (*credited under Activity 510 – Floodplain Management Planning*) yield CRS points. Understanding the nexus between CRS and the people who perform activities for which the communities receive CRS credit is important. Maintaining open dialogue with staff is central in ensuring CRS requirements are being met and/or maintained. Valley Water also discussed our LHMP versus the County's LHMP; we shared that we would be presenting Valley Water's LHMP as part of our upcoming August 2019 audit submittal.

The consensus is that our PPI implementation is on target and that no changes are needed. Cities who have had the PPI approved by their elected officials reported receiving strong support. For cities that had not gotten the PPI approved yet, the major problem is still workload related. The Public Works Departments in our area continue to have a great deal of work due to the high development level with Silicon Valley's current economic boom.

The PPI Annual Evaluation Report needs to be shared with each participating community's governing body. Table 2 is a chart of how each community expects to communicate the report.

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Table 2. How PPI Annual Evaluation Report will be shared with Community's Governing Body

	Community	Method for Sharing
1	Santa Clara Valley Water District	Board Non-Agenda Item
2	City of Cupertino	TBD
3	City of Gilroy	Consent Calendar
4	City of Los Altos	City Manager's Weekly Update
5	City of Milpitas	Memo to City Council
6	City of Morgan Hill	Council Consent Calendar
7	City of Mountain View	Council Weekly Update
8	City of Palo Alto	Informational Staff Report
9	City of San Jose	City Manager's Weekly Report
10	City of Santa Clara	Council Consent Calendar
11	City of Sunnyvale	City Manager's "Update Sunnyvale"
12	County of Santa Clara	TBD

V. FUTURE MESSAGING

The messages that we originally chose are still relevant to Santa Clara County. We will continue to increase our efforts to encourage people to prepare t personal/family emergency plans and be flood-ready. This will be incorporated into the flood preparedness outreach that is done every fall. We will also coordinate efforts with the Valley Water's Education Outreach Program to continue promote flood preparedness in local schools with an emphasis on reaching students and families that were affected by the February 2017 floods and those in other flood zones throughout the county.

The PPI Committee further recommends we continue to increase the use of social media for messaging. People are increasingly using their phones to get information, so the more we can use banner ads, sponsored articles, etc., the better. The PPI Committee was pleased to see all the outreach in different media that Valley Water had done in prior years. The meeting attendees shared that they had seen various messages throughout the season on different media.

In support of our preparedness messaging, we will continue to promote the importance of having family emergency plans and emergency kits ready to go before an emergency event occurs. Emergency preparedness starter kits of emergency supplies have been distributed countywide as a give-away at various emergency preparedness fairs or events. To qualify for an emergency preparedness starter kit, each person will be asked to download an emergency alert App onto their cell phones. We will continue to promote the County's ReadySCC App, as well as the American Red Cross Flood App. For people who do not have cell phones, they will be asked to demonstrate that they started to complete an American Red Cross Emergency Contact Card that was given to them.

Targeted Outreach: In FY20, the Education Outreach Program will distribute 750 emergency preparedness starter kits to educators throughout Santa Clara County. This action will serve as a continuation of our flood awareness education messaging.

Targeted student outreach will include distribution of the US Army COE "I am Flood Ready" flood preparedness activity book, as available, to the classrooms of the 750 above-mentioned educators.

The education curriculum will include grade-level appropriate flood preparedness activities and messaging.

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VI. CONCLUSION

Overall, the CRS Users Group was successful in implementing the PPI in FY19. The PPI allowed participating communities to mutually decide which flood risk reduction messages are most appropriate and identified how those messages are delivered. The objectives of participating in the PPI are to enhance the effectiveness of the flood risk messages to residents, reduce flood risks within the county, and earn valuable CRS credit points when identified projects are implemented by communities. The CRS Users Group and the PPI will continue through FY20.

Attachments for submission to Valley Water Board, City Councils/Managers, and FEMA as part of 2019 Verification/Recertification Package, as required:

1. Appendix A from 2015 SC County Multi-Jurisdictional PPI noting FY19 Project Accomplishments
2. February 25, 2019 Santa Clara County CRS Users Group Meeting Agenda
3. February 25, 2019 Santa Clara County CRS Users Group Meeting Sign-in Sheet
4. May 29, 2019 Santa Clara County CRS Users Group Meeting Agenda
5. May 29, 2019 Santa Clara County CRS Users Group Meeting Sign-in Sheet

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Global Changes: District to Valley Water; emergency kit to emergency preparedness starter kits (these starter kits are NOT intended to replace comprehensive emergency kits; such should be communicated to public when being handed out); District’ Outreach Program to Valley Water Education Outreach Program; footnote #3 changed from “Each September” to “By each June”

2015 PPI Plan								FY 2019 Project Accomplishments
Target Audience	¹ Message	Outcome	² Project(s) Proposed to Support the Messages	Assignment	³ Proposed Schedule	⁴ Stakeholder	CRS Community	
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important	<u>Topics 1, 2, 3, 4, 5, 6, 7, 8, & 9</u> <u>Message:</u> Know your flood risk and be prepared; buy flood insurance	Educate our community on flood protection and preparedness measures	CAL OP #1. Flood messages inserted in and/or printed on Utility Bills.	City Public Works Depts. (PWD) City CRS Coordinators Valley Water Communications (for South County Unincorporated areas)	October – March	Utility companies (water, electric, waste)	All	Valley Water: Offers and provides CRS participating communities artwork from our Annual Flood Awareness Campaign to use for any flood messaging that they include in their utility billing.
			CAL OP #2. Post Utility Bill messages on websites (Element 352 WEB1)					Gilroy: The city periodically has utilized utility billing inserts to provide flood and NPDES-related materials, information and brochures to its citizens.
								Milpitas: In February (SFHA areas) and June (All other areas) 2019, the city mailed out the “2018-2019 Public Advisory” informational SFHA brochure which includes flood preparedness messaging to all addresses in the city.
								Mountain View: The city sent utility inserts between August – October 2018 to all billing addresses
								Palo Alto: The city sent out two utility bill inserts to homeowners.
								Gilroy: The city has posted flood and NPDES-related utility billing inserts on the city website.
								Milpitas: The city posted the “2018-2019 Public Advisory” informational SFHA brochure on City website: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/
								Mountain View: Posted copy of utility insert on the city’s website - Flood Protection page.
			CAL OP#3. Winter Preparedness Briefing	District Field Operations	October	NOAA, Cities Emergency Managers & Public Works Directors Santa Clara County OES, Cal Fire, CCC, DWR	All	Not Applicable. Removed from list because all the people involved in the briefing are staff from numerous agencies; this wasn’t outreach to the public.
			CAL OP #4. Post “Winter Preparedness Briefing” notice and materials on website (Element 352 WEB1)		October–November			
			CAL OP#5. “Emergency Preparedness Workshop”	District Emergency Services	November			
			CAL OP #6. Post “Emergency Preparedness Workshop” notice and materials on website (Element 352 WEB1)		November–December			
	<u>Topics 1, 2, 3, 4, 5, 6, 7, 8, & 9</u> <u>Message:</u> Know your flood risk and be prepared; buy flood insurance. Flood Insurance will cover damage from flooding that most homeowner’s policies don’t cover	Educate our community on flood protection and preparedness measures	CAL OP #7. Develop newsletters with articles on flood protection and preparedness measures that urge residents and businesses to purchase flood insurance. These would include paper and electronic versions. These will be more extensive than messages included in utility bills. Valley Water’s annual county-wide mailer (CWM) will include language on flood protection and preparedness measures. City of Sunnyvale will distribute yearly newsletter article called “Know how to be Flood Safe in Sunnyvale” (Element 352 WEB1 and 2)	City CRS Coordinators or Communications staff Valley Water Communications Gilroy Chamber of Commerce	October – March	Insurance agencies Gilroy Chamber of Commerce Valley Water Grantee Organizations	City of Morgan Hill City of Cupertino City of Sunnyvale Gilroy Chamber of Commerce	Valley Water: The theme for the 2018-19 Flood Awareness Campaign was “Climate Changed.” It launched shortly after the Fourth National Climate Assessment was published. Valley Water’s message emphasized our commitment to reducing flood risks and protecting the community but acknowledging we cannot eliminate all risks. Thus, we must adapt, and we must prepare. And it starts with being informed and aware of risks.
								Our community outreach efforts were supplemented by an educational paid advertising campaign. This year, our advertising campaign was supplemented by a series of formative research to truly understand our target audience, its level of awareness, and explore what educational messages and images most appealed to the group.
								The overall campaign cost was approximately \$335,000 which included creative and production costs, a media buy of \$201,000, the floodplain

¹ **Message Topics:** Outreach Projects (OP): Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions
Flood Response Preparations (FRP): Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – “Don’t drive through standing water” and “Turn Around, Don’t Drown” .”

² CAL OP = Community At Large Outreach Projects; SFHA OP = Special Flood Hazard Area Communities Outreach Projects; TA OP = Target Audiences Outreach Project

³ By each June, all deliverables need to be reported to Valley Water for tracking purposes.

⁴ A stakeholder can be any agency, organization, or person (other than the community itself) that supports the message. Stakeholders can be: an insurance company that publishes a brochures on flood insurance, even if it is set out at City Hall; a local newspaper that publishes a flood or hurricane season supplement each year; FEMA, if, for example, a FEMA brochure is used as an informational material; schools that implement outreach activities; a local newspaper; a neighborhood or civic association that sponsors and hosts a presentation by a community employee; a utility company that includes pertinent articles in its monthly bills; or presentations made by state or FEMA staff at a Risk Map meeting.

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							mailer production and distribution costs of \$32,000 and a post-campaign survey. The flood awareness paid advertisement campaign ran over a 5-month period from mid-November 2018 to mid-April 2019. The total cost of the paid advertisement campaign was \$201,355. The paid media campaign served a total of 34,808,684 impressions, up from impressions in 2018 at 21,815,542 Valley Water’s annual Floodplain Mailer (FPM) is sent to all SC County parcels in the FEMA flood zone. In FY19, the FMP was mailed out to 52,064 addresses between November 19 – 21, 2018 and to all Santa Clara County city/county Public Works and Planning Departments on December 14, 2018. The FPM is posted on our website. Valley Water’s annual November 2018 Countywide Mailer (CWM) was sent between December 26-27, 2018 countywide to 729,929 addresses (<i>USPS: ECRWSS -Extended/Enhanced Carrier Route Walking Sequence Saturation Postal Customer</i>). The CWM includes flood protection and preparedness measures information, including FEMA map reading services, getting flood insurance, family emergency plans, downloading emergency preparedness app “Ready SCC,” and where to get sandbags. Valley Water’s 2017-2018 Annual Report/2019 Calendar includes information regarding on-going efforts to protect people, homes, and business from flooding and protecting the environment throughout the county. This report was made available to the public through an online request form and was mailed out during the months of December 2018 and January 2019. Los Altos: Outreach materials are displayed at Los Altos City Hall front counter and Los Altos library. An article titled "Flood Insurance Information Available" was published four times in the Los Altos Town Crier. Milpitas: In February and June 2019, city mailed out “2018-2019 Public Advisory” informational SFHA brochure which includes flood preparedness messaging to all addresses in the city. The city’s annual newsletter “Connected” is mailed out citywide, which includes information on “Know Your Flood Risk”, May – July 2018 Volume V. http://www.ci.milpitas.ca.gov/pdfs/newsletter-may-july2018.pdf Morgan Hill: The city’s citywide flood newsletter and city’s weekly newsletter/e-mail blast (called Weekly 411) sent out to subscribers during the months of September 2018, December 2018, January 2019, and February 2019 included messages about flood safety and emergency preparedness. Palo Alto: The city’s utility bill inserts include this message. Santa Clara: The city’s citywide “Inside Santa Clara” newsletter includes these messages and is sent to all addresses in city in fall each year.
			CAL OP #8. Post newsletters/articles/Valley Water’s CWM on websites (<i>Element 352 WEB1 and 2</i>)				Valley Water: All posted on Valley Water website. http://apps2.valleywater.org/publication/flipbook/809_FloodMailer2018/mobile/index.html http://apps2.valleywater.org/publication/flipbook/059_AnnualReport2018/Optimized/mobile/index.html

¹ **Message Topics:** **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions

² **Flood Response Preparations (FRP):** Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – “Don’t drive through standing water.”

³ **CAL OP = Community At Large Outreach Projects; SFHA OP = Special Flood Hazard Area Communities Outreach Projects; TA OP = Target Audiences Outreach Project**

⁴ By each June, all deliverables need to be reported to Valley Water for tracking purposes.

A **stakeholder** can be any agency, organization, or person (other than the community itself) that supports the message. Stakeholders can be: an insurance company that publishes a brochures on flood insurance, even if it is set out at City Hall; a local newspaper that publishes a flood or hurricane season supplement each year; FEMA, if, for example, a FEMA brochure is used as an informational material; schools that implement outreach activities; a local newspaper; a neighborhood or civic association that sponsors and hosts a presentation by a community employee; a utility company that includes pertinent articles in its monthly bills; or presentations made by state or FEMA staff at a Risk Map meeting.

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								Gilroy: The city has posted flood and NPDES-related utility billing inserts, and link to Valley Water’s CWM on the city website. Los Altos: The city’s annual mailer and brochure are posted on the city website and provide information regarding flood protection, preparedness, illegal dumping, and purchase of flood insurance. Milpitas: The city posts “2018-2019 Public Advisory” informational SFHA brochure on city website: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ The city posts annual newsletter “Connected,” which includes information on “Know Your Flood Risk”, May – July 2018, Volume V http://www.ci.milpitas.ca.gov/?s=know+your+flood+risk+newsletterC The city’s website redirects to Valley Water’s Flood Ready landing page: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/know-your-hazard/ Morgan Hill: The city’s citywide flood newsletter and city’s weekly newsletters/e-mail blasts sent out during the months of September 2018, December 2018, January 2019, and February 2019 were posted on the city’s website. Mountain View: The city posted link to Valley Water CWM on city website - Flood Protection page. Palo Alto: Valley Water’s CWM and city’s utility bill inserts are posted on city’s Flood Information/Winter Preparedness webpage. Santa Clara: The city posts the newsletter to city website.
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.	<u>Topics 4 & 6</u> <u>Message:</u> Keep debris and trash out of our streams. It’s illegal to dump into streams	Cleaner streams and fewer dumping violations Fewer debris blockages during high-flow events	CAL OP #9. “Do Not Dump” message is sent each year to all Santa Clara County residents in Valley Water’s CWM	Valley Water Communications City of Sunnyvale	June/July 2015 (CWM)	Adopt-A-Creek Organizations Valley Water Grantee Organizations	All	Valley Water: The FPM sent to all SC County parcels in the FEMA flood zone includes “Do Not Dump” message. Valley Water has an extensive stewardship program. “Do Not Dump” message posted on construction/project sites with signs throughout the county. Link to CWM: https://www.valleywater.org/sites/default/files/2018%20Year%20in%20Review%20All%20County%20Mailer.pdf Gilroy: The city has communicated “NO DUMP” messages thru utility inserts, mail-outs, community events and website posting. Los Altos: The City’s annual mailer and brochure provide information regarding flood program, with an emphasis on the “DO NOT DUMP” message. The city also communicates “DO NOT DUMP” message through litter mailer sent to property owners in the city’s Trash Management Area 1, which is characterized by higher trash levels. Milpitas: In February and June 2019, the city mailed out the “2018-2019 Public Advisory” informational SFHA brochure which includes Do Not Dump messaging to all addresses in the city. Morgan Hill: The city’s citywide flood newsletter included this message. Palo Alto: The city’s utility bills inserts include “Do Not Dump” message. Santa Clara: The city’s citywide “Inside Santa Clara” newsletter includes this message and is sent to all addresses in city in fall each year. Sunnyvale: Included information in the city’s Horizon Newsletter

¹ **Message Topics:** **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions

Flood Response Preparations (FRP): Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – “Don’t drive through standing water.”

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⁴ A **stakeholder** can be any agency, organization, or person (other than the community itself) that supports the message. Stakeholders can be: an insurance company that publishes a brochures on flood insurance, even if it is set out at City Hall; a local newspaper that publishes a flood or hurricane season supplement each year; FEMA, if, for example, a FEMA brochure is used as an informational material; schools that implement outreach activities; a local newspaper; a neighborhood or civic association that sponsors and hosts a presentation by a community employee; a utility company that includes pertinent articles in its monthly bills; or presentations made by state or FEMA staff at a Risk Map meeting.

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			CAL OP #10. Post "Do Not Dump" messages on website (Element 352 WEB1)					https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=25445 Valley Water: FPM posted on the website. Gilroy: The city has this message on its website. Los Altos: The city's annual mailer and brochure provide information regarding the flood program with an emphasis on the "DO NOT DUMP" message and are posted on the city website. Milpitas: The city's "SFHA brochure" posted on website. http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ Morgan Hill: The city's citywide flood newsletter was posted on the city's Floodplain Management webpage. Mountain View: "Do Not Dump" message is on the city's website – Fire Department – Environmental Protection page. Palo Alto: "Do Not Dump" messages are on the city's Flood and Storm Drain webpage. Santa Clara: The city posts the Inside Santa Clara newsletter to city website. City website also has additional information on keeping storm drains clear and illegal dumping.
			CAL OP #11. "Illegal Dumping" – Valley Water Community Project Review Unit (CPRU) Water Resource Protection Ordinance No. 08-1	Valley Water CPRU Santa Clara Valley Urban Runoff Pollution Prevention Program	Year-Round	Adopt-A-Creek Organizations Valley Water Grantee Organizations	All	Valley Water: Water Resources Ordinance No. 08-1 is in force. Information from Municipal Regional Permit NPDES Permit No.: CAS612008 Order Number: R2-2015-0049 - FY 2017-2018 Annual Report https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Santa_Clara/index1.html NOTE: FY 18-19 Annual Report will not be available until September 2019 <i>C.5 – Illicit Discharge Detection and Elimination</i> <u>Water Resource Protection Ordinance Code Enforcement Program</u> <i>To protect District owned public lands, the District (Valley Water) regulates non-District use of the agency's property through the Water Resources Protection Ordinance. The Water Resources Protection Manual, which includes measures to protect the riparian corridor, is utilized for case development.</i> <i>For FY 17-18, the Community Projects Review Unit's Code Enforcement Program processed 186 cases. Of the 186 cases, encroachment violations accounted for 17% of the cases. Encroachments (unauthorized private use of District's property) often occur on creekside or near-creekside lands and can have negative impacts on the stream environment due to increased erosion from irrigation and overland drainage, the potential for the introduction of pesticides into the creek, planting of non-native and invasive plant species in the riparian corridor, grading of creek banks, and dumping. The District has been protecting creekside public lands by remediating encroachments for over 40 years. Approximately 25% of the cases were for illegal dumping on District property, which is predominately creekside. Dumped items consisted of materials such as soil, yard</i>

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							clippings, and pet waste. Drainage issues included discharges to creeks from backyard pools. C.7.c. Stormwater Pollution Prevention Education District outreach includes: Access Valley Water (http://www.valleywater.org/avwapp/) is a way to send immediate requests, questions, complaints and compliments directly to the Santa Clara Valley Water District. Citizens can report water waste, trash or downed trees near a creek, graffiti, illegal dumping, or other problems near creeks, from a computer or from the Access Valley Water mobile app. Users can check on status and receive messages from the District as a request is processed. Issues reported to Access Valley Water that are found to be outside of District jurisdiction are forwarded to the appropriate government entity. Access Valley Water response time is typically five days or less. Gilroy: The city has this message on its website, City Code Chapter 12. Los Altos: The city website posting of "Help Prevent Neighborhood Flooding..." provides information on illegal dumping reporting. The city's annual mailer and brochure provide information regarding the flood program with an emphasis on the "DO NOT DUMP" message and are posted on the city website. The city's Municipal Code Section 6.32.030 Watercourse Protection prohibits "discharge into or connect any pipe or channel to a watercourse." Milpitas: In February and June 2019, the city mailed out the "2018-2019 Public Advisory" informational SFHA brochure which includes Do Not Dump messaging to all addresses in the city. Morgan Hill: The city's citywide flood newsletter included this message. Palo Alto: "Illegal Dumping" is part of the city's Municipal Code. Santa Clara: The city has several city codes/charters on illegal dumping. Sunnyvale: The city posts Illegal Dumping message on website.
			CAL OP #12. Post Valley Water Resource Protection Ordinance on website (<i>Element 352 WEB1</i>)				Valley Water: Water Resources Protection Ordinance 08-01 is posted on website https://www.valleywater.org/sites/default/files/WRPO.pdf Gilroy: The city has this message on its website, City Code Chapter 27A. Los Altos: The city's Municipal Code Section 6.32.030 Watercourse Protection is accessible through the Municipal Code link on the city's website. Milpitas: The city's Code Section XI-16-12 – Watercourse Protection is accessible through the Municipal Code. https://library.municode.com/ca/milpitas/codes/code_of_ordinances?node=TITXIZOPLAN_CH16STURRUPOCO_XI-16-12WAPR. Morgan Hill: The city has link to Valley Water's "Permits for Working on Valley Water Land or Easement" on city's Floodplain Management webpage. Valley Water's webpage includes a link to the Water Resources Protection Ordinance.

¹ **Message Topics:** **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions

Flood Response Preparations (FRP): Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – "Don't drive through standing water."

² **CAL OP = Community At Large Outreach Projects; SFHA OP = Special Flood Hazard Area Communities Outreach Projects; TA OP = Target Audiences Outreach Project**

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								Palo Alto: Link to the city’s Municipal Code is on city’s Flood and Storm Drain webpage. Santa Clara: City codes/charters are posted on city website.
			CAL OP #13. “No Dumping” signage on Valley Water project sites	Valley Water Watersheds Operations & Maint. Santa Clara Valley Urban Runoff Pollution Prevention Program	Year-Round	Santa Clara Valley Urban Runoff Pollution Prevention Program (<i>all communities that drain to San Francisco Bay</i>)	All	Valley Water: Project sites throughout the county include “No Dumping” signage/message. Gilroy: No dumping messages are installed on all city catch basins. Milpitas: The city has a citywide application of “No Dumping” medallions on all public property storm drains. Palo Alto: “No Dumping” signs are installed in all city storm drain catch basins.
			CAL OP #14. “Pollution Hotline 1-888-510-5151” to report all illegal dumping messages are included in Neighborhood Work Notices (target outreach – 6 points per topic)	Valley Water Communications Santa Clara Valley Urban Runoff Pollution Prevention Program	Year-Round	Santa Clara Valley Urban Runoff Pollution Prevention Program Watershed Watch Organization San Francisco Estuarine Institute Oakland Museum	All	Valley Water: Information from Municipal Regional Permit NPDES Permit No.: CAS612008 Order Number: R2-2015-0049 - FY 2017-2018 Annual Report https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Santa_Clara/index1.html NOTE: FY 18-19 Annual Report will not be available until September 2019 <i>C.5 – Illicit Discharge Detection and Elimination</i> <u><i>Emergency Response Program</i></u> <i>The District (Valley Water) addresses illicit connection/illegal dumping (IC/ID) incidents effectively through its hazardous materials “Emergency Response” (ER) Program. The District received and responded to a total of 111 emergency response reports throughout Santa Clara County during FY 17-18. This was 30 reports less than in FY 16-17. Of the 111 total incidents reported during the last fiscal year, 102 were within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB), 49 were actual or potential discharge events, and 75 required a field response by a team member or members for general investigation, source identification, multi-agency coordination, and clean up or evidence collection.</i> <i>The District is one of the few Santa Clara County Permittees that has 24-hour availability to conduct storm and stream water pollution investigations. District staff will, as needed, investigate, and collect evidence at a site that can later be transferred to the appropriate jurisdictional authority on the next business day. Jurisdictional authority could reside with a co-permittee, state, or federal agency. The District responded within target field response time 100% of the time for all incidents requiring urgent field response.</i> <i>C.7.c. Stormwater Pollution Prevention Education</i> <i>District outreach includes: The District Pollution Hotline (1-888-510-5151; www.valleywater.org/Services/PollutionHotline.aspx) receives and responds to emergency response reports throughout Santa Clara County. The District is one of the few Santa Clara County Permittees that has 24-hour availability to conduct storm water pollution investigations. The District staff will, as needed, investigate and collect evidence at a site that can later be transferred to the appropriate jurisdictional authority during the next regularly scheduled</i>

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								business hours. Jurisdictional authority could reside with a co-permittee, state or federal agency. Further information is provided in Section C.5 of this report. Valley Water’s Pollution Hotline (1-888-510-5151) receives and responds to emergency response reports throughout the Santa Clara County 24/7- 365 days per year availability to conduct storm water pollution investigations. https://www.valleywater.org/pollution-hotline The Pollution Hotline number is also promoted on Valley Water’s annual FPM. Gilroy: The city posts the Pollution Hotline on the city website. Milpitas: The city maintains Pollution Prevention and SFHA phone lines. In addition, city mailed out citywide informational “SFHA brochure” that included this message. Their number is 911 dispatch for Fire Department response. Palo Alto: Pollution hot line is posted on the city’s utility bills.
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.	<u>Topics 4 & 6 Message:</u> Keep debris and trash out of our streams. It’s illegal to dump into streams	Cleaner streams and fewer dumping violations Fewer debris blockages during high-flow events	CAL OP #15. Post Project notices with “Pollution Hotline” on website (<i>Element 352 WEB1</i>)					Valley Water: The Pollution Hotline number is included in Valley Water’s FPM and is posted on the website. Gilroy: The city posts the Pollution Hotline on the city website. Milpitas: In February and June 2019, the city mailed out the “2018-2019 Public Advisory” informational SFHA brochure which includes Do Not Dump messaging to all addresses in the City. City of Milpitas citywide FAQ’s page on storm water uses 911 as the hotline for pollution prevention http://www.ci.milpitas.ca.gov/milpitas/departments/public-works-department-home-page/storm-home-page/storm-fags-2/ Palo Alto: “Pollution Hot Line” is posted on the city’s flood information webpage. Sunnyvale: The city hosts a link on its Flood Protection page on how to prevent stormwater pollution http://www.mywatershedwatch.org
			CAL OP #16. Creekside Property Program – Creek Wise brochure handed out at community fairs (target outreach – 6 points per topic)	Valley Water Communications	Year-Round	Fair Sponsors Attendees of community events who visit information booths SCVURPPP	All	Valley Water: Creek Wise brochure, “You Are the Solution to Water Pollution” was mailed out to approximately 16,100 creek-side property owners in July 2018. The Creek Wise brochures were also handed out at community events at various SC County cities. Palo Alto: The city’s utility bill insert includes creek monitoring information/ bill insert distributed on earth day as well.
			CAL OP #17. Post Creekside Property Program – Creek Wise brochure on website (<i>Element 352 WEB1</i>)					Valley Water: Creek Wise brochure, “You Are the Solution to Water Pollution” is posted our website at: https://www.valleywater.org/sites/default/files/CreekWise%202018%20flyer_for.Web%20FINAL%20CORRECT.pdf Los Altos: The city’s general informational posting of “Local Creeks” provides information and direct readers to Valley Water’s website and Creekside Property Program. Palo Alto: “Creekside Programs” are posted on city’s creek monitor webpage city’s cleanbay.org.

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			CAL OP#18. Organize volunteers for creek clean-ups through Valley Water’s Adopt-A-Creek Program or organized city clean-ups, such as City of Santa Clara’s, Adopt-A-Spot Program	Valley Water Communications	Year-Round	Community Organizations Residents Schools Businesses Creek Connections Action Group (CCAG)	All City of Santa Clara	Valley Water: Participation in Valley Water’s Adopt-A-Creek Program was 48 partners/adopted sites in FY19. The program is going through a thorough renewal process. Each participating Adopt-A-Creek partner was required to host a minimum of 2 clean-up events per year. Adopt-A-Creek program is also promoted in our Creek Wise mailer, “You Are the Solution to Water Pollution,” which was mailed out to all creek-side property owners in July 2018. Los Altos: The city posted National River Cleanup Day information in the City Manager Weekly Updates, which is an email newsletter, and posted on the city website. Milpitas: The city organized cleanups at 3 sites and advertised in local paper, city website, KMLP-15 and social media for Coastal Cleanup Day on 9/22/18 and National River Cleanup Days on 5/18/18 and 5/19/19. Mountain View: The city advertised creek cleanup events. Palo Alto: The city participates in Valley Water’s Adopt-A-Creek Program. Santa Clara: The city has an Adopt-a-Spot program. Sunnyvale: Environmental Services hosted Coastal Clean-up in Sunnyvale on 9/15/18.
			CAL OP #19. Post Valley Water’s Adopt a Creek Program and cities clean-up programs on website (<i>Element 352 WEB1</i>)					Valley Water: Adopt-A-Creek Program information posted on the Valley Water’s website http://valleywater.org/EkContent.aspx?id=336&terms=adopt+a+creek. Creek Wise mailer, “You Are the Solution to Water Pollution,” which included Adopt-A-Creek program information is also posted on Valley Water’s website https://www.valleywater.org/sites/default/files/CreekWise%202018%20flyer%20for.Web%20FINAL%20CORRECT.pdf Los Altos: The city posted National River Cleanup Day information in the City Manager Weekly Updates, which is an email newsletter, and posted on the City website. Milpitas: The city promoted and participated in these annual events and has a link to Valley Water’s website on the flood information page. Morgan Hill: The city advertised the National River Cleanup Day – Morgan Hill Creek Cleanup (scheduled May 18, 2019) in the Winter/Spring 2019 and Summer 2019 editions of the city’s Recreation Activity Guide on the city’s website. Palo Alto: Adopt a Creek Program posted on city’s cleanbay.org/my-creeks-and-bay. Santa Clara: The city’s Adopt-a-Spot Program is posted on City website.
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is	<u>Topics 4 & 6</u> <u>Message:</u> Keep debris and trash out of our streams. It’s illegal to dump into streams	Cleaner streams and fewer dumping violations Fewer debris blockages during high-flow events	CAL OP#20. Organize volunteers for National River Cleanup Day and California Coastal Cleanup Day	Valley Water Communications City of San Jose	May 16, 2015 and September 2015 annually		All	Valley Water: Information from CleanACreek.org Creek Connections Action Group https://cleanacreek.org/past-results-2/ On May 18, 2019, Valley Water hosted National River Cleanup Day in Santa Clara County. A total of 1,060 volunteers participated in cleaning up 62.3 miles of creeks. Volunteers removed 46,580 pounds of trash from 47 cleanup sites from Palo Alto to Gilroy.

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subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.							2019 National River Cleanup Day BY THE NUMBERS 46,580 lbs For the 2019 National River Cleanup Day, volunteers picked up 46,580 lbs of trash out of local waterways. That's equivalent to the total weight of 186 ATMs. #CCAG #NRCD2019  2019 National River Cleanup Day BY THE NUMBERS 62 Miles For the 2019 National River Cleanup Day, volunteers cleaned 62 miles of local waterways. That's equivalent to 104,727 grocery carts lined up end to end. #CCAG #NRCD2019  California Coastal Cleanup Day was held on September 15, 2018. 45 clean-up sites; 1,931 volunteers removed approximately 56,808 lbs. of trash, including 8,542 lbs. of recyclables along 75.25 miles of creeks and shoreline. Los Altos: The city posted National River Cleanup Day information in the City Manager Weekly Updates which is an email newsletter and posted on the city website. Milpitas: The city promoted and participated in these annual events. Morgan Hill: The city in the National River Cleanup Day. Mountain View: The city advertised Creek Cleanup events. Palo Alto: The city participates in National River Cleanup Day Program. Santa Clara: The city organized volunteers for National River Cleanup Day in May 2019.
			CAL OP #21. Post volunteer information and results on website (<i>Element 352 WEB1</i>)				Valley Water: Volunteer information and results posted on www.cleanacreek.org. Los Altos: The city posted National River Cleanup Day information in the City Manager Weekly Updates, which is an email newsletter, and posted on the City website. Milpitas: The city promoted volunteer opportunities in promotions and the city website which re-directs to www.cleanacreek.org .The link is called out as "52 cleanup sites" at: http://www.ci.milpitas.ca.gov/national-river-cleanup-day-3/

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								Palo Alto: River cleanup information posted on city’s social media and cleanbay.org. Santa Clara: National River Cleanup event was posted on city’s website.
			CAL OP # 22. Installation of trash booms					Valley Water: Information from Municipal Regional Permit NPDES Permit No.: CAS612008 Order Number: R2-2015-0049 - FY 2017-2018 Annual Report https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Santa_Clara/index1.html NOTE: FY 18-19 Annual Report will not be available until September 2019 <i>C.10 – Trash Load Reduction</i> <i>A total of 4 trash booms (2 in San Jose: Lower Silver Creek, Thompson Creek; 2 in Palo Alto: Matadero Creek, Adobe Creek) installed prior to FY17-18. During FY17-18, the following amounts of trash were removed from each trash boom:</i> <i>Lower Silver: 2 cubic yards on 5/7/2018</i> <i>Thompson: 5 cubic yards on 3/2/2018 and 5 cubic yards on 5/7/2018</i> <i>Matadero: 0.47 cubic yards on 12/9/17, and 0.035 cubic yards on 5/19/18</i> <i>Adobe: 0.22 cubic yards on 12/9/17, and 0.045 cubic yards on 5/19/18</i> Milpitas: The city will have completed the installation of 167 trash capture devices in FY18-19. Mountain View: Trash capture devices are installed throughout the city. Palo Alto: Trash booms are installed at Matadero Creek and Adobe Creek.
			CAL OP #23. Stenciling storm drains “Do Not Dump - Flows Into Bay”	City of San Jose CRS Coordinator All Cities CRS Coordinator			City of San Jose All Cities	Valley Water: Inspects and maintains stenciled storm drains on all Valley Water property. Information from Municipal Regional Permit NPDES Permit No.: CAS612008 Order Number: R2-2015-0049 - FY 2017-2018 Annual Report https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Santa_Clara/index1.html NOTE: FY 18-19 Annual Report will not be available until September 2019 C.7.a. Storm Drain Inlet Marking iii. Reporting – In the 2020 Annual Report, each Permittee shall (1) state how many municipally-maintained storm drain inlets it has, (2) certify that at least 80 percent of municipality-maintained storm drain inlet markings are legibly labeled with an appropriate stormwater pollution prevention message during the permit term; (3) include a picture of a labeled municipality-maintained inlet; and (4) certify that all privately-maintained streets had storm drain inlet markings verified prior to acceptance of the project and were required to maintain the storm drain inlet markings through the development maintenance entity. Gilroy: The city adds medallions at drainage inlet locations.

1

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Attachment: PPI Annual Report FY19 - FINAL [Revision 1] (2399 : Annual Report for Multi-Jurisdictional PPI for Fiscal Year 2018-19 (Year 4))

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							Los Altos: City storm drains are all stenciled or labeled with medallions (including the name of the creek that the inlet drains to) and the city aims to inspect, clean, and maintain each inlet annually. Milpitas: The city places “No Dumping, Drains to Creek” medallions placed at public catch basins on as-needed basis, and all new developments are required to label new or reconstructed storm drains. Mountain View: This is a standard detail required on all construction projects in the city. Palo Alto: “Do Not Dump” stenciling is installed on all storm drain inlets in the city. Santa Clara: The city placed stencils on all storm drain inlets. Sunnyvale: The city stencils “No Dumping! Flows to Bay” on storm drains.
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.		Cleaner streams and fewer dumping violations Fewer debris blockages during high-flow events	CAL OP #24. Inserts into inlets				Valley Water: Valley Water inspects and maintains drop inlet protection on all its property. Information from Municipal Regional Permit NPDES Permit No.: CAS612008 Order Number: R2-2015-0049 - FY 2017-2018 Annual Report https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Santa_Clara/index1.html NOTE: FY 18-19 Annual Report will not be available until September 2019 <i>Provision C.2 Municipal Operations</i> <i>The District (Valley Water) owns and operates the storm water drainage systems at its facilities, which includes storm drains, catch basins, vegetated swales, open drainage ditches, utility trenches, and storm drain laterals. The District owns and maintains four corporation yards; one vehicle maintenance and parking facility (Corporation Yard) and three material storage facilities (Winfield Facilities, Brokaw Storage Yard, and Camden Storage Yard). Each District corporation yard has a site-specific Storm Water Pollution Prevention Plan (SWPPP).</i> <i>Storm drains outside District facilities are owned and operated by the local (city or county) jurisdictions.</i> <i>The District completed the following tasks:</i> <i>Continued implementation of the storm drain inspection and cleaning program</i> <i>Cleaned and reconstructed cinder block, screen, and gravel BMPs at the Corporation Yard and Winfield facilities in May of 2018.</i> HIGHLIGHTS AND ACCOMPLISHMENTS <i>Pollution prevention and pollutant reduction has continued to be a focus of District staff discussions, including general good housekeeping practices, proper BMP inspection and implementation, and the need to document follow-up actions based on Storm Water Pollution Prevention Plan (SWPPP) inspections. Storm drain inspections and cleaning work orders continue to be distributed via the District’s Comcate Preventative</i>

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Global Changes: District to Valley Water; emergency kit to emergency preparedness starter kits (*these starter kits are NOT intended to replace comprehensive emergency kits; such should be communicated to public when being handed out*); District' Outreach Program to Valley Water Education Outreach Program; footnote #3 changed from "Each September" to "By each June"

							<i>Maintenance Program (field maintenance work-order software) for the corporation yards. Each month, facility maintenance staff inspects all storm drains at their facility and have them cleaned as needed. Inspections were completed for all District corporation yards, and BMPs were implemented according to site specific SWPPPs.</i> <i>District staff attends the SCVURPPP Municipal Operations Ad Hoc group. Please refer to the C.2 Municipal Operations section of the Program's FY 17-18 Annual Report for a description of program and regional activities.</i> Los Altos: The city has one installed large trash capture device that is regularly maintained by the city's maintenance division. Milpitas: The city will have completed the installation of 167 trash capture devices in FY18-19. Mountain View: The city requires inlet protection be installed on a site-specific basis. Palo Alto: The city installed two large trash capture devices and stencils are installed on all catch basins. Santa Clara: 146 new storm drain inlets are scheduled to be installed before June 30, 2019. Sunnyvale: The city has three large trash capture devices at two separate locations. They also have multiple individual catch basin devices and require trash capture on all on-site storm drain inlets.
			CAL OP #25. Hot Spot Assessment and Clean-ups				Valley Water: Information from Municipal Regional Permit NPDES Permit No.: CAS612008 Order Number: R2-2015-0049 - FY 2017-2018 Annual Report https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Santa_Clara/index1.html NOTE: FY 18-19 Annual Report will not be available until September 2019 <i>C.10.c – Trash Load Reduction – Trash Hot Spots Clean-up</i> <i>The FY 17-18 cleanup data and volume of trash removed during each MRP-required Trash Hot Spot cleanup during each fiscal year are listed on pages 10-9 and 10-10 of the report.</i> Gilroy: The city completed hotspot assessment per city's state permit requirement for year 5 of permit. Los Altos: The city continues active participation in SCVURPPP and continues conducting hot spot cleanups. Milpitas: The city has 3 (three) creek hot spots which are cleaned twice/year. Palo Alto: The city identifies hot spots every year and keeps log of maintaining them. The city continues to actively participate in the SCVURPPP.

1

Message Topics: **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions

Flood Response Preparations (FRP): Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – “Don’t drive through standing water.”

2

CAL OP = Community At Large Outreach Projects; SFHA OP = Special Flood Hazard Area Communities Outreach Projects; TA OP = Target Audiences Outreach Project

3

By each June, all deliverables need to be reported to Valley Water for tracking purposes.

4

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								Santa Clara: The city's Trash Hot Spot Cleanups, 4 of 5 sites are completed and the remaining one will be completed before June 30, 2019. Total trash collected from the four sites is 55 gallons.
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.		Cleaner streams and fewer dumping violations Fewer debris blockages during high-flow events	CAL OP #26. Send out yearly newsletter article discussing efforts to ready the storm drainage system for fall rains – cleaning out storm drains, and discusses “No Dumping” that reaches all households in the City or County	City of Sunnyvale CRS Coordinator Cities CRS Coordinators	Late Summer/ Fall		Sunnyvale All	Valley Water: Messages on storm drainage systems, including DO NOT DUMP is promoted on Valley Water’s annual FPM. Milpitas: The city has monthly street sweeping print advertising in local newspaper; letters to 9,000 households in Fall Street Sweeping Program areas. Palo Alto: The city sends winter storm preparedness on utility insert every year. Santa Clara: The city’s “Inside Santa Clara” newsletter has message about storm drain and illegal dumping. Sunnyvale: The city’s Horizon Newsletter, Fall 2018 “How to be Flood Safe,” is also posted on the City’s website: https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=25445
			CAL OP # 27. Post newsletter article on efforts to ready storm drainage system for fall rains – cleaning out storm drains, and “No Dumping” on website (<i>Element 352 WEB1</i>)	City Sunnyvale CRS Coordinator Cities CRS Coordinators	Late Summer/ Fall		Sunnyvale All	Valley Water: Newsletters and flyer posted on the website. Los Altos: The city’s website posting of “Storm Preparation in Los Altos” discusses efforts to get the drainage system ready for the storm season. The city posts information on the website about their efforts to prepare for storms and emergencies, including 1). conducting emergency operation drills with the police department and Santa Clara County Fire Department to set up an Emergency Operation Center in order to practice and prepare for storm and flood response; 2). inspections and waterproofing of traffic signals, related equipment and preparing backup generators for signal outages; 3). trimming trees and removing dead trees, which can help to prevent debris blockages during rains; and 4) inspecting and clearing debris from difficult to access storm water ditches. Milpitas: The city posts their citywide informational “SFHA brochure” on city website. The city also promotes winter preparedness through the city website: http://www.ci.milpitas.ca.gov/milpitas/departments/public-works-department-home-page/storm-home-page/ Mountain View: Posted on the city’s website – Flood Protection page. Palo Alto: The city’s newsletter is posted on utility insert and flood information website. Santa Clara: The city’s “Inside Santa Clara” newsletter is posted on city website. City website also has additional information on keeping storm drains clear and illegal dumping. Sunnyvale: The city posts Learn How to Prevent Stormwater Pollution on website. https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23588
		Topics 1,2,3,4,7, 8 & 9: Download disaster electronic Apps	Increase in ‘hits’ on Apps and less stress during emergencies	CAL OP #28. Advertise Valley Water, County Public Health Department and American Red Cross Electronic Apps	City representatives, Valley Water Communications County Public Health Dept.	Year-Round	Community Organizations, including American Red Cross and	All

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	<u>Messages:</u> Be prepared for flood and other disasters; Know how to access needed information quickly during an emergency			Gilroy Chamber of Commerce, and American Red Cross		Gilroy Chamber of Commerce Residents who download the apps. Attendees of community events who visit information booths Teachers /students visited by Valley Water's Education Outreach Program		Milpitas: The city's Fire Department's Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services.
			CAL OP #29. Post disaster apps information on website (Element 352 WEB1 and 2)					Morgan Hill: The city's citywide flood newsletter and city's weekly newsletters/e-mail blasts sent out during the month of September 2018 included information about the ReadySCC and Red Cross Flood apps. Mountain View: The city handed out emergency preparedness starter kits and encouraged app downloads at Spanish Language Civic Leadership Academy, Spring Parade, Downtown Festival – Art ala Carte, National Night Out, and Thursday Night Lives. Palo Alto: Information on Red Cross Apps and Alert SCC is on city's Winter Storm Preparedness Tips utility insert. Santa Clara: The city's "Inside Santa Clara" newsletter has instructions to download Santa Clara County's emergency preparedness app "ReadySCC."
			CAL OP #30. Instruct people to download apps at personal preparedness trainings					Valley Water: FPM and CWM are posted on website. Apps information posted on Valley Water's website at https://www.valleywater.org/flooding-safety/flood-protection-resources/sign-up-for-emergency-alerts Los Altos: The city's website posting of "Calling on Los Altans to be Disaster Prepared" provides links to AlertSCC.org , Red Cross and FEMA apps, and it encourages the viewers to explore www.ready.gov for more information. The city posts AlertSCC app information on the city website and in the City Manager Weekly Update online newsletter. Milpitas: The city's Fire Department's Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ Morgan Hill: The city's citywide flood newsletter and city's weekly newsletter/e-mail blast were posted on the city's website. Mountain View: On city's website. Palo Alto: Information on Red Cross Apps is posted on city's Flood Information/Winter Preparedness webpage. Santa Clara: City posts AlertSCC on city's social media account, and also posts AlertSCC and ReadySCC on city's website. Sunnyvale: City offers this information on website. https://sunnyvale.ca.gov/government/safety/emergency.htm
								Valley Water: Apps information provided at several emergency preparedness events hosted by Valley Water and several SC County cities. Los Altos: City's website posting of "Calling on Los Altans to be Disaster Prepared" provides links to AlertSCC.org , Red Cross, and FEMA apps, and it encourages the viewers to explore www.ready.gov for more information. The city encourages attendees of emergency preparedness events and trainings to download apps.

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								Milpitas: City’s Fire Department’s Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services. Morgan Hill: City staff instructed the attendees of the July 17, 2018, 13th Annual Youth Leadership Morgan Hill (YLMH) workshop to download the apps. Mountain View: The city handed out emergency preparedness starter kits and encouraged app downloads at Spanish Language Civic Leadership Academy, Spring Parade, Downtown Festival – Art ala Carte, National Night Out, and Thursday Night Lives. Santa Clara: The city’s Community Emergency Response Team (CERT) training class instructs trainees to download ReadySCC app and sign up for AlertSCC. Sunnyvale: The city provides preparedness training/information at Farmer’s Market event, and instructed people to download emergency & flood App.
			CAL OP #31. Post instruction on how to download apps. on websites and electronic newsletters (<i>Element 352 WEB1</i>)	Valley Water Communications City representatives				Valley Water: Instructions on how to download AlertSCC, ReadySCC, American Red Cross Flood Apps on Valley Water website at: https://www.valleywater.org/flooding-safety/flood-protection-resources/sign-up-for-emergency-alerts Milpitas: The city’s Fire Department’s Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ Morgan Hill: The city's citywide flood newsletter and city’s weekly newsletter/e-mail blast sent out during the month of September 2018 included information about the ReadySCC and Red Cross Flood apps. Santa Clara: The city’s “Inside Santa Clara” has instruction to download ReadySCC app. The newsletter is posted on city website, and the City website also has instructions to download ReadySCC on a separate page.
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.			CAL OP #32. Promote ALERT SCC - Santa Clara County Emergency Alert System	Cities CRS Coordinators Valley Water Communications		Santa Clara County	All	Valley Water: Promoted ALERTSCC in the annual FPM. AlertSCC is a service for anyone who lives or works in SC County to get emergency warnings sent directly to their electronic devices. AlertSCC provides information in emergency situations like: • Flooding, wildfires and subsequent evacuations. • Public safety incidents, including crimes, that immediately affect your neighborhood. • Post-disaster information about shelters, transportation, or supplies Gilroy: The city promotes ALERT SCC on its website. Los Altos: The city’s social media messaging and City Manager Weekly Update online newsletter encouraged download of the AlertSCC app and promoted several different emergency training programs and drills. The city’s website posting of “Calling on Los Altans to be Disaster Prepared” provides links to AlertSCC.org, Red Cross and FEMA apps, and it encourages the viewers to explore www.ready.gov for more information.

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								Milpitas: The city’s Fire Department’s Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services. Morgan Hill: The city included information about the AlertSCC app in the city’s weekly newsletter/e-mail blast during the month of September 2018. Mountain View: The city handed out emergency preparedness starter kits and encouraged app downloads at Spanish Language Civic Leadership Academy, Spring Parade, Downtown Festival – Art ala Carte, National Night Out, and Thursday Night Lives. Palo Alto: Information on Alert SCC- Santa Clara County Emergency Alert System is included in the city’s utility insert. Santa Clara: The city instructs people to sign-up for AlertSCC at CERT classes. Sunnyvale: The city promotes registration for AlertSCC on city website: https://sunnyvale.ca.gov/government/safety/emergency.htm
			CAL OP #33. Post ALERT SCC - Santa Clara County Emergency Alert System on Valley Water and cities websites http://www.sccgov.org/sites/alertscc/Pages/home.aspx (Element 352 WEB1 and WEB2)					Valley Water: Sign-up info posted on Valley Water website at: https://www.valleywater.org/flooding-safety/flood-protection-resources/sign-up-for-emergency-alerts Gilroy: The city posts ALERT SCC link on its website. Los Altos: The city posts AlertSCC app information on the city website and in the City Manager Weekly Update online newsletter. The city’s website posting of “Calling on Los Altans to be Disaster Prepared” provides links to AlertSCC.org, Red Cross and FEMA apps, and it encourages the viewers to explore www.ready.gov for more information. Milpitas: The city’s Fire Department’s Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ Morgan Hill: The city’s weekly newsletters/e-mail blasts during the month of September 2018 with information about the AlertSCC app was posted on the city’s website. Mountain View: On the city’s website. Palo Alto: Alert SCC-Santa Clara County Emergency Alert System is posted on city’s Flood Information/Winter Preparedness webpage. Santa Clara: The city posts information on how to sign up for AlertSCC on city website. Sunnyvale: The city promotes AlertSCC on website: https://sunnyvale.ca.gov/government/safety/emergency.htm
	<u>Topic 7:</u> Develop a Family Emergency Plan <u>Messages:</u> Be prepared for flood and other disasters	Increase in Family Emergency Plan and less stress during emergencies	CAL OP#34. Workshop/contest to promote developing family Emergency Plans; Reaching out to a celebrity to carry our message	Valley Water Communications and City representatives with assistance from Stakeholders	Year-Round	Schools American Red Cross Celebrity, TBD FEMA California Volunteers.org	All	Valley Water: All students were invited to enter Valley Water’s “Are You Flood Ready?” flood awareness coloring contest. Over 350 entries were received from 16 different schools. Winning entries were selected to represent each of Valley Water’s seven board members’ districts and prizes were awarded. The winning students received an emergency hand-crank radio, plus an emergency starter kit and a copy of “Chicken Little’s Flood

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		More people know what to do in an emergency						Advice” (a book about a character that is always prepared for any emergency). Emergency starter kits, “Chicken Little’s Flood Advice” books and a copy of the Red Cross Emergency Contact Card were given to all students in the winning student’s classes. The teacher in the winning students’ classrooms received a back-pack full of emergency supplies to keep in the classroom. The coloring contest entry sheets were then decoupage into an artwork display that was exhibited in Valley Water’s headquarters lobby starting during the 2018 CFPW October 20-26, 2018 and running through the end of the flood season in April 2019. Family Emergency Plan information is also included in Valley Water’s annual FPM and CWM. Los Altos: The city’s police conduct Community Emergency Response Team (CERT) training to residents. The city also promotes the PREPARE program by the Los Altos Community Foundation. The program provides training to Block Action Team Leaders for emergency preparedness, response, and recovery. The city offers complementary Personal Emergency Preparedness courses taught by the SCC Fire Department personnel. City of Los Altos website posting of “Calling on Los Altans to be Disaster Prepared” provides a link to sign up for this class. The city coordinated with local school district to offer a Family Preparedness Workshop on February 7, 2019. Milpitas: The city’s Fire Department’s Office of Emergency Services offers instructions on how to prepare for emergencies and where to go for workshops/classes. The city handed out Valley Water emergency preparedness starter kits at various community events and requested that residents complete an emergency plan with their family. Morgan Hill: The city declared September 2018 as “National Preparedness Month.” The city’s weekly newsletters/e-mail blasts during the month of September 2018 included information on how to be prepared throughout the month. The city also hosted a free Preparedness Seminar for the community on February 11, 2019. Mountain View: The city handed out emergency preparedness starter kits and encouraged app downloads at Spanish Language Civic Leadership Academy, Spring Parade, Downtown Festival – Art ala Carte, National Night Out, and Thursday Night Lives. Palo Alto: The city’s Emergency Services conducts an emergency preparedness workshop every year. Santa Clara: The city handed out Valley Water’s emergency preparedness starter kits at various community events requesting that residents complete an emergency plan with their family.
			CAL OP #35. Post Family Emergency Plan template form on website http://www.redcross.org/images/MEDIA_CustomProductCatalog/m12140360_ARC_Family_Disaster_Plan_Template_r083012.pdf?campmedium=internal_link_download&compname=family_disaster_plan_english or http://www.californiavolunteers.org/familyplan/pdf/family_plan.pdf (Element 352 WEB1 and 2)					Valley Water: Templates for Family Emergency Plan are posted on Valley Water’s website in the FPM under “What to Do Before” section. https://www.valleywater.org/floodready/flood-safety-tips re-directing to https://www.ready.gov/make-a-plan Additionally, hard copies of FEMA’s Family Emergency Plan template were included in the emergency preparedness starter kits handed out by Valley Water and/or cities’ staff at several emergency preparedness events held throughout the county.

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							Los Altos: In collaboration with SCC Fire, the city provides a once a month a 3-Hour Personal Emergency Preparedness Class, free of charge. City website posting of "Calling on Los Altos to be Disaster Prepared" provides a link to sign up for this class. The city's website page encourages families to plan communication before flooding/emergencies and includes link to FEMA communication plan steps and template. Milpitas: The city's Fire Department's Office of Emergency Services offers instructions on how to prepare for emergencies and where to go for workshops/classes. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ Morgan Hill: The city's Emergency Preparedness webpage has a link to the Department of Homeland Security's Ready.gov website which contains a fillable family emergency communication plan. Emergency preparedness starter kits handed out at city events also included a copy of FEMA's Family Emergency Plan template. Mountain View: On the city's website. Palo Alto: Family emergency plan templates are posted on the city's website. Santa Clara: The city's website has family emergency preparedness instructions and links to family emergency plan template on FEMA, CDC, and DHS websites. Sunnyvale: The city promotes "developing a family emergency plan" on website: https://sunnyvale.ca.gov/property/floodprotection/default.htm It redirects to Ready.gov.
			CAL OP#36. Include message "What to Do....Before – Prepare a Family Emergency Plan...." in Valley Water's CWM	Valley Water Communications City representatives	October – March		All Valley Water: Prepare a Family Emergency Plan message was included in Valley Water's annual FPM and CWM. Milpitas: The city's Fire Department's Office of Emergency Services offers instructions on how to prepare for emergencies and where to go for workshops/classes. In February and June 2019, the city mailed out "2018-2019 Public Advisory" informational SFHA brochure which includes emergency preparation messaging and contact to all addresses in the city. Morgan Hill: The city's citywide flood newsletter and weekly newsletters/e-mail blasts included this message during the months of September 2018 and December 2018. The city's Emergency Preparedness webpage has a link to the Department of Homeland Security's Ready.gov website that contains this message. Mountain View: On the city's website. Santa Clara: The city's "Inside Santa Clara" newsletter includes preparing a family emergency plan and promotes Valley Water's Flood Ready webpage.
Community At Large (CAL) The PPI Committee recognized that the	<u>Topic 7</u> : Develop a Family Emergency Plan <u>Messages</u> : Be prepared for flood and other disasters	Increase in Family Emergency Plan and less stress during emergencies	CAL OP #37. Post message "What to Do...Before – Prepare a Family Emergency Plan...." on website (<i>Element 352 WEB1 and 2</i>)	Valley Water Communications City representatives			All Valley Water: FPM posted on the Valley Water's website: http://apps2.valleywater.org/publication/flipbook/809_FloodMailer2018/mobile/index.html Additional tips also listed on website: https://www.valleywater.org/floodready/flood-safety-tips

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Appendix A. Santa Clara County 2015 Multi-Jurisdictional PPI - 2019 Annual Evaluation Report (Year 4) Project Accomplishments Worksheet

Global Changes: District to Valley Water; emergency kit to emergency preparedness starter kits (these starter kits are NOT intended to replace comprehensive emergency kits; such should be communicated to public when being handed out); District' Outreach Program to Valley Water Education Outreach Program; footnote #3 changed from "Each September" to "By each June"

entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.		More people know what to do in an emergency						Los Altos: City website page encourages families to plan communication before flooding/ emergencies and includes link to FEMA communication plan steps and template. Milpitas: The city's Fire Department's Office of Emergency Services offers instructions on how to prepare for emergencies and where to go for workshops/classes. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ In February and June 2019, the city mailed out "2018-2019 Public Advisory" informational SFHA brochure which includes emergency preparation messaging and contact to all addresses in the city. Morgan Hill: The city's citywide flood newsletter and weekly newsletters/ e-mail blasts with this message were posted on the city's website. Mountain View: On the city's website. Palo Alto: Messages on what to do before emergency and on preparing a family emergency plan are posted on the city's Flood Information/Winter Preparedness website. Santa Clara: The city's website has messages to promote family emergency plan. The "Inside Santa Clara" newsletter also has family emergency plan and the newsletter is also posted on city website. http://santaclaraca.gov/government/departments/fire/divisions/fire-prevention-hazardous-materials-division/family-emergency-preparedness http://santaclaraca.gov/government/departments/fire/emergency-preparedness
			CAL OP#38. Promote the official site of the NFIP Floodsmart.gov for flood preparation and recovery messages	Valley Water Communications City CRS Coordinator and Communications staff			All	Valley Water: Federal Flood Insurance Program (Floodsmart.gov) information linked on Valley Water's Flood Ready, Flood Protection Resources landing page website. Annual FPM and CWM also include Valley Water's Flood Ready landing page which promotes Floodsmart.gov . Los Altos: The NFIP information and web link are posted on the city's website. Milpitas: In February and June 2019, the city mailed out "2018-2019 Public Advisory" informational SFHA brochure which promotes the Floodsmart.gov website. Morgan Hill: The city's citywide flood newsletter and city's Flood Information webpage included a link to Floodsmart.gov . Mountain View: On city's website. Palo Alto: Information on Floodsmart.gov is on city's utility insert. Santa Clara: City's "Inside Santa Clara" newsletter promotes Floodsmart.gov website. Sunnyvale: City's posts this on website: https://sunnyvale.ca.gov/property/floodprotection/flood.htm
			CAL OP #39. Post message "NFIP Floodsmart.gov Flood Preparation and Recovery...." on website https://www.floodsmart.gov/floodsmart/pages/preparation_recovery/before_a_flood.jsp (Element 352 WEB1 and 2)	Valley Water Communications City CRS Coordinator and Communications staff			All	Valley Water: Federal Flood Insurance Program (Floodsmart.gov) posted on Valley Water's website directing audience to Floodsmart.gov website. https://www.valleywater.org/floodready/flood-insurance

¹ **Message Topics:** **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions
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								Los Altos: The NFIP information and web link are posted on the city's website. Milpitas: The city's citywide informational "SFHA brochure" posted on city website with link to the Floodsmart.gov website. Palo Alto: Information on Floodsmart.gov is posted on city's Flood Information/Winter Preparedness website. Santa Clara: The city's website promotes Floodsmart.gov .
	<u>Topics 1, 3, & 4</u> <u>Messages:</u> Protect people and property from flood hazards	Less damage due to the floods; improve sandbag distribution	CAL OP #40. Sandbags available at various sites throughout county	Valley Water Vegetation Unit City of Palo Alto Public Works	November through April	All County residents Community organizations (SF Creek JPA, Boys Scouts, etc.)	All	Valley Water: Published SC County map of sandbag locations in "Prepare for Winter Storms – Are You Flood Ready? Be FloodSafe with sandbags" flyer, annual FPM and CWM. Gilroy: The city has various sandbag sites located throughout the city. Los Altos: The city prepares sandbag station(s) for complimentary sandbags. Milpitas: The city has two (2) sandbag stations offering complimentary sandbags. http://www.ci.milpitas.ca.gov/milpitas-sandbag-stations/ Morgan Hill: The city's December 2, 2018 weekly newsletter/e-mail blast had Storm Safety and Preparedness tips which included information on the locations of sandbag stations. The city's citywide flood newsletter also included this information. Mountain View: Sandbags available at city's Municipal Operations Center; how to links on website. Palo Alto: The city and Valley Water have various sandbag site locations throughout the city. Santa Clara: The city provides sandbags at city's Corporation Yard. Sunnyvale: The city has sandbags available at the city's Corporation Yard.
			CAL OP #41. Post sandbag information on website, including How to Use Sandbags, sandbag webcams to view availability, etc. (Element 352 WEB1 and 2)	Valley Water Communications	Year-Round			Valley Water: Sandbag distribution sites map/flyer "Prepare for Winter Storms – Are You Flood Ready? Be FloodSafe with sandbags", webcams for certain sandbag sites, and sandbagging techniques video for correct positioning and tips are posted on Valley Water's website. https://www.valleywater.org/floodready/sandbags Gilroy: City posts sandbag information using social media. Los Altos: The city provides information on website on how to prepare for storms and emergencies (e.g. How to get and use free sandbags, tree maintenance, disposal of leaf litter, debris removal, preparing an emergency kit). Milpitas: Sandbag station locations posted on city website and referral bulletin on KMLP-15. http://www.ci.milpitas.ca.gov/milpitas-sandbag-stations/ Morgan Hill: The city's December 2, 2018 weekly newsletter/e-mail blast and citywide flood newsletter with information on the locations of sandbag stations were posted in the city's website. Sandbag information was also posted on the city's Floodplain Management webpage.

1

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2

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								Mountain View: How to links and locations available on city's website. Palo Alto: Information on sandbag locations is posted on the city's Flood Information/Winter Preparedness website. Santa Clara: City's website has sandbag information. Sunnyvale: City's website has sandbag information: https://sunnyvale.ca.gov/news/displaynews.htm?NewsID=310&TargetID=1,49 https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=26066
	<u>Topics 1 & 9:</u> Know your flood hazard; Understand shallow flooding risks <u>Messages:</u> Drive slowly; Avoid shallow moving water; 2 ft. water moves vehicles; FEMA's message: "Turn Around Don't Drown [®] ."	Fewer accidents and rescues	CAL OP #42. Permanent street signage (2 signs/City/year); each City will determine best location for signage and will install them. "Subject to Flooding" (<i>Cities to coordinate common standard message design</i>)	Cities PWD County Planning Gilroy Chamber of Commerce	Year-Round	FEMA Caltrans Gilroy Chamber of Commerce American Red Cross Residents and people who work in county	All	Palo Alto: City installed two signs. Sunnyvale: City has installed "Road May Flood" to flood prone areas.
			CAL OP#43. Include message "What to Do....After – Turn Around Don't Drown [®]" in Valley Water's CWM	Valley Water Communications City representatives			All	Valley Water: Messages were included in Valley Water's annual FPM and "Prepare for Winter Storms – Are You Flood Ready? Be FloodSafe with sandbags" flyer. Los Altos: City's SFHA mailer brochure posted on website warns not to attempt to drive or wade through deep pockets of water or running water. Milpitas: The city's citywide informational "SFHA brochure" included this message. Morgan Hill: The city's citywide flood newsletter included this message. Palo Alto: Message "What to do after storm and turn around don't drown" is on city's utility insert. Santa Clara: City's "Inside Santa Clara" newsletter has this message.
			CAL OP #44. Post message "What to Do.... After – Turn Around Don't Drown [®]" on website (<i>Element 352 WEB1 and 2</i>)	Valley Water Communications City representatives				Valley Water: Messages include in FPM and posted on Valley Water's website. Milpitas: City's citywide informational "SFHA brochure" included this message and is on city's website. Morgan Hill: The city's citywide flood newsletter was posted on the city's Floodplain Management webpage. Palo Alto: City's utility insert is posted on city's Flood Information website. Santa Clara: The city's "Inside Santa Clara" newsletter is posted on city website.
			CAL OP #45. Post shallow flooding risks information on websites (<i>Element 352 WEB1 and 2</i>)	Valley Water Communications Cities Communications			All	Valley Water: Risk of driving through standing water is included in FPM which is posted on Valley Water's website, and in flood safety tips listed on Valley Water's website. http://apps2.valleywater.org/publication/flipbook/809_FloodMailer2018/mobile/index.html https://www.valleywater.org/floodready/flood-safety-tips Milpitas: City has a "Know your flood risk" webpage where the public can look up various flooding risks throughout the city.

1

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ATTACHMENT

Packet Pg. 791

Attachment: PPI Annual Report FY19 - FINAL [Revision 1] (2399 : Annual Report for Multi-Jurisdictional PPI for Fiscal Year 2018-19 (Year 4))

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								Palo Alto: Information on shallow flooding risks are posted city's Flood Information website. Santa Clara: City posts shallow water hazard message posted to city's Twitter account.
			CAL OP #46. Promote City's online "Flood Zone Lookup" tool on Website (<i>Element 352 WEB1 and 2</i>)	City of Palo Alto Public Works			City of Palo Alto	Valley Water: Promotes FEMA's Flood Map Service Center on our website and is included in FPM which is also posted on Valley Water's website. https://www.valleywater.org/floodready/is-your-home-in-a-flood-zone http://apps2.valleywater.org/publication/flipbook/809_FloodMailer2018/mobile/index.html Milpitas: City has a "Know your flood risk" webpage where the public can look up various flooding risks throughout the city. http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/know-your-hazard/ Mountain View: Link to floodsmart.gov on city's website. Palo Alto: Information on city's Flood Zone Look Up is available both on utility insert and city's Flood Information website. Santa Clara: City's website has online flood zone lookup tool on maps.santaclaraca.gov. Sunnyvale: On city's GIS website: http://gis.sunnyvale.ca.gov/portal/apps/webappviewer/index.html?id=422b694ef33a41138ad3305b2a65cb11
Community At Large (CAL) The PPI Committee recognized that the entire community that lives and/or works in Santa Clara County is subject to impacts due to flooding. The CRS typically focuses on residential flooding, but here, flooding of businesses and roads is also very important.	<u>Topics 1, 2, 3, 4, 5, 6, 7, 8, & 9</u> <u>Message:</u> Know your flood risk and be prepared; buy flood insurance	Educate our community on flood protection and preparedness measures Increase in 'hits' on Valley Water and cities Flood Protection Resources pages and improve Valley Water's Flood Awareness Campaign results	CAL OP #47. Flood Awareness Campaign, including radio and bus ads. For this year, we are preparing to have radio ads ready to place, but we'll only place them if/when there are major storm systems in the forecast	Valley Water Communications Cities Communications	October-April	FEMA Radio Stations Valley Transportation Authority American Red Cross	All	Valley Water: The theme for the 2018-19 flood awareness campaign was "Climate Changed." It launched shortly after the Fourth National Climate Assessment was published. The federal report assessed intense extreme weather and climate-related events are becoming more frequent and will have catastrophic impacts on vulnerable communities, infrastructure, ecosystems and our economy. Extreme storm events could result in more frequent and severe flooding in our region. Valley Water's message emphasized our commitment to reducing flood risks and protecting the community but acknowledging we cannot eliminate all risks. Thus, we must adapt and we must prepare. And it starts with being informed and aware of risks. Community outreach efforts were supplemented by an educational paid advertising campaign. This year, our advertising campaign was supplemented by a series of formative research to truly understand our target audience, its level of awareness, and explore what educational messages and images most appealed to the group. The overall campaign cost was approximately \$335,000 which included creative and production costs, a media buy of \$201,000, the floodplain mailer production and distribution costs of \$32,000 and a post-campaign survey. The flood awareness paid advertisement campaign ran over a 5-month period from mid-November 2018 to mid-April 2019. The total cost of the paid advertisement campaign was \$201,355. The paid media campaign served a total of 34,808,684 impressions, up from impressions in 2018 at 21,815,542. Gilroy: Emergency Radio Station AM1610.

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								Los Altos: Outreach materials were displayed at City Hall front counter and Library. An ad article titled "Flood Insurance Information Available" was published four times in the Los Altos Town Crier, providing Flood Awareness information and promoting flood insurance. City's website encourages emergency planning. The city's website promotes Community Emergency Response Team (CERT) academy training, which is hosted by Police Department for residents. The city's website also promotes the activities of the Los Altos PREPARE program by the Los Altos Community Foundation and training of Block Action Team Leaders for emergency preparedness, response, and recovery. The city provides information on its website on how to prepare for storms and emergencies (e.g. How to get and use free sandbags, tree maintenance, dispose of leaf litter, debris removal, prepare an emergency kit). The city provides contact & after-hours number on city's website for reporting storm-related hazards. The city's weekly newsletter email included 20 issues with content on flood information, insurance, and/or emergency preparations. Morgan Hill: City's Floodplain Management webpage included a link to Valley Water's Flooding & Safety webpage. Mountain View: The city issued Red Cross Month Proclamation for March 2019. Palo Alto: The city's Emergency Services promotes campaign on hazards including flood awareness.
			CAL OP #48. Post Flood Awareness Campaign elements on Valley Water website (Element 352 WEB1 and 2)	Valley Water Communications Cities Communications	Year-Round	Facebook, Twitter, Google+, LinkedIn, Instagram, etc.	All	Valley Water: Advertising Campaign - The paid advertisements began in mid-November 2018 and ran through April 2019. In preparation for the campaign, as early as September 2018, Office of Communications staff led social media and digital communication efforts to convey flood safety messages including the use of Facebook, Twitter and blog posts, as well as Valley Water's e-newsletter. A key strategy of the paid campaign was to incorporate key PPI messages in our ads as much as possible. These messages were derived from Valley Water's annual Flood Plain Notification mailer, a publication distributed to residents in FEMA designated floodplains. https://valleywaternews.org/ https://www.valleywater.org/news-events/news-releases/water-district-picks-national-award-flood-safety-mailer https://valleywaternews.org/2018/10/20/flood-preparedness-week-is-oct-20-26/ https://valleywaternews.org/2018/11/27/climate-changed-district-launches-flood-awareness-campaign/ https://valleywaternews.org/2018/07/25/water-district-picks-up-national-award-for-flood-safety-mailer/ https://valleywaternews.org/2017/12/07/new-law-requires-landlords-to-disclose-flood-hazards/ Palo Alto: Flood Awareness Campaign is on city's Facebook, Twitter, etc.
			CAL OP #49. Post Flood Awareness Campaign information on websites (Element 352 WEB1 and 2)	Valley Water Communications Cities Communications	Year-Round			Valley Water: Several elements of the Valley Water's Flood Awareness Campaign are promoted throughout the website, for example radio spots, ads., flood safety tips, etc. (Also see CAL OP #48) Los Altos: The city's website encourages emergency planning. The city's website promotes Community Emergency Response Team (CERT) academy training, which is hosted by the police department for residents. The city's website also promotes the activities of the Los Altos PREPARE program by the Los Altos Community Foundation and training of Block Action Team Leaders for emergency preparedness, response, and recovery. The city

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							provides information on its website on how to prepare for storms and emergencies (e.g. How to get and use free sandbags, tree maintenance, dispose of leaf litter, debris removal, prepare an emergency kit). City of Los Altos provides contact & after-hours number on city website for reporting storm-related hazards. The city's weekly newsletter email included 20 issues with content on flood information, insurance, and/or emergency preparations. Milpitas: The city's Fire Department's Office of Emergency Services offers instructions on how to prepare for flood emergencies and where to go for workshops/classes. The site also has a link to Valley Water's webpage. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ Mountain View: On city's website. Palo Alto: Link to flood messages on social media is also provided on city's Flood Information webpage. Santa Clara: The city has Flood Awareness material set out at City Hall and city library.
			CAL OP 50. Distribute flood prevention materials at fairs			Fair Sponsors	Valley Water: Staff made a concerted effort to actively participate in community events, including community festivals and emergency preparedness affairs, particularly in communities and neighborhoods in or close to flood zones. In 2018, both Valley Water and City staff participated in 19 community events during which information on flood safety and emergency preparedness materials (including the floodplain mailer) were shared. Los Altos: Outreach materials distributed to the public and emergency preparedness volunteers at the December 2018 City of Los Altos Emergency Preparedness Inspiration session (public information/discussion). Flood emergency readiness starter kits distributed to public during the December 2018 City of Los Altos Emergency Preparedness Inspiration session. Milpitas: The city distributed Family Emergency Starter Kits and other flood prevention collateral materials at multiple city-sponsored events. Morgan Hill: The city handed out emergency preparedness starter kits at the August 30, 2018 Summer Fun in the Park and at the July 17, 2018 13th Annual Youth Leadership Morgan Hill (YLMH) workshop. Palo Alto: The city distributed Water Valley Water's emergency preparedness starter kits on Earth Day and at the City of Palo Alto MSC Fair. Santa Clara: The city distributed flood emergency preparedness starter kits at Art & Wine Festival in September 2018 and another community event. Sunnyvale: The city distributed family emergency preparedness starter kits at Farmer's Market events.
			CAL OP #51. Social Media Messaging (such as Facebook, Twitter, LinkedIn, Instagram, etc.)			Fair Sponsors Residents who share posts	Valley Water: See above-noted response to CAL OP #47, #48, and #49. Gilroy: The city uses social media to post flood awareness campaign information.

1

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						Facebook, Twitter, Google, LinkedIn, Instagram, etc.		Los Altos: The city and the Los Altos Police social media posted 20 messages about flooding or emergency preparation in FY 18-19. The city's social media messaging encouraged download of the AlertSCC app and promoted several emergency training programs and drills. Palo Alto: Public Safety Social Media link is posted on the city's utility insert. Santa Clara: The city posted social media message with topics on protect people and property from the hazard (Topics 3 & 4). Sunnyvale: The city posted information about flood insurance on Facebook – January 2019.
			CAL OP #52. Post social media messages on websites (Element 352 WEB1 and 2)					Valley Water: See above-noted response to CAL OP #47, #48, and #49. Gilroy: The city's website posts flood awareness campaign information. Los Altos: The city and Los Altos Police social media posted 20 messages about flooding or emergency preparation in FY 18-19. The Los Altos social media messaging encouraged download of the AlertSCC app and promoted several emergency training programs and drills. Palo Alto: Link to social media messages for city are provided on Flood Information webpage. Santa Clara: Posted the message posted on city website.
			CAL OP #53. Staffing booths at fairs	Valley Water Communications Cities Communications	Year-Round	Fair Sponsor Residents who attend booths	All	Valley Water: See above-noted response to CAL OP #50. Valley Water attended various city sponsored events and distributed collateral materials related to flood prevention Los Altos: Outreach materials distributed to the public and emergency preparedness volunteers at the December 2018 City of Los Altos Emergency Preparedness Inspiration session (public information/discussion). Flood emergency readiness starter kits distributed to public during the December 2018 City of Los Altos Emergency Preparedness Inspiration session. Milpitas: The city distributed Family Emergency Starter Kits and other flood prevention collateral materials at the May 19-25, 2019 American Public Works Association – Public Works Week Milpitas Event. Palo Alto: The city distributed Winter Preparedness flyers and family emergency starter kits at Earth Day Fair and at the City of Palo Alto MSC Fair. Santa Clara: The city has a Department of Public Works booth at Art & Wine Festival to distribute flood prevention materials. Sunnyvale: City staff distributed emergency preparedness starter kits at Farmer's market events.
Special Flood Hazard Area (SFHA) Communities	Topics 4 & 6 Message: Keep debris and trash out of our streams. It's illegal to dump into streams	Cleaner streams and fewer dumping violations	SFHA OP #1. "Do Not Dump" message is sent each year to all SFHA residents county-wide in Valley Water's annual Floodplain Mailer (FPM) (target outreach – 6 points per topic)	Valley Water Communications	October/ November 2015 annually	FEMA SCVURPPP	All	Valley Water: The annual FPM includes message of "Keep Creeks Clean and Flowing." Gilroy: The city has communicated "NO DUMP" messages through utility inserts, mail-outs, community events, and website posting.

¹ **Message Topics:** Outreach Projects (OP): Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions
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⁴ A stakeholder can be any agency, organization, or person (other than the community itself) that supports the message. Stakeholders can be: an insurance company that publishes a brochures on flood insurance, even if it is set out at City Hall; a local newspaper that publishes a flood or hurricane season supplement each year; FEMA, if, for example, a FEMA brochure is used as an informational material; schools that implement outreach activities; a local newspaper; a neighborhood or civic association that sponsors and hosts a presentation by a community employee; a utility company that includes pertinent articles in its monthly bills; or presentations made by state or FEMA staff at a Risk Map meeting.

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The PPI Committee identified several geographic areas that are particularly prone to flooding.								Los Altos: The city's annual mailer and brochure provide information regarding flood program with an emphasis on "Do Not Dump" message. The city also communicates "Do Not Dump" message through litter mailer sent to property owners in the city's Trash Management Area 1, which is characterized by higher trash level. Milpitas: In February and June 2019, the city mailed out "2018-2019 Public Advisory" informational SFHA brochure which includes Do Not Dump messaging to all addresses in the city. Morgan Hill: The city's citywide flood newsletter included this message. Palo Alto: "Do not Dump" message is posted on city's utility insert. Santa Clara: City's "Inside Santa Clara" newsletter includes DO NOT DUMP message.
		Less flooding damage due to debris build-up	SFHA OP #2. Post Floodplain Mailer on website (Element 352 WEB1 and 2)	Valley Water Communications	Year-Round		All	Valley Water: FPM posted on Valley Water websites. Gilroy: City has posted flood and NPDES related messages on the city website. Los Altos: City has posted the SFHA mailer and brochure on the city website. Milpitas: City posts "2018-2019 Public Advisory" informational SFHA brochure on city website which include Do Not Dump messaging: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ Morgan Hill: City's citywide flood newsletter was posted on the city's Floodplain Management webpage. Mountain View: On city's website. Palo Alto: Winter Storm Preparedness Utility Insert is posted on city's website. Santa Clara: City's "Inside Santa Clara" newsletter is posted on city website. DO NOT DUMP message is also on another city webpage.
	Topics 3 & 5 <u>Message:</u> Protect your family and property from flooding	Educate our community on flood protection and preparedness measures	SFHA OP #3. "What to Do – Protect Your Family and Property from Flooding" message is sent each year to all SFHA residents in the Valley Water's annual FPM		October - November		All	Valley Water: Annual FPM included message of protecting your family against floods. Gilroy: City held Public Works Day event and handout Valley Water emergency preparedness starter kits, and flood related and NPDES related materials and brochures. Los Altos: City sent mailers to property owners in SFHAs in February 2019 which included a letter and flood hazard information brochure. Milpitas: City's citywide informational "SFHA brochure" included this message. Morgan Hill: City's citywide flood newsletter included this message. Mountain View: Sent in city's "The View" newsletter, Fall 2018.

¹ Message Topics: **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions
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								Palo Alto: Flood messages on utility insert are sent to city’s residents every year. Santa Clara: City’s “Inside Santa Clara” newsletter incudes message about protecting property and family.
Special Flood Hazard Area (SFHA) Communities The PPI Committee identified several geographic areas that are particularly prone to flooding.		Reduce number of claims	SFHA OP #4. Post Floodplain Mailer on website (Element 352 WEB1 and 2)		Year-Round			Valley Water: FPM posted on Valley Water website. Gilroy: City has posted flood and NPDES related messages on the city website. Los Altos: City has posted the SFHA mailer and brochure on the city website. Milpitas: City’s citywide informational “SFHA brochure” included this message and posted on city website. Morgan Hill: City's citywide flood newsletter was posted on the city’s Floodplain Management webpage. Mountain View: On city’s website. Palo Alto: Utility bill insert is posted on city’s Flood Information/Winter Preparedness website. Santa Clara: City’s “Inside Santa Clara” newsletter is posted on city website.
			SFHA OP #5. Maintain the ALERTSCC System	Valley Water Communications City of Palo Alto CRS Coordinator Cities CRS Coordinators	Year-Round peaks time October - April	County of Santa Clara	All	Valley Water: ALERTSCC emergency notification system is maintained by Santa Clara County. Valley Water advertised the resource in our annual FPM and is also on our website: https://www.valleywater.org/flooding-safety/flood-protection-resources/sign-up-for-emergency-alerts. Gilroy: The city promotes Alert SCC System on the city website. Milpitas: The city’s Fire Department’s Office of Emergency Services offers instructions on how to prepare for emergencies and where to get specific services. http://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-services/ Palo Alto: Information on Alert SCC and real time creek water surface elevation is posted on city’s utility bill insert. Sunnyvale: The city’s Public Safety Department’s Office of Emergency Services provides training, support and services to ensure the city is prepared to respond to and recover from the effects of major emergencies.
		Keep families safe	SFHA OP #6. ALERT System – Post real-time gauge information on website so users can see current water levels, and where available, flood height predictions (Element 352 WEB3)					Valley Water: All Alert System Real Time Data is available on Valley Water’s website. https://www.valleywater.org/floodready Valley Water’s Alert System (gauge monitoring site) was maintained and updated to produce a mobile friendly site. Additionally, Valley Water Flood Watch, map-based flood watch tool is available on website. http://alert.valleywater.org/ https://gis.valleywater.org/SCVWDFloodWatch/ Gilroy: City posts Alert SCC link on the city website. Milpitas: City has a “Know your flood risk” webpage where the public can look up various flooding risks throughout the city.

¹ **Message Topics:** **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions

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							http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/know-your-hazard/ Morgan Hill: City’s Floodplain Management webpage included a link to the Valley Water’s website with ALERT System Real-Time Data. Palo Alto: Information on real time creek water surface elevation is posted on city’s website. Santa Clara: City’s website has a link to Valley Water’s ALERT system real time data.	
			SFHA OP #7. Post cards sent to floodplain residents; this is in addition to the Valley Water’s Annual FPM. City of Sunnyvale sends out postcards annually that includes a link to flood insurance agent referrals.	City of San José City of Sunnyvale CRS Coordinator City of Gilroy County of Santa Clara	Need dates from communities	FEMA Lenders Real Estate Brokers Silicon Valley Realtors Association	City of San José City of Sunnyvale City of Gilroy County of Santa Clara	Milpitas: In February and June 2019, city mailed out “2018-2019 Public Advisory” informational SFHA brochure which includes flood preparedness messaging to all addresses in the city. Sunnyvale: City sends postcards to residents in the city’s floodplain.
			SFHA OP #8. Post postcards on website (<i>Element 352 WEB1 and 2</i>)	City of Sunnyvale CRS Coordinator			Sunnyvale	Milpitas: City posts “2018-2019 Public Advisory” informational SFHA brochure on city website: City of Milpitas citywide residential newsletter “Connected” editions in May 2018 with “be prepared; buy flood insurance” messages are posted on city website. In February 2019, the city mailed out citywide informational “SFHA brochure” (to all residences and businesses) that also included this message and is posted to the city’s website. Another mailer went out this fiscal Year, in June 2019. http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ . Sunnyvale: The city posts flood insurance information on its website, which mirrors the postcard. https://sunnyvale.ca.gov/property/floodprotection/flood.htm
			SFHA OP# 9. City of Sunnyvale sends out postcards annually that offers flood protection assistance site visits.	Sunnyvale CRS Coordinator			Sunnyvale	Sunnyvale: City sends out postcards annually to offer flood insurance.
			SFHA OP #10. Post postcards that offers flood protection assistance site visits on website (<i>Element 352 WEB1 and 2</i>)					Sunnyvale: Flood insurance information is posted to the city’s website: https://sunnyvale.ca.gov/property/floodprotection/flood.htm
			SHA OP #11. Inserts into Valley Water’s Education Outreach Program material	Valley Water Communications	Year-Round	Schools Students/Parents	All	Valley Water: Several of Valley Water’s Education Outreach Program (Water Education Outreach) materials are made available at various preparedness fairs/events. Valley Water’s Education Outreach Program provides services countywide. Valley Water’s Education Outreach Program promoted emergency/flood preparedness. An “Are You Flood Ready” coloring contest was successfully launched throughout several elementary schools in the county. The Education Outreach Program invited over 4,000 students to participate in Valley Water’s “Are You Flood Ready?” flood awareness coloring contest. Over 350 entries were received from 16 different schools. Winning entries were selected to represent each of Valley Water’s seven board members’ districts and prizes were awarded. The coloring contest entry sheets were then decoupaged into an artwork display that was exhibited in Valley Water’s headquarters lobby starting during the 2018 CFPW October 20-26, 2018 and running through the end of the flood season in April 2019.
			SFHA OP #12. Post School Outreach Program materials on website (<i>Element 352 WEB1</i>)	Valley Water Communications	Year-Round		All	Valley Water: Education Outreach Program materials are posted on our Learning Center for teachers & students landing page at: https://www.valleywater.org/learning-center/for-teachers-students

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	<u>Topics 1, 2, 3, 4, 5, 6, 7, 8, & 9</u> <u>Message:</u> Know your flood risk and be prepared; buy flood insurance	Increase in the number of inquiries for purchasing flood insurance	SFHA OP #13. "Do You Need Flood Insurance" message is sent each year to all SFHA residents in the Valley Water's annual FPM	Valley Water Communications	October/ November 2015	Lenders Real Estate Brokers Flood insurance customers	All	Valley Water: Annual FPM includes message of flood insurance and the National Flood Insurance Program, Floodsmart.gov. This message is also in our CWM and "Prepare for Winter Storms – Are You Flood Ready? Be FloodSafe with sandbags" flyer. Los Altos: The city's annual mailer and brochure provide information regarding flood program and flood insurance requirements. Milpitas: The city's citywide residential newsletter "Connected" edition in May 2018 mailed with "be prepared; buy flood insurance" messages. In February and June 2019, the city mailed out "2018-2019 Public Advisory" informational SFHA brochure which includes flood preparedness messaging to all addresses in the city. Morgan Hill: The city's citywide flood newsletter included "Insure Your Property" message. Palo Alto: Aside from Valley Water sending messages, the city also sends letters to lenders and real estate brokers every year and "Do You Need Flood Insurance?" message is included in the city's Utility Bill Insert. Santa Clara: The city's "Inside Santa Clara" Fall 2018 newsletter includes the message "Insure your Property for Flood" and is sent to all addresses in the city.
	<u>Topics 1, 2, 3, 4, 5, and 7</u> <u>Message:</u> Flood Insurance will cover damage from flooding that most homeowner's policies don't covers. Standard homeowner or commercial policies will not cover damage to structures or contents caused by natural flooding. Flood insurance is the only sure way to be reimbursed for some of your flood loses	Increase in number of flood insurance policies in the SFHAs and in the county in general	SFHA OP #14. Post Floodplain Mailer on website (Element 352 WEB1)		Year-Round			Valley Water: The FPM is posted on the Valley Water's website under the Flood Protection Resources landing page. http://apps2.valleywater.org/publication/flipbook/809_FloodMailer2018/mobile/index.html Los Altos: The city has posted the SFHA mailer and brochure on the city website. Milpitas: The city posts the "2018-2019 Public Advisory" informational SFHA brochure on the city's website: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ Morgan Hill: The city's citywide flood newsletter was posted on the city's Floodplain Management webpage. Mountain View: CWM posted on city website. Palo Alto: City's Utility Bill Insert includes all flood awareness messages which is posted on city website. City's Flood Information/Winter Preparedness website has additional messages on flood awareness aside from the Utility Bill Insert. Santa Clara: City's "Inside Santa Clara" newsletter is posted on city website.

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Special Flood Hazard Area (SFHA) Communities The PPI Committee identified several geographic areas that are particularly prone to flooding.		Prospective buyers understand flood risks	SFHA OP #15. Mail out mailer(s) regarding flood insurance and elevation certificates	City of Milpitas CRS Coordinator City of Los Altos CRS Coordinator Cities CRS Coordinators	Fall		City of Milpitas City of Los Altos	Los Altos: City sent mailers regarding flood insurance. Milpitas: In February and June 2019, the city mailed out “2018-2019 Public Advisory” informational SFHA brochure which includes elevation certificate messaging to all addresses in the city. Information regarding elevation certificates are also posted on the city’s flood information page: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/insure-your-property/ Morgan Hill: City's citywide flood newsletter included information on insurance and elevation certificates. Palo Alto: Information on insurance and elevation certificate mailed to residents through city’s Utility Bill Insert. Santa Clara: City’s “Inside Santa Clara” Fall 2018 newsletter includes message on flood insurance and elevation certificates.
			SFHA OP #16. Post mailers on website (<i>Element 352 WEB1</i>)	City of Milpitas	Fall		City of Milpitas	Los Altos: City has posted the SFHA mailer and brochure on city website. Milpitas: City posts “2018-2019 Public Advisory” informational SFHA brochure on city website: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ Morgan Hill: City's citywide flood newsletter was posted on the city’s Floodplain Management webpage. Palo Alto: Utility Bill Insert mailed is posted on city’s Flood Information website. Santa Clara: City’s “Inside Santa Clara” Fall 2018 newsletter is posted on city website.
			SFHA OP #17. Mailer (<i>brochure published by insurance company</i>) sent to all real estate agents and lenders (<i>can be set out at City Hall</i>) – requirement to purchase flood insurance and discount. NOTE: This item was previously numbered as SHFA OP#16b. Re-numbered to be consistent with 2015 PPI; does this present issue with any of the communities’ responses provided from SFHA OP#17 (previously #16b) - SFHA #22 (previously #21). The numbering was incorrect in the table for Year 2, FY17 Annual Evaluation Report	City of Sunnyvale City of San Jose City of Palo Alto	Need dates from communities		City of Sunnyvale City of San Jose City of Palo Alto	Los Altos: City sends a one-page newsletter mailer to lending institutions and real estate and insurance agents discussing the program, flood information and Elevation Certificate. City posts the newsletter to lending institutions and real estate and insurance agents on the city website. Milpitas: City makes available literature regarding this messaging at public counters at various satellite facilities. Morgan Hill: City mailed out a newsletter, “Ask Before You Buy: Know Your Flood Risk!” to local real estate agents which was to be provided to homebuyers to help determine the flood risk of the property being purchased. Palo Alto: The city mails letter to lenders and real estate agents every year. Sunnyvale: City provides information to real estate agents and sets out the information for pick-up at City Hall.
	Topic 1: Know your flood hazard Message: A FIRMette is a full-scale section of a FEMA Flood Insurance Rate Map (FIRM) that you create	Increase in the number of inquiries from prospective buyers asking about	SFHA OP #18. Presentation and training to realtors at Realtor’s Association Meetings and/or write-up in realty association newsletters	Valley Water Communications City representatives Alain Pinel Realtors	October - April	Insurance companies Lenders Brokers	All	Not applicable this fiscal year.

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Special Flood Hazard Area (SFHA) Communities The PPI Committee identified several geographic areas that are particularly prone to flooding.	online. A FIRM indicates if property is in a Special Hazard Flood Area	the flood designation of property	SFHA OP #19. Post training presentation on website (<i>Element 352 WEB1</i>)	Valley Water Communications City representatives	Year-Round	Alain Pinel Realtors and other realty companies Residents who access FEMA Map Service Center Silicon Valley Realtors Association		Not applicable this fiscal year.
			SFHA OP #20. Publicize FEMA's Flood Map Service Center website	Valley Water Communications City representatives	Year-Round	FEMA Realtors Lenders Brokers Residents who access FEMA Map Service Center	All	Valley Water: Publicized trough the Valley Water's annual FPM sent to all parcels in the FEMA designated flood zone and our CWM sent countywide. Additionally, posted on Valley Water's website. Gilroy: City posts Floodplain Management Study. Los Altos: The FEMA Flood Map Service Center web link is posted on the city's website. Milpitas: The city has a "Know your flood risk" webpage where the public can look up various flooding risks throughout the city. The flood information is based on FEMA data. Morgan Hill: The city has a link to FEMA's Flood Map Service Center on the city's Floodplain Management webpage. Palo Alto: FEMA's Flood Map Center is posted on city's Flood Information website. Santa Clara: City included FEMA's Map Service Center website in "Inside Santa Clara" Fall 2018 newsletter.
			SFHA OP #21. Post link to FEMAs Flood Map Service Center on website (https://msc.fema.gov/portal) (<i>Element 352 WEB1</i>)					Valley Water: Posted on the Valley Water's website Flood & Safety, Flood Protection Resources, "Is Your Home in a Floodzone?" landing page. https://www.valleywater.org/floodready/is-your-home-in-a-flood-zone Los Altos: The FEMA Flood Map Service Center web link is posted on the city's website. Milpitas: The city has a "Know your flood risk" webpage where the public can look up various flooding risks throughout the city. http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/know-your-hazard/ Morgan Hill: The city has a link to FEMA's Flood Map Service Center in the City's Floodplain Management webpage. Mountain View: On city's website. Palo Alto: Link to FEMA's Flood Map Center is provided on city's Flood Information website. Santa Clara: The city included FEMA's Map Service Center on website in "Inside Santa Clara" Fall 2018 newsletter.
	Topics 3, 4, & 5 Message: Retrofit or elevate your home/building to reduce future flood damage. Contact your local planning department to determine what steps should be taken to protect your property. Contact Public	Increase in inquires on retrofitting measures. Decrease the number of repairs and elevations without	SFHA OP #22. Annual letters mailed to repetitive loss properties and real estate agencies. Valley Water's annual FPM also includes a message regarding repairs or improvements greater than 50 percent of a structure's value need to meet NFIP requirements and the message that special permits are required.	City of San Jose City of Palo Alto City of Sunnyvale City of Morgan Hill		Real Estate Agencies	City of San Jose City of Palo Alto City of Sunnyvale City of Morgan Hill	Los Altos: City does not have any repetitive loss properties. Morgan Hill: City sent out letters to repetitive loss parcels as required by FEMA. Mountain View: City does not have any repetitive loss properties.

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⁴ A **stakeholder** can be any agency, organization, or person (other than the community itself) that supports the message. Stakeholders can be: an insurance company that publishes a brochures on flood insurance, even if it is set out at City Hall; a local newspaper that publishes a flood or hurricane season supplement each year; FEMA, if, for example, a FEMA brochure is used as an informational material; schools that implement outreach activities; a local newspaper; a neighborhood or civic association that sponsors and hosts a presentation by a community employee; a utility company that includes pertinent articles in its monthly bills; or presentations made by state or FEMA staff at a Risk Map meeting.

Appendix A. Santa Clara County 2015 Multi-Jurisdictional PPI - 2019 Annual Evaluation Report (Year 4) Project Accomplishments Worksheet

Global Changes: District to Valley Water; emergency kit to emergency preparedness starter kits (these starter kits are NOT intended to replace comprehensive emergency kits; such should be communicated to public when being handed out); District' Outreach Program to Valley Water Education Outreach Program; footnote #3 changed from "Each September" to "By each June"

	Works CRS Coordinator to find out if grant assistance is available	permits. Increase number of repairs with permits						Palo Alto: Annual letters are mailed by the city to repetitive properties and real estate agencies. Santa Clara: City does not have repetitive loss properties.
		Increase number of elevation certificates on file, and structures repaired with permits; decrease the number of repetitive loss increase homes						
Messengers to Other Target Audiences (TA) Lenders, real estate agencies or boards, developers/contractors and appraisers all serve as a messenger to people who are at risk of flooding as they provide their respective business service. In addition, organizations or agencies that serve communities at risk for flooding include PG&E, the American Red Cross, and Community Emergency Response Teams (CERT), neighborhood associations, schools, churches, hospitals and museums.	Topics 1, 2, 3, 4, 5, 6, 7, 8, & 9 Message: Know your flood risk and be prepared; buy flood insurance	Educate our community on flood protection and preparedness measures	TA OP #1. Have American Red Cross include the topic of flood protection in their presentations. Have engineers accompany American Red Cross to community meetings (2/city/year)	American Red Cross	Year-Round	American Red Cross Neighborhood Associations Service Clubs (e.g. Notary, Kiwanas, etc.) Chamber of Commerce Silicon Valley Realtors Association American Red Cross Neighborhood Associations Service Clubs (e.g. Notary, Kiwanas, etc.) Chamber of Commerce Silicon Valley Realtors Association	All	Not applicable this fiscal year. (Due to limited resources at the Red Cross, they are unable to commit resources to assist in this proposed project at this time.)
	Topic 2: Insure your property for your flood hazard Message: Standard homeowner or commercial policies will not cover damage to structures or contents caused by natural flooding. Flood insurance is the only sure way to be reimbursed for some of your flood losses. A discount on your flood insurance premium is available. Flood insurance is also available for renters and commercial properties. There is a mandatory 30-day waiting period for flood insurance to become effective	Increase the number of real estate agents who will advise their clients that they are interested in a home that's in a floodplain area	TA OP #2. Post presentations on website (<i>Element 352 WEB1</i>)	All City of Sunnyvale City of San Jose City of Palo Alto			All City of Sunnyvale City of San Jose City of Palo Alto	Valley Water: Has template available for cities to use. Palo Alto: Presentation of flood awareness during Earth Day is provided on city's Flood Information website. Not applicable this fiscal year.
	Message: A discount is available. Flood insurance is also available for renters and commercial properties. There is a mandatory 30-day waiting period for flood insurance to become effective		TA OP #3. Annual mailer targeted towards real estate agents and lenders with this message	City of Sunnyvale CRS Coordinator City of San Jose CRS Coordinators Cities CRS Coordinators	Late Summer/ Fall		City of Sunnyvale City of San Jose All	Milpitas: In February and June 2019, City of Milpitas mailed out "2018-2019 Public Advisory" informational SFHA brochure which included all business addresses in the city. Los Altos: The city sends a one-page newsletter mailer to lending institutions and real estate and insurance agents discussing the program, flood information and Elevation Certificate. The city posts the newsletter to lending institutions and real estate and insurance agents in the city website. Palo Alto: Annual letters regarding flood insurance is sent to lenders and real estate agents every year by the city. Newsletter is also set out for pick-up at City Hall. Sunnyvale: The city provides information to real estate agents and sets out the information for pick-up at City Hall.

¹ **Message Topics:** **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions
Flood Response Preparations (FRP): Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – “Don’t drive through standing water.”

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Global Changes: District to Valley Water; emergency kit to emergency preparedness starter kits (these starter kits are NOT intended to replace comprehensive emergency kits; such should be communicated to public when being handed out); District' Outreach Program to Valley Water Education Outreach Program; footnote #3 changed from "Each September" to "By each June"

			TA OP #4. Post annual mailer targeted towards real estate agents and lenders on website (Element 352 WEB1)					Milpitas: The city posts "2018-2019 Public Advisory" informational SFHA brochure on city website: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ Palo Alto: Annual letters mailed to lenders and real estate agents is posted on city's Flood Information website.
	Topics 1, 2, 3, 4, 5, 6, 7, 8, & 9 Message: Know your flood risk and be prepared; buy flood insurance	Improve SFHA disclosure during real estate process	TA OP #5. Include flood protection and preparedness messages in newsletters of organizations or agencies that serve communities at risk for flooding; Valley Water and City staff would draft messages for insertion into newsletters	All City of Sunnyvale City of San Jose City of Palo Alto			All City of Sunnyvale City of San Jose City of Palo Alto	Valley Water: Annual FPM and CMW are posted on our website. Additionally, all monthly news articles, including neighborhood work notices are also posted on our website. Many of the news articles are shared on the web and Valley Water's social media sites including through our Valley Water News blog, Twitter, Facebook, Nextdoor. Los Altos: The city's weekly newsletter email included 20 issues with content on flood information, insurance, and/or emergency preparations. Milpitas: In February and June 2019, the city mailed out "2018-2019 Public Advisory" informational SFHA brochure which included all business addresses in the city. Sunnyvale: The city's Horizon Newsletter (Fall 2018) included flood protection and preparedness messaging. https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=25941 . Additionally, the City Manager included information about the Flood Zone Program – Multi-Jurisdictional Program for Public Information in his September 2018 "Update Sunnyvale" message to residents.
		Increase in number of policies in the SFHAs and in the county in general	TA OP #6. Post newsletters on websites (Element 352 WEB1)					Valley Water: Annual FPM and CMW are posted on our website. Additionally, all monthly news articles, including neighborhood work notices are also posted: https://www.valleywater.org/news-events/news-releases https://www.valleywater.org/project-updates/in-your-neighborhood/neighborhood-work-notices Milpitas: City posts "2018-2019 Public Advisory" informational SFHA brochure on city website: http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/ Los Altos: The city's weekly newsletter email included 20 issues with content on flood information, insurance, and/or emergency preparations. The email newsletter is also posted on the city website. Palo Alto: Utility bill insert is posted on city's flood information website.

¹ **Message Topics:** Outreach Projects (OP): Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions
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Appendix A. Santa Clara County 2015 Multi-Jurisdictional PPI - 2019 Annual Evaluation Report (Year 4) Project Accomplishments Worksheet

Global Changes: District to Valley Water; emergency kit to emergency preparedness starter kits (*these starter kits are NOT intended to replace comprehensive emergency kits; such should be communicated to public when being handed out*); District' Outreach Program to Valley Water Education Outreach Program; footnote #3 changed from "Each September" to "By each June"

			TA OP#7. Countywide mailer to all residents – language on purchasing flood insurance	Valley Water Communications			All	Valley Water: Mail out our annual FPM to all residents in FEMA designated flood zone. Additionally, the we send out an annual CWM that also contains this messaging. Milpitas: In February and June 2019, the city mailed out “2018-2019 Public Advisory” informational SFHA brochure which includes flood insurance messaging to all addresses in the city.
		Educate our community on flood protection and preparedness measures	TA OP# 8. Speaker’s Bureau of staff from CRS Communities to talk at events organized by various community groups. The goal is for each CRS Community to speak at a minimum of 2 events per year or more.	City representatives Community Organizations	October-April		All	Valley Water: The below-listed organizations (13) were reached by the Valley Water's Speakers Bureau Program in FY19. All general presentations include slides on the topic of flood protection, including CRS, ALERT system, flood insurance, and Valley Water’s ongoing flood protection projects. 1. June 13, 2018: Youth Commission (Countywide) [<i>was not reported as part of FY18’s update</i>] 2. July 10, 2018: Cypress Community Center (San Jose) 3. August 23, 2018: Kiwanis Club of Los Gatos 4. November 09, 2019: SPUR Urban Infrastructure Council (San Jose) 5. December 6, 2018: Los Altos Community Emergency Preparedness Volunteers 6. January 9, 2019: Almaden Senior Association (San Jose) 7. January 18, 2019: Kiwanis Club of San Jose 8. January 28, 2019: San Jose-Silicon Valley Rotary 9. February 28, 2019: Gilroy Sons in Retirement 10. March 7, 2019: Almaden Rotary (San Jose) 11. March 20, 2019: Thousand Oaks Neighborhood Assn. (San Jose) 12. April 18, 2019: Hayes Neighborhood Association (San Jose) 13. April 29, 2019 Rotary Evergreen (San Jose)
			TA OP#9. Post Speaker’s Bureau presentation on website and/or share on social media.					Valley Water: Does not post the PowerPoint Presentations on our website, nor is it posted on social media. However, if an organization requests an electronic/hard copy, it is provided. Information on Valley Water’s Speakers Bureau Program is available on our website: https://www.valleywater.org/learning-center/lets-talk-water-speakers-bureau

References

1. Washington Multi-Jurisdictional PPI
2. Snohomish County, City of Monroe, City of Sultan Multi-Jurisdictional Program for Public Information 2013
3. Flood Futures Report

1

Message Topics: **Outreach Projects (OP):** Topic 1 – Know your flood hazard; Topic 2 – Insure your property for your flood hazard; Topic 3 – Protect people from the flood hazard; Topic 4 – Protect your property from the hazard; Topic 5 – Build responsibly; Topic 6 – Protect natural floodplain functions

Flood Response Preparations (FRP): Topic 7 – Develop a Family Emergency Plan; Topic 8 – Download disaster electronic Apps; Topic 9 – Understand shallow flooding risks – “Don’t drive through standing water.”

2

CAL OP = Community At Large Outreach Projects; SFHA OP = Special Flood Hazard Area Communities Outreach Projects; TA OP = Target Audiences Outreach Project

3

By each June, all deliverables need to be reported to Valley Water for tracking purposes.

4

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ATTACHMENT

Packet Pg. 804

Attachment: PPI Annual Report FY19 - FINAL [Revision 1] (2399 : Annual Report for Multi-Jurisdictional PPI for Fiscal Year 2018-19 (Year 4))

Agenda

Santa Clara County CRS Users Group Meeting
Monday, February 25, 2019 | 2:00 PM – 4:00 PM
Santa Clara Valley Water District | Administration Building | Conference Room B-108
5750 Almaden Expressway, San Jose, CA 95118

Directions: <https://www.valleywater.org/directions-santa-clara-valley-water-district-offices>

Purpose: PPI Stakeholder Committee Annual Evaluation Meeting per Activity 330, Outreach Project, Element 332.c. Program for Public Information, Step 7 requirement (*see excerpt at bottom of page*)

Desired Outcome: Gather communities' input on how the PPI worked over the past year; plan and choose / confirm PPI messages

1.	Introductions (<i>be sure to complete the sign-in sheet</i>) (All) a. interested parties
2.	Recap – CRS Users Group Workshop – September, 2018 FMA Conference (Emily Zedler)
3.	- Review of 2018 / 2019 Flood Awareness Campaign / Floodplain Notification (Gina Adriano) - Presentations to Community Groups
4.	Santa Clara / Mountain View Audits Using Egnyte (Evelyn Liang / Gabrielle Abdon)
5.	Distribution of Emergency Preparedness Starter Kits (Merna Leal)
6.	Floodplain Management Planning (Activity 510) (Merna Leal / Leslie Stobbe) a. Milpitas Floodplain Management Plan
7.	PPI Annual Evaluation Report for FY19 (Year 4) (All) a. Using PPI Annual Evaluation FY18 (Year 3), Appendix A Table, to populate FY19 data b. Communities to complete Appendix A Worksheet prior to meeting
8.	Adjourn

For questions, please contact Merna Leal at (408) 630-2610 or mleal@valleywater.org

The call-in number and the passcode are in the Outlook meeting invite.

Next Meeting:

Mark Your Calendars – May 29, 2019 | Administration Building | conference room B-108 | 2:00 PM – 4:00 PM

Purpose: **Finalize PPI Annual Evaluation Report for FY19 (Year 4), which must be completed & presented to governing bodies prior to August 1, 2019 (annual recertification due date)**

Excerpt from 2017 CRS Coordinator's Manual:

“Step 7: Implement, monitor, and evaluate the program. The Program for Public Information committee meets at least annually to monitor the implementation of the outreach projects. The committee assesses whether the desired outcomes were achieved and what, if anything, should be changed. This work is described in an evaluation report that is prepared each year, sent to the governing body, and included in the annual recertification.”

Santa Clara County CRS Users Group Meeting

Monday, February 25, 2019

SCVWD - Administration Building - Conference Room B-108

2:00 PM - 4:00 PM

Sign-In Sheet

[illegible]

 Phone Participation:

- 1) Artene Lew, City of San Jose
- 2) Jacqueline Solomon, City of Mountain View
- 3) Dawn Amel, Sacramento County
- 4) Jennifer Ng, Sunnyvale

Agenda

Santa Clara County CRS Users Group
Wednesday, May 29, 2019 | 2:00 PM – 4:00 PM
Santa Clara Valley Water District | Administration Building | Conference Room B-108
5750 Almaden Expressway, San Jose, CA 95118

Directions: <https://www.valleywater.org/directions-santa-clara-valley-water-district-offices>

Purpose: PPI Stakeholder Committee Annual Evaluation Meeting per Activity 330, Outreach Project, Element 332.c. Program for Public Information, Step 7 requirement (*see below-noted Excerpt*)

Desired Outcome: Gather communities' input on how the PPI worked over the past year; plan and choose / confirm PPI messages

1.	Introductions (<i>be sure to complete the sign-in sheet to document communities' required participation</i>) (All) a. Interested Parties
2.	Emergency Response Coordination Activity 510 – Floodplain Management Planning a. County Office of Emergency Services – Local Hazard Mitigation Plan b. Valley Water Local Hazard Mitigation Plan (Jacqueline Solomon, City of Mountain View)
3.	Annual Evaluation Report for FY19 (Year 4) (All) a. Using Annual Evaluation FY18 (Year 3), Appendix A Table, to populate FY19 data b. Communities to complete Appendix A Worksheet <u>Finalized document presented to governing bodies will be requested as part of annual recertification due 8/1/19</u>
4.	Adjourn

For questions, please contact Merna Leal at (408) 630-2610 or mleal@valleywater.org

Teleconference Access Code: # 1-877-336-1831 | Participant Code: 1615094#

Next Meeting:

Mark Your Calendars – TBD | Early 2020

Purpose: Discuss PPI Annual Evaluation Report for FY20 (Year 5), which must be completed before August 1, 2020 (*annual recertification due date*) and begin to review/discuss update due of the Santa Clara County Multi-Jurisdictional Program for Public Information 2015 (*see below-noted Excerpt*)

Excerpt from 2017 CRS Coordinator's Manual:

“Step 7: Implement, monitor, and evaluate the program. The Program for Public Information committee meets at least annually to monitor the implementation of the outreach projects. The committee assesses whether the desired outcomes were achieved and what, if anything, should be changed. This work is described in an evaluation report that is prepared each year, sent to the governing body, and included in the annual recertification.”

The community must update its Program for Public Information at least every five years. This can be a new document or an addendum to the existing document that updates the needs assessment and all sections that should be changed based on evaluation of the projects.

The Program for Public Information update will be reviewed for CRS credit according to the *Coordinator's Manual* currently in effect, not the version used when the community originally requested this credit. The update can qualify as the annual evaluation report for the year it was prepared. The updated Program for Public Information must be adopted following the same process as adoption of the original document.”

ATTACHMENT

Packet Pg. 807



INSURANCE SERVICES OFFICE, INC.

1000 Bishops Gate Blvd, Suite 300, P.O. Box 5404, Mt. Laurel, New Jersey 08054
Phone: (856) 787-0412 or (800) 444-4554 FAX 1-800-777-3929

Please send correspondence to: Lou Ann Patellaro ♦ 6450 W 82 St ♦ Burbank, IL 60459
Email lpatellaro@iso.com ♦ Cell: (954) 651-5021

March 27, 2019

Maria Angeles, PE, CFM
Senior Civil Engineer
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037

Dear Ms. Angeles,

Enclosed are the preliminary results regarding credits for your Community Rating System (CRS) Cycle Verification.

At the present time, I have verified 1727 credit points for the City of Morgan Hill, California. This results in a continuation of a CRS Classification of 7 for your community.

Attached is a draft verification report and draft credit calculation worksheet AW-720, which contains an overall point summary. **Please note that the information provided is subject to acceptance by DHS/FEMA.**

This classification will be effective for your community, starting October 1, 2019, unless you submit a modification. Your next cycle verification will be five years from your last visit. As a reminder, you may submit a modification to increase your community's classification at any time.

Thank you for your cooperation during my visit. If you have any questions or when I can be of future assistance, please do not hesitate to contact me.

Respectfully yours,

Lou Ann Patellaro

Lou Ann Patellaro, CFM
ISO/CRS Specialist

Enclosure

cc: Christina Turner, City Manager – citymanager@morganhill.ca.gov
Charlie Ha, Supervising Civil Engineer
Raul Barba, Water Resources Engineer, State of California
Brian Trushinski, FEMA Region IX



COMMUNITY RATING SYSTEM

VERIFICATION REPORT

City of Morgan Hill, CA

Verified Class 7

NFIP Number: 060346

Cycle

Date of Verification Visit: August 15, 2017

This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning credits under the Community Rating System (CRS) for the above named community.

A total of 1727 credit points are verified which results in a recommendation that the community remain classified as a CRS Class 7. The following is a summary of our findings with the total credit points for each activity noted in parenthesis:

Activity 310 – Elevation Certificates: The Building Department maintains elevation certificates for new and substantially improved buildings. Copies of elevation certificates are made available upon request. (38 points)

Activity 320 – Map Information Service: Credit is provided for furnishing inquirers with basic flood zone information from the community's latest Flood Insurance Rate Map (FIRM). Credit is also provided for the community furnishing additional FIRM information, flood depth data, and historical flood information. The service is publicized annually and records are maintained. (90 points)

Activity 330 – Outreach Projects: Credit is provided for informational material that include brochures kept at City Hall, general outreach projects that include brochures to all properties and no dumping signs, and priority audience messages that include Santa Clara Valley Water District brochure to Special Flood Hazard Area (SFHA) and Repetitive Loss Outreach. These projects are disseminated annually. Credit is enhanced by having a Program for Public Information (PPI), and by having the information disseminated by stakeholders outside the local government. (283 points)

Activity 340 – Hazard Disclosure: Credit is provided for state and community regulations requiring disclosure of flood hazards. (20 points)

Activity 350 – Flood Protection Information: Documents relating to floodplain management are available in the reference section of the Santa Clara County Library. Credit is also provided for floodplain information displayed on the community's website. Credit is enhanced by having a PPI. (64 points)

Activity 360 – Flood Protection Assistance: Credit is provided for offering one-on-one advice regarding property protection and making site visits before providing advice. (55 points)

Activity 420 – Open Space Preservation: Credit is provided for preserving approximately 6 percent of the Special Flood Hazard Area (SFHA) as open space. (97 points)

Activity 430 – Higher Regulatory Standards: Credit is provided for enforcing regulations that require freeboard for new and substantial improvement construction, local drainage protection. Credit is also provided for the enforcement of building codes, a Building Code Effectiveness Grading Schedule (BCEGS) Classification of 3/3, special flood-related hazards regulations, state mandated regulatory standards, and regulations administration. (258 points)

Activity 440 – Flood Data Maintenance: Credit is provided for maintaining and using digitized maps in the day to day management of the floodplain. Credit is also provided for maintaining copies of all previous FIRMs and Flood Insurance Study Reports. (162 points)

Activity 450 – Stormwater Management: The community enforces regulations for soil and erosion control, and water quality. (33 points)

Section 502 – Repetitive Loss Category: Based on the updates made to the NFIP Report of Repetitive Losses as of January 31, 2017, the City of Morgan Hill, CA has 4 repetitive loss properties and is a Category B community for CRS purposes. All requirements for a Category B community have been met. (No credit points are applicable to this section)

Activity 510 – Floodplain Management Planning: Credit is provided for the adoption and implementation of the 2017 Santa Clara Operational Area Hazard Mitigation Plan, adopted October 4, 2017. A progress report must be submitted on an annual basis. An update to the credited plan will be due by October 1, 2022. (280 points)

Activity 540 – Drainage System Maintenance: All of the community's drainage system is inspected regularly throughout the year and maintenance is performed as needed. Credit is also provided for listing problem sites that are inspected more frequently, and for implementing an ongoing Capital Improvements Program. The community enforces a regulation prohibiting dumping in the drainage system, and annually publicizes the regulation or has appropriate signs posted. Credit is enhanced by having a PPI. (310 points)

Activity 630 – Dams: Credit is provided for a State Dam Safety Program. (37 points)

Activity 710 – County Growth Adjustment: All credit in the 400 series is multiplied by the growth rate of the county to account for growth pressures. The growth rate for Santa Clara County, CA is 1.11.

City of Morgan Hill, CA
NFIP #: 060346

Page 3

Attached is the Community Calculations Worksheet that lists the verified credit points for the Community Rating System.

CEO Name / Address:

Christina Turner
City Manager
17575 Peak Avenue
Morgan Hill, California 95037

CRS Coordinator Name / Address:

Maria Angeles, PE, CFM
Senior Civil Engineer
17575 Peak Avenue
Morgan Hill, California 95037
408-310-4639

Date Report Prepared: March 26, 2019

Community : City of Morgan Hill, CA

NFIP Number : 060346

720 COMMUNITY CREDIT CALCULATIONS (Cycle):**CALCULATION SECTION :**

Verified Activity Calculations:				Credit
c310	38			38
c320	90			90
c330	283			283
c340	20			20
c350	64			64
c360	55			55
c370				
c410		x CGA	1.11 =	
c420	87	x CGA	1.11 =	97
c430	232	x CGA	1.11 =	258
c440	146	x CGA	1.11 =	162
c450	30	x CGA	1.11 =	33
c510	280			280
c520				
c530				
c540	310			310
c610				
c620				
c630	37			37

Community Classification Calculation:

cT = total of above	cT =	1727
Community Classification (from Table 110-1):	Class =	7

CEO Name/Address:

Christina Turner
City Manager
17575 Peak Avenue
Morgan Hill, California 95037

CRS Coordinator Name/Address:

Maria Angeles, PE, CFM
Senior Civil Engineer
17575 Peak Avenue
Morgan Hill, California 95037
408-310-4639

Date Report Prepared: March 26, 2019

AW-720



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: David Gittleson, Associate Engineer

APPROVED BY: City Manager

AWARD TENNANT AVENUE SEWER MAIN PROJECT

RECOMMENDATION(S)

1. Approve Tennant Avenue Sewer Main Project plans and specifications;
2. Award contract to KJ Woods Construction for the Tennant Avenue Sewer Main Project in the amount of \$2,148,000;
3. Authorize expenditure of construction contingency funds not to exceed \$322,200; and
4. Authorize the City Manager to execute and administer the construction contract with KJ Woods Construction.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Protecting the Environment

Maintaining Fiscal Responsibility

2019 Strategic Priorities

Infrastructure

GUIDING DOCUMENTS

Sewer System Master Plan

REPORT NARRATIVE:

The City's current Sewer Master Plan identifies the existing 18-inch sewer pipe within Tennant Avenue between Monterey Road and Railroad Avenue as deficient under peak flow conditions and recommends that it be increased in size to prevent sewer overflows within this segment of the City's sewer system. The project is included in the adopted FY 2018-19 through 2023-24 Capital Improvement Program.

The scope of work includes; removal of the existing sewer pipe and installation of new 27-inch sewer pipe, auger bore under the Union Pacific Railroad tracks, temporary sewer by-pass system, new manholes and/or manhole modifications, manhole coating, lateral reconnections, traffic control, project clean up and video for quality control. The bid opening for the project was held on July 2, 2019 and the bids received are listed below.

KJ Woods Construction	\$2,148,000
Precision Engineering	\$2,412,660
Garney Pacific Construction	\$2,708,360
Monterey Peninsula Engineering	\$3,131,400
JMB Construction	\$3,177,680
Pacific Underground Construction	\$3,284,820

KJ Woods Construction is the apparent low bidder. KJ Woods Construction's bid amount is 20% less than the engineer's estimate of \$2.7M. KJ Woods Construction is an experienced contractor and has performed work for the City on previous projects. Thus, staff recommends award of the contract to KJ Woods Construction in the amount of \$2,148,000. Due to the nature of the work and the unknowns associated with underground construction, staff recommends a 15% contingency (\$322,200) for this project. The project is scheduled to begin in late August 2019 and be completed in six months, assuming no project delays.

The project plans and specifications can be found on the City's web page in the Community Projects link (<http://www.morgan-hill.ca.gov/1436/Project-Plans-Specifications-and-Bid-Res>).

COMMUNITY ENGAGEMENT: Inform

The Tennant Avenue Sewer Main Project is located within mostly commercial area. Some residential areas exist on the north side of Tennant Avenue near Church Street. Lane closures will only be permitted between the hours of 8am and 4pm to minimize traffic impacts during peak commute times. Staff will provide community outreach to inform the entire City of the project and will notify residents and businesses adjacent to the work area with door notifications in advance of construction work. Staff will also provide updated construction information weekly through Nextdoor and on the City's website.

ALTERNATIVE ACTIONS:

City Council could elect to not award this construction contract. However, this would leave the existing sewer main more vulnerable to overflows during high flows.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- On June 6, 2018, City Council adopted the FY 2018-19 through 2023-24 Capital Improvement Program.
- On October 18, 2017, the City adopted the 2017 Sewer Master Plan.

FISCAL AND RESOURCE IMPACT:

The total authorization for this project would be \$2,470,200 which includes a 15% contingency of \$322,200. The project is sufficiently funded in the Fiscal Year 2018-19 and 2019-20 Capital Improvement Program (CIP) budget, Project# 302T17 - East Dunne Ave. & Tennant Ave. Sewer Mains, utilizing Sewer CIP Funds (643) with a combined total authorized amount of \$3,885,000. The project will use the remaining balance of bond proceeds as applicable.

CEQA (California Environmental Quality Act):

Categorical Exemption.

The activities described in this Staff Report are categorically exempt under the CEQA Guidelines, specifically pursuant to Section 15302 (c) Replacement or Reconstruction of existing utilities and Section 15303(d) New construction or conversion of small

structures, as the subject work involves the removal and replacement of a sewer main within an existing paved roadway to eliminate a flow deficiency.

LINKS/ATTACHMENTS:

1. Project Location Map-Tennant Ave
2. Project Plans and Specifications (weblink)



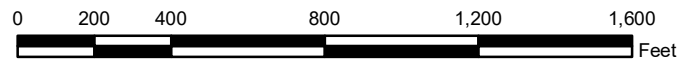
Attachment: Project Location Map-Tennant Ave (2365 : Award Tennant Avenue Sewer Main Project)



**Engineering and Utilities Department
CIP Engineering Division**

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**AWARD
TENNANT AVENUE
SEWER MAIN PROJECT**





CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Hilary Holeman, Administrative Analyst
APPROVED BY: City Manager

RATIFY CITY POSITION ON PENDING LEGISLATION; AB 516 AUTHORITY TO REMOVE VEHICLES, SB 13 ACCESSORY DWELLING UNITS, AB 68 LAND USE: ACCESSORY DWELLING UNITS, AB 1763 PLANNING AND ZONING: DENSITY BONUSES: AFFORDABLE HOUSING, AND SB 592 HOUSING ACCOUNTABILITY ACT

RECOMMENDATION(S)

1. Receive legislative correspondence in opposition of AB 516 Authority to remove vehicles;
2. Receive legislative correspondence in opposition of SB 13 Accessory dwelling units;
3. Receive legislative correspondence in opposition of AB 68 Land use: accessory dwelling units;
4. Receive legislative correspondence in opposition of AB 1763 Planning and zoning: density bonuses: affordable housing;
5. Receive legislative correspondence in opposition of SB 592 Housing Accountability Act; and
6. Ratify City's positions.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Supporting Our Youth
Seniors
and Entire Community
Preserving and Cultivating Public Trust

2019 Strategic Priorities

Regional Initiatives
Housing

REPORT NARRATIVE:

Per Resolution No. 6851 (Attachment No. 1), the City Council recognizes occasional situations arise where communication indicating support or opposition on pending State legislation is timely and may occur prior to the next scheduled City Council meeting. Under these circumstances, the Mayor or City Manager is delegated the authority to prepare, execute and transmit written or verbal communications indicating a City's position on pending legislation as long as the following criteria are met: a) the League of California Cities, or a similar organization, has requested the City to comment or take a position, b) the timing to express a position occurs prior to the next scheduled Council meeting, and c) the pending State legislation clearly supports or clearly hinders the implementation or fulfillment of an adopted City Council Priority, Goal, or Strategy.

When this occurs, a written report to the City Council for comment and acceptance is required at the next possible meeting.

City staff, with the help of the League of California Cities, closely monitor bills as they pass through California's Legislative process. Recently, the City of Morgan Hill acted quickly to respond to several bills as they entered the Senate/Assembly floor.

AB 516 (Chiu) Authority to remove vehicles

Bill Text (Attachment No. 2)

AB 516 would eliminate the ability for cities to adequately enforce state and local vehicle violations. Specifically, the measure would eliminate the ability for cities to:

- "Immobilize," or place a boot on a vehicle, for motorists who have five or more unpaid parking tickets;
- Remove vehicles with expired registration that are operating illegally; and
- Remove vehicles in violation of parking time restrictions.

This bill will impact the City's ability to tow cars for a 72-hour violation which is critical to street sweeping, crime reduction, and quality of life for our residents.

SB 13 (Wieckowski) Accessory dwelling units

Bill Text (Attachment No. 3)

SB 13 modifies existing Accessory Dwelling Unit (ADU) law to:

- Remove requirement that ADU ordinance applies only in single- or multi-family zones;
- Prohibit requirement for replacement parking when a garage is demolished or converted to an ADU;
- Reduces application approval timeframe to 60 days and provides for deemed approval if application not acted on in that timeframe;
- Removes authority to require owner-occupancy;
- Provides for tiered schedule of impact fees depending on ADU size (no fees if less than 750 square feet, 25% of impact fees if 750+ square feet.); and
- Allows counting ADUs for purpose of identifying adequate sites for housing element.

AB 68 (Ting) Land use: accessory dwelling units

Bill Text (Attachment No. 4)

AB 68 prohibits local ADU ordinances from:

- Imposing minimum lot size requirements;
- Imposing minimum lot coverage requirements;
- Imposing ADU size requirements that do not permit at least an 800 square feet unit of at least 16 feet in height;
- Imposing replacement parking requirements when a garage or parking structure is demolished or converted to an ADU;

- Imposing setback requirements exceeding specified limits;

Additionally, AB 68:

- Deletes authority to impose owner-occupancy requirement for either the primary dwelling unit or the ADU on a single-family lot;
- Mandates requirement that rental of an ADU be for a term longer than 30 days;
- Requires ministerial approval of ADU or junior ADU (JADU) permit within 60 days if there is an existing single- or multi-family dwelling on the lot;
- Requires ministerial approval of: (i) permit application to create an ADU or JADU in an area zoned for residential or mixed use if the unit is within a proposed or existing structure, subject to specified conditions; and
- On lots with a multifamily dwelling, requires ministerial approval of multiple ADUs within existing structure and two detached ADUs, subject to specified conditions.

AB 1763 (Chiu) Planning and zoning: density bonuses: affordable housing

Bill Text (Attachment No. 5)

AB 1763 would greatly expand existing Density Bonus Law (DBL) to require a city or county to award a developer significantly more density, additional concessions and incentives, and greater allowable height if 100% of the units in a development are restricted to lower income households.

Additionally, AB 1763 would:

- Alter existing land use policies based on transit service that is not under the authority of local jurisdictions;
- Allow unlimited density and up to three additional stories for developments within one-half mile of a “major transit stop”; and
- Allow unlimited density and up to two additional stories for development along an entire “high quality bus corridor”.

SB 592 (Wiener) Housing Accountability Act

Bill Text (Attachment No. 6)

SB 592 is a “Gut and Amend” bill that expands the definition of housing under the Housing Accountability Act to include new single-family homes, ADUs and room additions. SB 592 provides that the Act applies to any form of land use decisions, including a ministerial or use by right decision; requires a 30 day completeness review; limits discretionary review; and enhances potential penalties for cities that don't comply.

The City submitted letters of opposition (Attachments No. 7, 8, 9, 10, and 11) electronically via the California Legislature Advocates Portal.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the position and letters that the City sent regarding AB 516, SB 13, AB 68, AB 1763, and SB 592.

ALTERNATIVE ACTIONS:

Council could rescind positions taken.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

None.

FISCAL AND RESOURCE IMPACT:

No fiscal impact at this time. Tracking legislation is an activity included in the annual workplan of the City Manager's Office.

CEQA (California Environmental Quality Act):

Not a Project - Proposals for legislation to be enacted by the State Legislature.

LINKS/ATTACHMENTS:

1. Resolution 6851
2. AB 516 Authority to remove vehicles Bill Text
3. SB 13 Accessory dwelling units Bill Text
4. AB 68 Land use accessory dwelling units Bill Text
5. AB 1763 Planning and zoning density bonuses affordable housing Bill Text
6. SB 592 Housing Accountability Act Bill Text
7. AB 516 Authority to Remove Vehicles. Letter of Opposition 6.12.19
8. SB 13 Accessory Dwelling Units Letter of Opposition 7.5.19
9. AB 68 Accessory Dwelling Units Letter of Opposition 7.5.19
10. AB 1763 Density Bonus 100% Affordable Housing Letter of Opposition 7.5.19
11. SB 592 Housing Accountability Act Letter of Opposition 7.5.19

RESOLUTION NO. 6851**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING THE MAYOR OR CITY MANAGER TO PREPARE, EXECUTE AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE LEGISLATION ON CERTAIN MATTERS THAT MAY HAVE IMPACTS UPON THE CITY IN CERTAIN CIRCUMSTANCES AND DIRECTING A REPORT BACK TO CITY COUNCIL ON ANY SUCH COMMUNICATIONS TRANSMITTED**

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to indicate City's position on proposed legislation of the State of California and is sometimes requested to so indicate City's position on such legislation for the benefit of the City; and

WHEREAS, the reasons supporting the adoption of this Resolution are set forth in detail in that certain City Council Staff Report entitled "City Position on Pending State Legislation" submitted for City Council consideration at its meeting of April 16, 2014, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. **Recitals.** The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. **Approval and Authorization.** The City Council prefers, whenever possible, that determinations on whether to take a position on pending State legislation be brought before

the City Council as a whole for consideration and action. However, the City Council recognizes that occasional, limited situations arise where communications indicating support or opposition on pending State legislation that could be important to City are requested from cities within timeframes that have deadlines occurring prior to the next scheduled meeting of the City Council as a whole at which the City Council could consider and determine City's position on such pending legislation. For these reasons, the City Council does further resolve, order and/or direct as follows:

- a. That the Mayor and/or the City Manager is delegated authority to and is authorized to prepare, execute and transmit written or verbal communications indicating a City position on proposed pending State legislation that may have impacts upon City when all of the following criteria are met:
 - i. The League of California Cities, or a successor or similar organization, has requested City comment or position on a piece of pending State legislation or the City has otherwise become aware of such pending State legislation; and
 - ii. A public hearing and an opportunity for City to comment or take a position upon such pending State legislation is occurring in a timeframe and with a deadline to comment or express a position that occurs prior to the next scheduled meeting of the City Council at which the City Council could consider and determine City's comment or position on such pending State legislation; and
 - iii. The pending State legislation clearly supports or clearly hinders the implementation or fulfillment of an adopted City Council Priority, Goal or Strategy in a substantial manner such that it is in the best interests of City to indicate its comment or position on such pending State legislation.
- b. That the Mayor and/or City Manager is hereby directed to provide a written report to the City Council for the Council's comment and acceptance at the City Council's next possible meeting whenever the Mayor or City Manager prepares, executes and transmits a communication indicating a comment or position on pending State legislation pursuant to the authority delegated under this Resolution, which report shall include a copy of such pending State legislation and the comment or position transmitted.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 16th day of April, 2014 by the following vote:

AYES: **COUNCIL MEMBERS:** Rich Constantine, Marilyn Librers, Gordon Siebert, Steve Tate
NOES: **COUNCIL MEMBERS:** None
ABSTAIN: **COUNCIL MEMBERS:** None
ABSENT: **COUNCIL MEMBERS:** Larry Carr

ATTEST:


IRMA TORREZ
 City Clerk

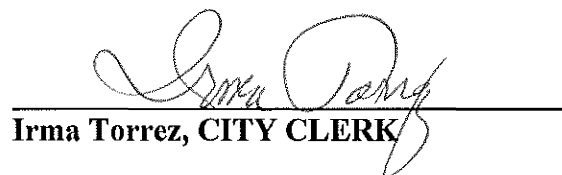

STEVE TATE, Mayor

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 6851, adopted by the City Council at the meeting held on April 16, 2014.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 4/21/2014


Irma Torrez, CITY CLERK

AMENDED IN SENATE JULY 2, 2019
 AMENDED IN SENATE JUNE 18, 2019
 AMENDED IN ASSEMBLY MARCH 28, 2019
 CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 516

Introduced by Assembly Members Chiu and Santiago
(Coauthors: Assembly Members Bonta, Chu, and Gipson)
 (Coauthor: Senator Wiener)

February 13, 2019

An act to amend Sections 2810.2, 2814.2, 4000, 14602, 22651, and 40206.5 of, and to repeal Sections 22651.7, 22651.8, and 22851.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 516, as amended, Chiu. Authority to remove vehicles.

Existing law authorizes a peace officer, as defined, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, to remove a vehicle located within the territorial limits in which the officer or employee may act, under designated circumstances, including, but not limited to, when a vehicle is found upon a highway or public land or removed pursuant to the Vehicle Code, and has been issued 5 or more notices of parking violations to which the owner or person in control of the vehicle has not responded within a designated time period. Under existing law, a vehicle that has been removed and impounded under those circumstances that is not released may be subject to a lien sale to

compensate for the costs of towage and for caring for and keeping safe the vehicle.

Existing law authorizes a peace officer and specified public employees, as an alternative to removal of a vehicle, to immobilize the vehicle with a device designed and manufactured for that purpose, if, among other circumstances, the vehicle is found upon a highway or public lands by the peace officer or employee and it is known to have been issued 5 or more notices of parking violations that are delinquent because the owner or person in control of the vehicle has not responded to the appropriate agency within a designated time period.

This bill would delete the authority of a peace officer or public employee, as appropriate, to remove or immobilize a vehicle under those circumstances. The bill would also modify the authority to remove a vehicle parked or left standing for 72 or more consecutive hours in violation of a local ordinance by requiring the vehicle to remain parked or left standing for ~~10~~ 5 or more business days after a notice is affixed to the vehicle specifying the date and time after which the vehicle may be removed. *The bill would also require the notice to include specified information.* The bill would repeal the related authority to conduct a lien sale to cover towing and storage expenses. The bill would make various conforming and technical changes.

By requiring local authorities to provide specified information on parking notices, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is a fundamental and constitutional principle that a state
- 4 cannot take and sell the private property of its residents except

1 under limited circumstances, nor can it punish people because they
2 cannot afford to pay its fines and fees.

3 (b) It is not sound public policy to tow privately owned vehicles
4 that are safely parked, not causing traffic inconvenience, and not
5 involved in a crime. To retrieve a vehicle from a tow yard can cost
6 thousands of dollars. For people who cannot afford to pay the
7 ~~often astronomical~~ *often astronomical* fines and fees, their cars
8 are sold and they lose them permanently. Over 500,000 vehicles
9 are sold at lien sales each year in California.

10 (c) Approximately 78 percent of Californians have to drive for
11 work or to get to work. Studies have shown that the ability to drive
12 significantly impacts employment rates, and that over the past 50
13 years, American households without cars consistently lost income.
14 For many Californians, their vehicle is their only shelter, their only
15 way to get needed medical care, or their most valuable asset.

16 (d) Towing for debt collection purposes is not cost effective. It
17 costs money for a local government to find the car, order the tow,
18 and pay a private tow company to transport it. Vehicles towed for
19 debt collection are more likely to be sold instead of reclaimed,
20 which means the tow company has to use its limited lot space to
21 store them for at least 30 days, and pay for an auction. Since
22 vehicles towed because their owners could not afford to pay fees
23 tend to be low in value, these lien sales usually fail to cover the
24 cost of the tow and storage, let alone the cost of enforcement.

25 (e) There is no public safety purpose when a local government
26 uses towing as a costly and draconian method to collect small
27 amounts of debt, and this sanction has a disproportionate impact
28 on lower income families and people of color.

29 SEC. 2. Section 2810.2 of the Vehicle Code is amended to
30 read:

31 2810.2. (a) (1) A peace officer, as described in Chapter 4.5
32 (commencing with Section 830) of Title 3 of Part 2 of the Penal
33 Code, may stop a vehicle transporting agricultural irrigation
34 supplies that are in plain view to inspect the bills of lading,
35 shipping, or delivery papers, or other evidence to determine
36 whether the driver is in legal possession of the load, if the vehicle
37 is on a rock road or unpaved road that is located in a county that
38 has elected to implement this section and the road is located as
39 follows:

1 (A) Located under the management of the Department of Parks
2 and Recreation, the Department of Fish and Wildlife, the
3 Department of Forestry and Fire Protection, the State Lands
4 Commission, a regional park district, the United States Forest
5 Service, or the federal Bureau of Land Management.

6 (B) Located within the respective ownership of a timberland
7 production zone, as defined in Chapter 6.7 (commencing with
8 Section 51100) of Part 1 of Division 1 of Title 5 of the Government
9 Code, either that is larger than 50,000 acres or for which the owner
10 of more than 2,500 acres has given express written permission for
11 a vehicle to be stopped within that zone pursuant to this section.

12 (2) Upon reasonable belief that the driver of the vehicle is not
13 in legal possession, the law enforcement officer specified in
14 paragraph (1) shall take custody of the vehicle and load and turn
15 them over to the custody of the sheriff of the county that has elected
16 to implement this section in which the agricultural irrigation
17 supplies are apprehended.

18 (b) The sheriff shall receive and provide for the care and
19 safekeeping of the apprehended agricultural irrigation supplies
20 that were in plain view within the boundaries of public lands under
21 the management of the entities listed in subparagraph (A) of
22 paragraph (1) of subdivision (a) or on a timberland production
23 zone as specified in subparagraph (B) of paragraph (1) of
24 subdivision (a), and immediately, in cooperation with the
25 department, proceed with an investigation and its legal disposition.

26 (c) An expense incurred by the sheriff in the performance of
27 the sheriff's duties under this section shall be a legal charge against
28 the county.

29 (d) Except as provided in subdivision (e), a peace officer shall
30 not cause the impoundment of a vehicle at a traffic stop made
31 pursuant to subdivision (a) if the driver's only offense is a violation
32 of Section 12500.

33 (e) During the conduct of pulling a driver over in accordance
34 with subdivision (a), if the peace officer encounters a driver who
35 is in violation of Section 12500, the peace officer shall make a
36 reasonable attempt to identify the registered owner of the vehicle.
37 If the registered owner is present, or the peace officer is able to
38 identify the registered owner and obtain the registered owner's
39 authorization to release the motor vehicle to a licensed driver
40 during the vehicle stop, the vehicle shall be released to either the

1 registered owner of the vehicle if that person is a licensed driver
2 or to the licensed driver authorized by the registered owner of the
3 vehicle. If a notice to appear is issued, the name and the driver's
4 license number of the licensed driver to whom the vehicle was
5 released pursuant to this subdivision shall be listed on the officer's
6 copy of the notice to appear issued to the unlicensed driver. If a
7 vehicle cannot be released, the vehicle shall be removed pursuant
8 to subdivision (o) of Section 22651, whether a notice to appear
9 has been issued or not.

10 (f) For purposes of this section, "agricultural irrigation supplies"
11 include agricultural irrigation water bladder and one-half inch
12 diameter or greater irrigation line.

13 (g) This section shall be implemented only in a county in which
14 the board of supervisors adopts a resolution authorizing the
15 enforcement of this section.

16 SEC. 3. Section 2814.2 of the Vehicle Code is amended to
17 read:

18 2814.2. (a) A driver of a motor vehicle shall stop and submit
19 to a sobriety checkpoint inspection conducted by a law enforcement
20 agency when signs and displays are posted requiring that stop.

21 (b) Notwithstanding Section 14602.6 or 14607.6, a peace officer
22 or any other authorized person shall not cause the impoundment
23 of a vehicle at a sobriety checkpoint if the driver's only offense is
24 a violation of Section 12500.

25 (c) During the conduct of a sobriety checkpoint, if the law
26 enforcement officer encounters a driver who is in violation of
27 Section 12500, the law enforcement officer shall make a reasonable
28 attempt to identify the registered owner of the vehicle. If the
29 registered owner is present, or the officer is able to identify the
30 registered owner and obtain the registered owner's authorization
31 to release the motor vehicle to a licensed driver by the end of the
32 checkpoint, the vehicle shall be released to either the registered
33 owner of the vehicle if that person is a licensed driver or to the
34 licensed driver authorized by the registered owner of the vehicle.
35 If a notice to appear is issued, the name and driver's license number
36 of the licensed driver to whom the vehicle was released pursuant
37 to this subdivision shall be listed on the officer's copy of the notice
38 to appear issued to the unlicensed driver. When a vehicle cannot
39 be released, the vehicle shall be removed pursuant to subdivision

1 (o) of Section 22651, whether a notice to appear has been issued
2 or not.

3 SEC. 4. Section 4000 of the Vehicle Code is amended to read:

4 4000. (a) (1) A person shall not drive, move, or leave standing
5 upon a highway, or in an offstreet public parking facility, a motor
6 vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly,
7 unless it is registered and the appropriate fees have been paid under
8 this code or registered under the permanent trailer identification
9 program, except that an off-highway motor vehicle that displays
10 an identification plate or device issued by the department pursuant
11 to Section 38010 may be driven, moved, or left standing in an
12 offstreet public parking facility without being registered or paying
13 registration fees.

14 (2) For purposes of this subdivision, “offstreet public parking
15 facility” means either of the following:

16 (A) Any publicly owned parking facility.

17 (B) Any privately owned parking facility for which no fee for
18 the privilege to park is charged and that is held open for the
19 common public use of retail customers.

20 (3) This subdivision does not apply to a motor vehicle stored
21 in a privately owned offstreet parking facility by, or with the
22 express permission of, the owner of the privately owned offstreet
23 parking facility.

24 (4) Beginning July 1, 2011, the enforcement of paragraph (1)
25 shall commence on the first day of the second month following
26 the month of expiration of the vehicle’s registration. This paragraph
27 shall become inoperative on January 1, 2012.

28 (b) A person shall not drive, move, or leave standing upon a
29 highway a motor vehicle, as defined in Chapter 2 (commencing
30 with Section 39010) of Part 1 of Division 26 of the Health and
31 Safety Code, that has been registered in violation of Part 5
32 (commencing with Section 43000) of Division 26 of the Health
33 and Safety Code.

34 (c) Subdivisions (a) and (b) do not apply to off-highway motor
35 vehicles operated pursuant to Sections 38025 and 38026.5.

36 (d) This section does not apply, following payment of fees due
37 for registration, during the time that registration and transfer is
38 being withheld by the department pending the investigation of any
39 use tax due under the Revenue and Taxation Code.

1 (e) Subdivision (a) does not apply to a vehicle that is towed by
2 a tow truck on the order of a sheriff, marshal, or other official
3 acting pursuant to a court order or on the order of a peace officer
4 acting pursuant to this code.

5 (f) Subdivision (a) applies to a vehicle that is towed from a
6 highway or offstreet parking facility under the direction of a
7 highway service organization when that organization is providing
8 emergency roadside assistance to that vehicle. However, the
9 operator of a tow truck providing that assistance to that vehicle is
10 not responsible for the violation of subdivision (a) with respect to
11 that vehicle. The owner of an unregistered vehicle that is disabled
12 and located on private property, shall obtain a permit from the
13 department pursuant to Section 4003 prior to having the vehicle
14 towed on the highway.

15 (g) (1) Pursuant to Section 4022 and to subparagraph (B) of
16 paragraph (3) of subdivision (n) of Section 22651, a vehicle
17 obtained by a licensed reposessor as a release of collateral is
18 exempt from registration pursuant to this section for purposes of
19 the reposessor removing the vehicle to the reposessor's storage
20 facility or the facility of the legal owner. A law enforcement
21 agency, impounding authority, tow yard, storage facility, or any
22 other person in possession of the collateral shall release the vehicle
23 without requiring current registration and pursuant to subdivision
24 (f) of Section 14602.6.

25 (2) The legal owner of collateral shall, by operation of law and
26 without requiring further action, indemnify and hold harmless a
27 law enforcement agency, city, county, city and county, the state,
28 a tow yard, storage facility, or an impounding yard from a claim
29 arising out of the release of the collateral to a licensee, and from
30 any damage to the collateral after its release, including reasonable
31 attorney's fees and costs associated with defending a claim, if the
32 collateral was released in compliance with this subdivision.

33 (h) For purposes of this section, possession of a California
34 driver's license by the registered owner of a vehicle shall give rise
35 to a rebuttable presumption that the owner is a resident of
36 California.

37 SEC. 5. Section 14602 of the Vehicle Code is amended to read:

38 14602. In accordance with subdivision (o) of Section 22651,
39 a vehicle removed pursuant to subdivision (c) of Section 2814.2
40 shall be released to the registered owner or that person's agent at

1 any time the facility to which the vehicle has been removed is open
2 upon presentation of the registered owner's or agent's currently
3 valid driver's license to operate the vehicle and proof of current
4 vehicle registration.

5 SEC. 6. Section 22651 of the Vehicle Code is amended to read:

6 22651. A peace officer, as defined in Chapter 4.5 (commencing
7 with Section 830) of Title 3 of Part 2 of the Penal Code, or a
8 regularly employed and salaried employee, who is engaged in
9 directing traffic or enforcing parking laws and regulations, of a
10 city, county, or jurisdiction of a state agency in which a vehicle is
11 located, may remove a vehicle located within the territorial limits
12 in which the officer or employee may act, under the following
13 circumstances:

14 (a) If a vehicle is left unattended upon a bridge, viaduct, or
15 causeway, or in a tube or tunnel where the vehicle constitutes an
16 obstruction to traffic.

17 (b) If a vehicle is parked or left standing upon a highway in a
18 position so as to obstruct the normal movement of traffic or in a
19 condition so as to create a hazard to other traffic upon the highway.

20 (c) If a vehicle is found upon a highway or public land and a
21 report has previously been made that the vehicle is stolen or a
22 complaint has been filed and a warrant thereon is issued charging
23 that the vehicle was embezzled.

24 (d) If a vehicle is illegally parked so as to block the entrance to
25 a private driveway and it is impractical to move the vehicle from
26 in front of the driveway to another point on the highway.

27 (e) If a vehicle is illegally parked so as to prevent access by
28 firefighting equipment to a fire hydrant and it is impracticable to
29 move the vehicle from in front of the fire hydrant to another point
30 on the highway.

31 (f) If a vehicle, except highway maintenance or construction
32 equipment, is stopped, parked, or left standing for more than four
33 hours upon the right-of-way of a freeway that has full control of
34 access and no crossings at grade and the driver, if present, cannot
35 move the vehicle under its own power.

36 (g) If the person in charge of a vehicle upon a highway or public
37 land is, by reason of physical injuries or illness, incapacitated to
38 an extent so as to be unable to provide for its custody or removal.

39 (h) (1) If an officer arrests a person driving or in control of a
40 vehicle for an alleged offense and the officer is, by this code or

1 other law, required or permitted to take, and does take, the person
2 into custody.

3 (2) If an officer serves a notice of an order of suspension or
4 revocation pursuant to Section 13388 or 13389.

5 (i) If a vehicle is found illegally parked and there are no license
6 plates or other evidence of registration displayed, the vehicle may
7 be impounded until the owner or person in control of the vehicle
8 furnishes the impounding law enforcement agency evidence of
9 identity and an address within this state at which that individual
10 can be located.

11 (j) (1) If a vehicle is parked or left standing upon a highway
12 ~~for 72 or more consecutive hours~~ in violation of a local ordinance
13 authorizing removal and the vehicle remains parked or left standing
14 ~~for 10~~ five or more business days after a notice is affixed to the
15 vehicle specifying the date of the notice, the location of the vehicle,
16 and the date and time after which the vehicle may be removed.

17 (2) *The notice described in paragraph (1) shall include*
18 *information on alternative safe parking options and information*
19 *on available resources within the jurisdiction for persons*
20 *experiencing homelessness.*

21 (k) If a vehicle is illegally parked on a highway in violation of
22 a local ordinance forbidding standing or parking and the use of a
23 highway, or a portion thereof, is necessary for the cleaning, repair,
24 or construction of the highway, or for the installation of
25 underground utilities, and signs giving notice that the vehicle may
26 be removed are erected or placed at least 24 hours prior to the
27 removal by a local authority pursuant to the ordinance.

28 (l) If the use of the highway, or a portion of the highway, is
29 authorized by a local authority for a purpose other than the normal
30 flow of traffic or for the movement of equipment, articles, or
31 structures of unusual size, and the parking of a vehicle would
32 prohibit or interfere with that use or movement, and signs giving
33 notice that the vehicle may be removed are erected or placed at
34 least 24 hours prior to the removal by a local authority pursuant
35 to the ordinance.

36 (m) Whenever a vehicle is parked or left standing where local
37 authorities, by resolution or ordinance, have prohibited parking
38 and have authorized the removal of vehicles. Except as provided
39 in subdivisions (u) and (v), a vehicle shall not be removed unless
40 signs are posted giving notice of the removal.

1 (n) (1) If a vehicle is found or operated upon a highway, public
2 land, or an offstreet parking facility under any of the following
3 circumstances:

4 (A) With a registration that has been expired for at least six
5 months before the date it is found or operated on the highway,
6 public lands, or the offstreet parking facility.

7 (B) Displaying in, or upon, the vehicle, a registration card,
8 identification card, temporary receipt, license plate, special plate,
9 registration sticker, device issued pursuant to Section 4853, or
10 permit that was not issued for that vehicle, or is not otherwise
11 lawfully used on that vehicle under this code.

12 (C) Displaying in, or upon, the vehicle, an altered, forged,
13 counterfeit, or falsified registration card, identification card,
14 temporary receipt, license plate, special plate, registration sticker,
15 device issued pursuant to Section 4853, or permit.

16 (D) (i) The vehicle is operating using autonomous technology,
17 without the registered owner or manufacturer of the vehicle having
18 first applied for, and obtained, a valid permit that is required to
19 operate the vehicle on public roads pursuant to Section 38750, and
20 Article 3.7 (commencing with Section 227.00) and Article 3.8
21 (commencing with Section 228.00) of Title 13 of the California
22 Code of Regulations.

23 (ii) The vehicle is operating using autonomous technology after
24 the registered owner or person in control of the vehicle received
25 notice that the vehicle's permit required for the operation of the
26 vehicle pursuant to Section 38750, and Article 3.7 (commencing
27 with Section 227.00) and Article 3.8 (commencing with Section
28 228.00) of Title 13 of the California Code of Regulations is
29 suspended, terminated, or revoked.

30 (iii) For purposes of this subdivision, the terms "autonomous
31 technology" and "autonomous vehicle" have the same meanings
32 as in Section 38750.

33 (iv) This subparagraph does not provide the authority for a peace
34 officer to stop an autonomous vehicle solely for the purpose of
35 determining whether the vehicle is operating using autonomous
36 technology without a valid permit required to operate the
37 autonomous vehicle on public roads pursuant to Section 38750,
38 and Article 3.7 (commencing with Section 227.00) and Article 3.8
39 (commencing with Section 228.00) of Title 13 of the California
40 Code of Regulations.

1 (2) If a vehicle described in paragraph (1) is occupied, only a
2 peace officer, as defined in Chapter 4.5 (commencing with Section
3 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle.

4 (3) For the purposes of this subdivision, the vehicle shall be
5 released under any of the following circumstances:

6 (A) If the vehicle has been removed pursuant to subparagraph
7 (A), (B), or (C) of paragraph (1), to the registered owner of, or
8 person in control of, the vehicle only after the owner or person
9 furnishes the storing law enforcement agency with proof of current
10 registration and a valid driver's license to operate the vehicle.

11 (B) If the vehicle has been removed pursuant to subparagraph
12 (D) of paragraph (1), to the registered owner of, or person in control
13 of, the autonomous vehicle, after the registered owner or person
14 furnishes the storing law enforcement agency with proof of current
15 registration and a valid driver's license, if required to operate the
16 autonomous vehicle, and either of the following:

17 (i) Proof of a valid permit required to operate the autonomous
18 vehicle using autonomous technology on public roads pursuant to
19 Section 38750, and Article 3.7 (commencing with Section 227.00)
20 and Article 3.8 (commencing with Section 228.00) of Title 13 of
21 the California Code of Regulations.

22 (ii) A declaration or sworn statement to the Department of Motor
23 Vehicles that states that the autonomous vehicle will not be
24 operated using autonomous technology upon public roads without
25 first obtaining a valid permit to operate the vehicle pursuant to
26 Section 38750, and Article 3.7 (commencing with Section 227.00)
27 and Article 3.8 (commencing with Section 228.00) of Title 13 of
28 the California Code of Regulations.

29 (C) To the legal owner or the legal owner's agency, without
30 payment of any fees, fines, or penalties for parking tickets or
31 registration and without proof of current registration, if the vehicle
32 will only be transported pursuant to the exemption specified in
33 Section 4022 and if the legal owner does all of the following:

34 (i) Pays the cost of towing and storing the vehicle.

35 (ii) Completes an affidavit in a form acceptable to the
36 impounding law enforcement agency stating that the legal owner
37 was not in possession of the vehicle at the time of occurrence of
38 an offense relating to standing or parking. A vehicle released to a
39 legal owner under this paragraph is a repossessed vehicle for
40 purposes of disposition or sale. The impounding agency has a lien

1 on any surplus that remains upon sale of the vehicle to which the
2 registered owner is or may be entitled, as security for the full
3 amount of parking penalties for any notices of parking violations
4 issued for the vehicle and for all local administrative charges
5 imposed pursuant to Section 22850.5. Upon receipt of any surplus,
6 the legal owner shall promptly remit to, and deposit with, the
7 agency responsible for processing notices of parking violations
8 from that surplus, the full amount of the parking penalties for all
9 notices of parking violations issued for the vehicle and for all local
10 administrative charges imposed pursuant to Section 22850.5.

11 (4) The impounding agency that has a lien on the surplus that
12 remains upon the sale of a vehicle to which a registered owner is
13 entitled has a deficiency claim against the registered owner for the
14 full amount of parking penalties for any notices of parking
15 violations issued for the vehicle and for all local administrative
16 charges imposed pursuant to Section 22850.5, less the amount
17 received from the sale of the vehicle.

18 (5) As used in this subdivision, “offstreet parking facility” means
19 an offstreet facility held open for use by the public for parking
20 vehicles and includes a publicly owned facility for offstreet
21 parking, and a privately owned facility for offstreet parking if a
22 fee is not charged for the privilege to park and it is held open for
23 the common public use of retail customers.

24 (o) If the peace officer issues the driver of a vehicle a notice to
25 appear for a violation of Section 12500, 14601, 14601.1, 14601.2,
26 14601.3, 14601.4, 14601.5, or 14604, and the vehicle is not
27 impounded pursuant to Section 22655.5. A vehicle so removed
28 from the highway or public land, or from private property after
29 having been on a highway or public land, shall not be released to
30 the registered owner or the owner’s agent, except upon presentation
31 of the registered owner’s or agent’s currently valid driver’s license
32 to operate the vehicle and proof of current vehicle registration, to
33 the impounding law enforcement agency, or upon order of a court.

34 (p) If a vehicle is parked for more than 24 hours on a portion
35 of highway that is located within the boundaries of a common
36 interest development, as defined in Section 4100 or 6534 of the
37 Civil Code, and signs, as required by paragraph (1) of subdivision
38 (a) of Section 22658 of this code, have been posted on that portion
39 of highway providing notice to drivers that vehicles parked thereon

1 for more than 24 hours will be removed at the owner's expense,
2 pursuant to a resolution or ordinance adopted by the local authority.

3 (q) If a vehicle is illegally parked and blocks the movement of
4 a legally parked vehicle.

5 (r) (1) If a vehicle, except highway maintenance or construction
6 equipment, an authorized emergency vehicle, or a vehicle that is
7 properly permitted or otherwise authorized by the Department of
8 Transportation, is stopped, parked, or left standing for more than
9 eight hours within a roadside rest area or viewpoint.

10 (2) Notwithstanding paragraph (1), if a commercial motor
11 vehicle, as defined in paragraph (1) of subdivision (b) of Section
12 15210, is stopped, parked, or left standing for more than 10 hours
13 within a roadside rest area or viewpoint.

14 (3) For purposes of this subdivision, a roadside rest area or
15 viewpoint is a publicly maintained vehicle parking area, adjacent
16 to a highway, utilized for the convenient, safe stopping of a vehicle
17 to enable motorists to rest or to view the scenery. If two or more
18 roadside rest areas are located on opposite sides of the highway,
19 or upon the center divider, within seven miles of each other, then
20 that combination of rest areas is considered to be the same rest
21 area.

22 (s) If a peace officer issues a notice to appear for a violation of
23 Section 25279.

24 (t) If a peace officer issues a citation for a violation of Section
25 11700, and the vehicle is being offered for sale.

26 (u) (1) If a vehicle is a mobile billboard advertising display, as
27 defined in Section 395.5, and is parked or left standing in violation
28 of a local resolution or ordinance adopted pursuant to subdivision
29 (m) of Section 21100, if the registered owner of the vehicle was
30 previously issued a warning citation for the same offense, pursuant
31 to paragraph (2).

32 (2) Notwithstanding subdivision (a) of Section 22507, a city or
33 county, in lieu of posting signs noticing a local ordinance
34 prohibiting mobile billboard advertising displays adopted pursuant
35 to subdivision (m) of Section 21100, may provide notice by issuing
36 a warning citation advising the registered owner of the vehicle that
37 the owner may be subject to penalties upon a subsequent violation
38 of the ordinance, that may include the removal of the vehicle as
39 provided in paragraph (1). A city or county is not required to

1 provide further notice for a subsequent violation prior to the
2 enforcement of penalties for a violation of the ordinance.

3 (v) (1) If a vehicle is parked or left standing in violation of a
4 local ordinance or resolution adopted pursuant to subdivision (p)
5 of Section 21100, if the registered owner of the vehicle was
6 previously issued a warning citation for the same offense, pursuant
7 to paragraph (2).

8 (2) Notwithstanding subdivision (a) of Section 22507, a city or
9 county, in lieu of posting signs noticing a local ordinance regulating
10 advertising signs adopted pursuant to subdivision (p) of Section
11 21100, may provide notice by issuing a warning citation advising
12 the registered owner of the vehicle that the owner may be subject
13 to penalties upon a subsequent violation of the ordinance that may
14 include the removal of the vehicle as provided in paragraph (1).
15 A city or county is not required to provide further notice for a
16 subsequent violation prior to the enforcement of penalties for a
17 violation of the ordinance.

18 SEC. 7. Section 22651.7 of the Vehicle Code is repealed.

19 SEC. 8. Section 22651.8 of the Vehicle Code is repealed.

20 SEC. 9. Section 22851.1 of the Vehicle Code is repealed.

21 SEC. 10. Section 40206.5 of the Vehicle Code is amended to
22 read:

23 40206.5. (a) Within 15 days of a request, by mail or in person,
24 the processing agency shall mail or otherwise provide to a person
25 who has received a notice of delinquent parking violation, or that
26 person's agent, a photostatic copy of the original notice of parking
27 violation or an electronically produced facsimile of the original
28 notice of parking violation. The issuing agency may charge a fee
29 sufficient to recover the actual cost of providing the copy, not to
30 exceed two dollars (\$2). Until the issuing agency complies with a
31 request for a copy of the original notice of parking violation, the
32 processing agency may not proceed pursuant to Section 40220.

33 (b) If the description of the vehicle on the notice of parking
34 violation does not substantially match the corresponding
35 information on the registration card for that vehicle and the
36 processing agency is satisfied that the vehicle has not been
37 incorrectly described due to the intentional switching of license
38 plates, the processing agency shall, on written request of the person
39 cancel the notice of parking violation without the necessity of an
40 appearance by that person.

1 (c) For purposes of this section, a copy of the notice of parking
2 violation may be a photostatic copy or an electronically produced
3 facsimile.

4 *SEC. 11. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

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AMENDED IN ASSEMBLY JULY 1, 2019
 AMENDED IN ASSEMBLY JUNE 24, 2019
 AMENDED IN SENATE MAY 17, 2019
 AMENDED IN SENATE APRIL 23, 2019
 AMENDED IN SENATE APRIL 4, 2019
 AMENDED IN SENATE MARCH 11, 2019

SENATE BILL

No. 13

Introduced by Senator Wieckowski

(Principal coauthors: Senators Beall, Hertzberg, and Wiener)

(Principal coauthors: Assembly Members Gloria and Quirk-Silva)

(Coauthors: Senators Nielsen and Skinner)

(Coauthors: Assembly Members Boerner Horvath, Carrillo, Friedman, Levine, and Patterson)

December 3, 2018

An act to amend Sections 65585 and 65852.2 of the Government Code, and to add and repeal Section 17980.12 of the Health and Safety Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, Wieckowski. Accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency, by ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, to provide for the creation of accessory dwelling units in single-family and multifamily residential zones. Existing law requires accessory dwelling units to comply with specified standards, including that the accessory dwelling unit is either attached to, or located

within, the proposed or existing primary dwelling or detached if located within the same lot, and that it does not exceed a specified amount of total area of floor space.

This bill would, instead, authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The bill would also revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.

(2) Existing law generally authorizes a local agency to include in the ordinance parking standards upon accessory dwelling units, including authorizing a local agency to require the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. Existing law also prohibits a local agency from imposing parking standards on an accessory dwelling unit if it is located within one-half mile of public transit.

This bill would, instead, prohibit a local agency from requiring the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. The bill would also prohibit a local agency from imposing parking standards on an accessory dwelling unit that is located within a traversable distance of one-half mile of public transit, and would define the term “public transit” for those purposes.

(3) Existing law authorizes a local agency to establish minimum and maximum unit size limitations on accessory dwelling units, provided that the ordinance permits an efficiency unit to be constructed in compliance with local development standards.

This bill would prohibit a local agency from establishing a minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit, as defined. The bill would also prohibit a local agency from establishing a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than 850 square feet, and 1,000 square feet if the accessory dwelling unit contains more than one bedroom.

(4) Existing law authorizes a local agency to include in an ordinance governing accessory dwelling units a requirement that a permit applicant be an owner-occupant, and authorizes a local agency, as a part of a ministerial approval process for accessory dwelling units, to require

owner occupancy for either the primary or the accessory dwelling unit created by that process.

This bill would, instead, prohibit a local agency from requiring occupancy of either the primary or the accessory dwelling unit.

(5) Existing law requires a local agency that has not adopted an ordinance governing accessory dwelling units to approve or disapprove the application ministerially and without discretionary review within 120 days after receiving the application.

The bill would require a local agency, whether or not it has adopted an ordinance, to consider and approve an application, ministerially and without discretionary review, within 60 days after receiving a completed application. The bill would also provide that, if a local agency does not act on the application within that time period, the application shall be deemed approved.

(6) Existing law requires fees for an accessory dwelling unit to be determined in accordance with the Mitigation Fee Act. Existing law also requires the connection fee or capacity charge for an accessory dwelling unit requiring a new or separate utility connection to be based on either the accessory dwelling unit's size or the number of its plumbing fixtures.

This bill would prohibit a local agency, special district, or water corporation from imposing any impact ~~fee~~ *fee, as specified*, upon the development of an accessory dwelling unit if that fee, in the aggregate, exceeds specified requirements depending on the size of the unit. The bill would revise the basis for calculating the connection fee or capacity charge specified above to either the accessory dwelling unit's square feet or the number of its drainage fixture unit values, as specified.

(7) Existing law, for purposes of these provisions, defines "~~accessory structure~~" as ~~an existing, habitable or nonattached or detached fixed structure, which includes a garage, studio, pool house, or other similar structure.~~ "*living area*" as *the interior habitable area of a dwelling unit including basements and attics, but not a garage or accessory structure.*

This bill would ~~redefine~~ *define* "accessory structure" to mean a structure that is accessory and incidental to a dwelling located on the same lot.

(8) Existing law requires a local agency to submit a copy of the adopted ordinance to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to the local agency as to whether the ordinance complies with the statute authorizing the creation of an accessory dwelling unit, and, if the department finds that the local agency's ordinance does not comply with those provisions, would require the department to notify the local agency and would authorize the department to notify the Attorney General that the local agency is in violation of state law. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the provisions authorizing accessory dwelling units.

(9) Existing law requires the planning agency of each city and county to adopt a general plan that includes a housing element that identifies adequate sites for housing. Existing law authorizes the department to allow a city or county to do so by a variety of methods and also authorizes the department to allow a city or county to identify sites for accessory dwelling units, as specified.

This bill would state that a local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing in accordance with those provisions.

(10) Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires, for those purposes, that any building, including any dwelling unit, be deemed to be a substandard building when a health officer determines that any one of specified listed conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants.

This bill would authorize the owner of an accessory dwelling unit ~~built on or after~~ *before* January 1, 2020, that receives a notice to correct violations or abate nuisances to request that the enforcement of the violation be delayed for 5 years if correcting the violation is not necessary to protect health and safety, as determined by the enforcement agency, subject to specified requirements. The bill would make conforming and other changes relating to the creation of accessory dwelling units.

By increasing the duties of local agencies with respect to land use regulations, and because the bill would expand the scope of a crime under the State Housing Law, the bill would impose a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65585 of the Government Code is
2 amended to read:

3 65585. (a) In the preparation of its housing element, each city
4 and county shall consider the guidelines adopted by the department
5 pursuant to Section 50459 of the Health and Safety Code. Those
6 guidelines shall be advisory to each city or county in the
7 preparation of its housing element.

8 (b) (1) At least 90 days prior to adoption of its housing element,
9 or at least 60 days prior to the adoption of an amendment to this
10 element, the planning agency shall submit a draft element or draft
11 amendment to the department.

12 (2) The planning agency staff shall collect and compile the
13 public comments regarding the housing element received by the
14 city, county, or city and county, and provide these comments to
15 each member of the legislative body before it adopts the housing
16 element.

17 (3) The department shall review the draft and report its written
18 findings to the planning agency within 90 days of its receipt of the
19 draft in the case of an adoption or within 60 days of its receipt in
20 the case of a draft amendment.

21 (c) In the preparation of its findings, the department may consult
22 with any public agency, group, or person. The department shall
23 receive and consider any written comments from any public
24 agency, group, or person regarding the draft or adopted element
25 or amendment under review.

26 (d) In its written findings, the department shall determine
27 whether the draft element or draft amendment substantially
28 complies with this article.

29 (e) Prior to the adoption of its draft element or draft amendment,
30 the legislative body shall consider the findings made by the

1 department. If the department's findings are not available within
2 the time limits set by this section, the legislative body may act
3 without them.

4 (f) If the department finds that the draft element or draft
5 amendment does not substantially comply with this article, the
6 legislative body shall take one of the following actions:

7 (1) Change the draft element or draft amendment to substantially
8 comply with this article.

9 (2) Adopt the draft element or draft amendment without changes.
10 The legislative body shall include in its resolution of adoption
11 written findings which explain the reasons the legislative body
12 believes that the draft element or draft amendment substantially
13 complies with this article despite the findings of the department.

14 (g) Promptly following the adoption of its element or
15 amendment, the planning agency shall submit a copy to the
16 department.

17 (h) The department shall, within 90 days, review adopted
18 housing elements or amendments and report its findings to the
19 planning agency.

20 (i) (1) (A) The department shall review any action or failure
21 to act by the city, county, or city and county that it determines is
22 inconsistent with an adopted housing element or Section 65583,
23 including any failure to implement any program actions included
24 in the housing element pursuant to Section 65583. The department
25 shall issue written findings to the city, county, or city and county
26 as to whether the action or failure to act substantially complies
27 with this article, and provide a reasonable time no longer than 30
28 days for the city, county, or city and county to respond to the
29 findings before taking any other action authorized by this section,
30 including the action authorized by subparagraph (B).

31 (B) If the department finds that the action or failure to act by
32 the city, county, or city and county does not substantially comply
33 with this article, and if it has issued findings pursuant to this section
34 that an amendment to the housing element substantially complies
35 with this article, the department may revoke its findings until it
36 determines that the city, county, or city and county has come into
37 compliance with this article.

38 (2) The department may consult with any local government,
39 public agency, group, or person, and shall receive and consider
40 any written comments from any public agency, group, or person,

1 regarding the action or failure to act by the city, county, or city
2 and county described in paragraph (1), in determining whether the
3 housing element substantially complies with this article.

4 (j) The department shall notify the city, county, or city and
5 county and may notify the office of the Attorney General that the
6 city, county, or city and county is in violation of state law if the
7 department finds that the housing element or an amendment to this
8 element, or any action or failure to act described in subdivision
9 (i), does not substantially comply with this article or that any local
10 government has taken an action in violation of the following:

11 (1) Housing Accountability Act (Section 65589.5).

12 (2) Section 65863.

13 (3) Chapter 4.3 (commencing with Section 65915) of Division
14 1 of Title 7.

15 (4) Section 65008.

16 (5) Section 65852.2.

17 SEC. 2. Section 65852.2 of the Government Code is amended
18 to read:

19 65852.2. (a) (1) A local agency may, by ordinance, provide
20 for the creation of accessory dwelling units in areas zoned to allow
21 single-family or multifamily dwelling residential use. The
22 ordinance shall do all of the following:

23 (A) Designate areas within the jurisdiction of the local agency
24 where accessory dwelling units may be permitted. The designation
25 of areas may be based on criteria that may include, but are not
26 limited to, the adequacy of water and sewer services and the impact
27 of accessory dwelling units on traffic flow and public safety.

28 (B) (i) Impose standards on accessory dwelling units that
29 include, but are not limited to, parking, height, setback, lot
30 coverage, landscape, architectural review, maximum size of a unit,
31 and standards that prevent adverse impacts on any real property
32 that is listed in the California Register of Historic Resources.

33 (ii) Notwithstanding clause (i), a local agency may reduce or
34 eliminate parking requirements for any accessory dwelling unit
35 located within its jurisdiction.

36 (C) Provide that accessory dwelling units do not exceed the
37 allowable density for the lot upon which the accessory dwelling
38 unit is located, and that accessory dwelling units are a residential
39 use that is consistent with the existing general plan and zoning
40 designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

1 (III) This clause shall not apply to an accessory dwelling unit
2 that is described in subdivision (d).

3 (xi) When a garage, carport, or covered parking structure is
4 demolished in conjunction with the construction of an accessory
5 dwelling unit or converted to an accessory dwelling unit, a local
6 agency shall not require that those offstreet parking spaces be
7 replaced.

8 (xii) Accessory dwelling units shall not be required to provide
9 fire sprinklers if they are not required for the primary residence.

10 (2) The ordinance shall not be considered in the application of
11 any local ordinance, policy, or program to limit residential growth.

12 (3) A permit application for an accessory dwelling unit shall be
13 considered and approved ministerially without discretionary review
14 or a hearing, notwithstanding Section 65901 or 65906 or any local
15 ordinance regulating the issuance of variances or special use
16 permits, within 60 days after receiving the completed application.
17 If the local agency has not acted upon the completed application
18 within 60 days, the application shall be deemed approved. A local
19 agency may charge a fee to reimburse it for costs incurred to
20 implement this paragraph, including the costs of adopting or
21 amending any ordinance that provides for the creation of an
22 accessory dwelling unit.

23 (4) An existing ordinance governing the creation of an accessory
24 dwelling unit by a local agency or an accessory dwelling ordinance
25 adopted by a local agency shall provide an approval process that
26 includes only ministerial provisions for the approval of accessory
27 dwelling units and shall not include any discretionary processes,
28 provisions, or requirements for those units, except as otherwise
29 provided in this subdivision. In the event that a local agency has
30 an existing accessory dwelling unit ordinance that fails to meet
31 the requirements of this subdivision, that ordinance shall be null
32 and void and that agency shall thereafter apply the standards
33 established in this subdivision for the approval of accessory
34 dwelling units, unless and until the agency adopts an ordinance
35 that complies with this section.

36 (5) No other local ordinance, policy, or regulation shall be the
37 basis for the delay or denial of a building permit or a use permit
38 under this subdivision.

39 (6) This subdivision establishes the maximum standards that
40 local agencies shall use to evaluate a proposed accessory dwelling

1 unit on a lot that includes a proposed or existing single-family
2 dwelling. No additional standards, other than those provided in
3 this subdivision, shall be utilized or imposed, except that a local
4 agency may require that the property be used for rentals of terms
5 longer than 30 days.

6 (7) A local agency may amend its zoning ordinance or general
7 plan to incorporate the policies, procedures, or other provisions
8 applicable to the creation of an accessory dwelling unit if these
9 provisions are consistent with the limitations of this subdivision.

10 (8) An accessory dwelling unit that conforms to this subdivision
11 shall be deemed to be an accessory use or an accessory building
12 and shall not be considered to exceed the allowable density for the
13 lot upon which it is located, and shall be deemed to be a residential
14 use that is consistent with the existing general plan and zoning
15 designations for the lot. The accessory dwelling unit shall not be
16 considered in the application of any local ordinance, policy, or
17 program to limit residential growth.

18 (b) When a local agency that has not adopted an ordinance
19 governing accessory dwelling units in accordance with subdivision
20 (a) receives an application for a permit to create an accessory
21 dwelling unit pursuant to this subdivision, the local agency shall
22 approve or disapprove the application ministerially without
23 discretionary review pursuant to subdivision (a) within 60 days
24 after receiving the completed application. If the local agency has
25 not acted upon the completed application within 60 days, the
26 application shall be deemed approved.

27 (c) (1) A local agency shall not establish by ordinance a
28 minimum square footage requirement for either an attached or
29 detached accessory dwelling unit that prohibits an efficiency unit.

30 (2) A local agency shall not establish by ordinance a maximum
31 square footage requirement for either an attached or detached
32 accessory dwelling unit that is less than either of the following:

33 (A) 850 square feet.

34 (B) 1,000 square feet for an accessory dwelling unit that
35 provides more than one bedroom.

36 (d) Notwithstanding any other law, a local agency, whether or
37 not it has adopted an ordinance governing accessory dwelling units
38 in accordance with subdivision (a), shall not impose parking
39 standards for an accessory dwelling unit in any of the following
40 instances:

1 (1) The accessory dwelling unit is located within a traversable
2 distance of one-half mile of public transit.

3 (2) The accessory dwelling unit is located within an
4 architecturally and historically significant historic district.

5 (3) The accessory dwelling unit is part of the proposed or
6 existing primary residence or an accessory structure.

7 (4) When on-street parking permits are required but not offered
8 to the occupant of the accessory dwelling unit.

9 (5) When there is a car share vehicle located within one block
10 of the accessory dwelling unit.

11 (e) Notwithstanding subdivisions (a) to (d), inclusive, a local
12 agency shall ministerially approve an application for a building
13 permit to create one accessory dwelling unit per lot if the unit is
14 substantially contained within the existing space of a single-family
15 residence or accessory structure, has independent exterior access
16 from the existing residence, and the side and rear setbacks are
17 sufficient for fire safety.

18 (f) A local agency shall not require owner occupancy for either
19 the primary or the accessory dwelling unit. An agreement with a
20 local agency to maintain owner occupancy as a condition of
21 issuance of a building permit for an accessory dwelling unit shall
22 be void and unenforceable.

23 (g) (1) Fees charged for the construction of accessory dwelling
24 units shall be determined in accordance with Chapter 5
25 (commencing with Section 66000) and Chapter 7 (commencing
26 with Section 66012).

27 (2) An accessory dwelling unit shall not be considered by a
28 local agency, special district, or water corporation to be a new
29 residential use for the purposes of calculating connection fees or
30 capacity charges for utilities, including water and sewer service.

31 (3) A local agency, special district, or water corporation shall
32 not impose any impact fee upon the development of an accessory
33 dwelling unit if that fee, in the aggregate, exceeds the following:

34 (A) An accessory dwelling unit less than 750 square feet will
35 be charged zero impact fees.

36 (B) An accessory dwelling unit 750 or more square feet shall
37 be charged 25 percent of the impact fees otherwise charged for a
38 new single-family dwelling on the same lot.

1 (C) For purposes of this paragraph, “impact fee” does not
2 include any connection fee or capacity charge charged by a local
3 agency, special district, or water corporation.

4 (4) For an accessory dwelling unit described in subdivision (e),
5 a local agency, special district, or water corporation shall not
6 require the applicant to install a new or separate utility connection
7 directly between the accessory dwelling unit and the utility or
8 impose a related connection fee or capacity charge.

9 (5) For an accessory dwelling unit that is not described in
10 subdivision (e), a local agency, special district, or water corporation
11 may require a new or separate utility connection directly between
12 the accessory dwelling unit and the utility. Consistent with Section
13 66013, the connection may be subject to a connection fee or
14 capacity charge that shall be proportionate to the burden of the
15 proposed accessory dwelling unit, based upon either its square feet
16 or the number of its drainage fixture unit (DFU) values, as defined
17 in the Uniform Plumbing Code adopted and published by the
18 International Association of Plumbing and Mechanical Officials
19 upon the water or sewer system. This fee or charge shall not exceed
20 the reasonable cost of providing this service.

21 (h) This section does not limit the authority of local agencies
22 to adopt less restrictive requirements for the creation of an
23 accessory dwelling unit.

24 (i) (1) A local agency shall submit a copy of the ordinance
25 adopted pursuant to subdivision (a) to the Department of Housing
26 and Community Development within 60 days after adoption. After
27 adoption of an ordinance, the department may submit written
28 findings to the local agency as to whether the ordinance complies
29 with the section.

30 (2) If the department finds that the local agency’s ordinance
31 does not comply with this section, the department shall notify the
32 local agency and may notify the office of the Attorney General
33 that the local agency is in violation of state law.

34 (3) The local agency shall consider findings made by the
35 department pursuant to paragraph (2) and may change the ordinance
36 to comply with this section or adopt the ordinance without changes.
37 The local agency shall include findings in its resolution adopting
38 the ordinance that explain the reasons the local agency believes
39 that the ordinance complies with this section despite the findings
40 of the department.

(j) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(k) As used in this section, the following terms mean:

(1) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(2) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(3) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(4) “Local agency” means a city, county, or city and county, whether general law or chartered.

(5) “Neighborhood” has the same meaning as set forth in Section 65589.5.

(6) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(9) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section

1 30000) of the Public Resources Code), except that the local
2 government shall not be required to hold public hearings for coastal
3 development permit applications for accessory dwelling units.

4 (m) A local agency may count an accessory dwelling unit for
5 purposes of identifying adequate sites for housing, as specified in
6 subdivision (a) of Section 65583.1, subject to authorization by the
7 department and compliance with this division.

8 (n) In enforcing building standards for an accessory dwelling
9 unit built ~~on or after~~ *before* January 1, 2020, pursuant to Article 1
10 (commencing with Section 17960) of Chapter 5 of Part 1.5 of
11 Division 13 of the Health and Safety Code, a local agency, upon
12 request of an owner of an accessory dwelling unit for a delay in
13 enforcement, shall delay enforcement of a building standard,
14 subject to compliance with Section 17980.12 of the Health and
15 Safety Code.

16 SEC. 3. Section 17980.12 is added to the Health and Safety
17 Code, immediately following Section 17980.11, to read:

18 17980.12. (a) (1) An enforcement agency, until January 1,
19 2030, that issues to an owner of an accessory dwelling unit built
20 ~~on or after~~ *before* January 1, 2020, a notice to correct a violation
21 of any provision of any building standard pursuant to this part shall
22 include in that notice a statement that the owner of the unit has a
23 right to request a delay in enforcement pursuant to this subdivision.

24 (2) The owner of an accessory dwelling unit that receives a
25 notice to correct violations or abate nuisances as described in
26 paragraph (1) may, in the form and manner prescribed by the
27 enforcement agency, submit an application to the enforcement
28 agency requesting that enforcement of the violation be delayed for
29 five years on the basis that correcting the violation is not necessary
30 to protect health and safety.

31 (3) The enforcement agency shall grant an application described
32 in paragraph (2) if the enforcement determines that correcting the
33 violation is not necessary to protect health and safety. In making
34 this determination, the enforcement agency shall consult with the
35 entity responsible for enforcement of building standards and other
36 regulations of the State Fire Marshal pursuant to Section 13146.

37 (4) The enforcement agency shall not approve any applications
38 pursuant to this section on or after January 1, 2030. However, any
39 delay that was approved by the enforcement agency before January
40 1, 2030, shall be valid for the full term of the delay that was

1 approved at the time of the initial approval of the application
2 pursuant to paragraph (3).

3 (b) For purposes of this section, “accessory dwelling unit” has
4 the same meaning as defined in Section 65852.2.

5 (c) This section shall remain in effect only until January 1, 2035,
6 and as of that date is repealed.

7 SEC. 4. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 a local agency or school district has the authority to levy service
10 charges, fees, or assessments sufficient to pay for the program or
11 level of service mandated by this act, within the meaning of Section
12 17556 of the Government Code.

O

AMENDED IN SENATE JULY 5, 2019
 AMENDED IN SENATE JUNE 12, 2019
 AMENDED IN ASSEMBLY APRIL 3, 2019
 AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 68

Introduced by Assembly Member Ting
**(Coauthors: Assembly Members *Friedman*, *Gloria*, *Grayson*, *Reyes*,
 and *Wicks*)**
 (Coauthors: Senators ~~Skinner~~ *Nielsen*, *Skinner*, and *Wiener*)

December 3, 2018

An act to amend Sections 65852.2 and 65852.22 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as amended, Ting. Land use: accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage.

This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.

(2) Existing law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit within 120 days of receiving the application.

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot, and would authorize the permitting agency to delay acting on the permit application if the permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, as specified.

(3) Existing law prohibits the establishment by ordinance of minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, if the limitations do not permit at least an efficiency unit to be constructed.

This bill would instead prohibit the imposition of those limitations if they do not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with 4-foot side and rear yard setbacks. This bill would additionally prohibit the imposition of limits on lot coverage, floor area ratio, open space, and minimum lot size if they prohibit the construction of an accessory dwelling unit meeting those specifications.

(4) Existing law requires ministerial approval of a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot, subject to specified conditions and requirements.

This bill would instead require ministerial approval of an application for a building permit within a residential or mixed-use zone to create ~~one or more accessory dwelling units or junior accessory dwelling units depending on, among other things, whether the proposed or existing structure on the lot is a single-family dwelling or multifamily dwelling, subject to specified conditions and requirements: the following: (1) one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met; (2) a detached, new construction single-story accessory dwelling unit that meets certain requirements and would authorize a local agency to impose specified conditions relating to floor area and height on that unit; (3) multiple accessory dwelling units within the portions of an existing multifamily dwelling structure provided those units meet certain requirements; or (4) not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling~~

and are subject to certain height and rear yard and side setback requirements.

(5) Existing law requires a local agency to submit its accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to a local agency as to whether the local ordinance complies with state law, would require the local agency to consider the department's findings and to amend its ordinance to comply with state law or adopt a resolution with specified findings. The bill would require the department to notify the Attorney General that the local agency is in violation of state law if the local agency does not amend its ordinance or adopt a resolution with specified findings.

(6) This bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

(7) This bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.

(8) This bill would make other conforming changes, including revising definitions and changes clarifying that the above-specified provisions regulating accessory dwelling units and junior accessory dwelling units also apply to the creation of accessory dwelling units and junior accessory dwelling units on proposed structures to be constructed.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65852.2 of the Government Code is
2 amended to read:

1 65852.2. (a) (1) A local agency may, by ordinance, provide
2 for the creation of accessory dwelling units in areas zoned to allow
3 single-family or multifamily use. The ordinance shall do all of the
4 following:

5 (A) Designate areas within the jurisdiction of the local agency
6 where accessory dwelling units may be permitted. The designation
7 of areas may be based on criteria that may include, but are not
8 limited to, the adequacy of water and sewer services and the impact
9 of accessory dwelling units on traffic flow and public safety.

10 (B) (i) Impose standards on accessory dwelling units that
11 include, but are not limited to, parking, height, setback, landscape,
12 architectural review, maximum size of a unit, and standards that
13 prevent adverse impacts on any real property that is listed in the
14 California Register of Historic Places. These standards shall not
15 include requirements on minimum lot size.

16 (ii) Notwithstanding clause (i), a local agency may reduce or
17 eliminate parking requirements for any accessory dwelling unit
18 located within its jurisdiction.

19 (C) Provide that accessory dwelling units do not exceed the
20 allowable density for the lot upon which the accessory dwelling
21 unit is located, and that accessory dwelling units are a residential
22 use that is consistent with the existing general plan and zoning
23 designation for the lot.

24 (D) Require the accessory dwelling units to comply with all of
25 the following:

26 (i) The unit may be rented separate from the primary residence,
27 but may not be sold or otherwise conveyed separate from the
28 primary residence.

29 (ii) The lot is zoned to allow single-family or multifamily use
30 and includes a proposed or existing single-family dwelling.

31 (iii) The accessory dwelling unit is attached or located within
32 the living area of the proposed or existing primary dwelling,
33 attached or located within an accessory structure, or detached from
34 the proposed or existing primary dwelling and located on the same
35 lot as the proposed or existing primary dwelling.

36 (iv) If there is an existing primary dwelling, the total floor area
37 of an attached accessory dwelling unit shall not exceed 50 percent
38 of the existing primary dwelling.

39 (v) The total floor area for a detached accessory dwelling unit
40 shall not exceed 1,200 square feet.

1 (vi) No passageway shall be required in conjunction with the
2 construction of an accessory dwelling unit.

3 (vii) No setback shall be required for an existing living area or
4 accessory structure or a structure constructed in the same location
5 and to the same dimensions as an existing structure that is
6 converted to an accessory dwelling unit or to a portion of an
7 accessory dwelling unit, and a setback of no more than four feet
8 from the side and rear lot lines shall be required for an accessory
9 dwelling unit that is not converted from an existing structure or a
10 new structure constructed in the same location and to the same
11 dimensions as an existing structure.

12 (viii) Local building code requirements that apply to detached
13 dwellings, as appropriate.

14 (ix) Approval by the local health officer where a private sewage
15 disposal system is being used, if required.

16 (x) (I) Parking requirements for accessory dwelling units shall
17 not exceed one parking space per unit or per bedroom, whichever
18 is less. These spaces may be provided as tandem parking on a
19 driveway.

20 (II) Offstreet parking shall be permitted in setback areas in
21 locations determined by the local agency or through tandem
22 parking, unless specific findings are made that parking in setback
23 areas or tandem parking is not feasible based upon specific site or
24 regional topographical or fire and life safety conditions.

25 (III) This clause shall not apply to a unit that is described in
26 subdivision (d).

27 (xi) When a garage, carport, or covered parking structure is
28 demolished in conjunction with the construction of an accessory
29 dwelling unit or converted to an accessory dwelling unit, the local
30 agency shall not require that those offstreet parking spaces be
31 replaced.

32 (2) The ordinance shall not be considered in the application of
33 any local ordinance, policy, or program to limit residential growth.

34 (3) A permit application to create an accessory dwelling unit or
35 a junior accessory dwelling unit shall be considered ministerially
36 without discretionary review or a hearing, notwithstanding Section
37 65901 or 65906 or any local ordinance regulating the issuance of
38 variances or special use permits. The permitting agency shall act
39 on the application to create an accessory dwelling unit or a junior
40 accessory dwelling unit within 60 days from the date the local

1 agency receives a completed application if there is an existing
2 single-family or multifamily dwelling on the lot. If the permit
3 application to create an accessory dwelling unit or a junior
4 accessory dwelling unit is submitted with a permit application to
5 create a new single-family dwelling on the lot, the permitting
6 agency may delay acting on the permit application for the accessory
7 dwelling unit or the junior accessory dwelling unit until the
8 permitting agency acts on the permit application to create the new
9 single-family dwelling, but the application to create the accessory
10 dwelling unit or junior accessory dwelling unit shall be considered
11 without discretionary review or hearing. If the applicant requests
12 a delay, the 60-day time period shall be tolled for the period of the
13 delay. A local agency may charge a fee to reimburse it for costs
14 that it incurs as a result of amendments to this paragraph enacted
15 during the 2001–02 Regular Session of the Legislature, including
16 the costs of adopting or amending any ordinance that provides for
17 the creation of an accessory dwelling unit.

18 (4) An existing ordinance governing the creation of an accessory
19 dwelling unit by a local agency or an accessory dwelling ordinance
20 adopted by a local agency after January 1, 2017, shall provide an
21 approval process that includes only ministerial provisions for the
22 approval of accessory dwelling units and shall not include any
23 discretionary processes, provisions, or requirements for those units,
24 except as otherwise provided in this subdivision. If a local agency
25 has an existing accessory dwelling unit ordinance that fails to meet
26 one or more of the requirements of this subdivision, that ordinance
27 shall be null and void to the extent of such conflict on January 1,
28 2017, and that agency shall thereafter apply the applicable
29 standards or standards established in this subdivision for the
30 approval of accessory dwelling units, unless and until the agency
31 amends its ordinance to comply with this section.

32 (5) No other local ordinance, policy, or regulation shall be the
33 basis for the delay or denial of a building permit or a use permit
34 under this subdivision.

35 (6) This subdivision establishes the maximum standards that
36 local agencies shall use to evaluate a proposed accessory dwelling
37 unit on a lot zoned for residential use that includes a proposed or
38 existing single-family dwelling. No additional standards, other
39 than those provided in this subdivision, shall be used or imposed,
40 except that a local agency may require an applicant for a permit

1 issued pursuant to this subdivision to be an owner-occupant or that
2 the property be used for rentals of terms longer than 30 days.

3 (7) A local agency may amend its zoning ordinance or general
4 plan to incorporate the policies, procedures, or other provisions
5 applicable to the creation of an accessory dwelling unit if these
6 provisions are consistent with the limitations of this subdivision.

7 (8) An accessory dwelling unit that conforms to this subdivision
8 shall be deemed to be an accessory use or an accessory building
9 and shall not be considered to exceed the allowable density for the
10 lot upon which it is located, and shall be deemed to be a residential
11 use that is consistent with the existing general plan and zoning
12 designations for the lot. The accessory dwelling unit shall not be
13 considered in the application of any local ordinance, policy, or
14 program to limit residential growth.

15 (b) When a local agency that has not adopted an ordinance
16 governing accessory dwelling units in accordance with subdivision
17 (a) receives an application for a permit to create an accessory
18 dwelling unit pursuant to this subdivision, the local agency shall
19 approve or disapprove the application ministerially without
20 discretionary review pursuant to subdivision (a). The permitting
21 agency shall act on the application to create an accessory dwelling
22 unit or a junior accessory dwelling unit within 60 days from the
23 date the local agency receives a completed application if there is
24 an existing single-family or multifamily dwelling on the lot. If the
25 permit application to create an accessory dwelling unit or a junior
26 accessory dwelling unit is submitted with a permit application to
27 create a new single-family dwelling on the lot, the permitting
28 agency may delay acting on the permit application for the accessory
29 dwelling unit or the junior accessory dwelling unit until the
30 permitting agency acts on the permit application to create the new
31 single-family dwelling, but the application to create the accessory
32 dwelling unit or junior accessory dwelling unit shall still be
33 considered ministerially without discretionary review or a hearing.
34 If the applicant requests a delay, the 60-day time period shall be
35 tolled for the period of the delay.

36 (c) A local agency may establish minimum and maximum unit
37 size requirements for both attached and detached accessory
38 dwelling units. No minimum or maximum size for an accessory
39 dwelling unit, or size based upon a percentage of the proposed or
40 existing primary dwelling, or limits on lot coverage, floor area

ratio, open space, and minimum lot size, shall be established by ordinance for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed *space of a single-family dwelling* or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

1 (iv) The junior accessory dwelling unit complies with the
2 requirements of Section 65852.22.

3 (B) One detached, new construction, single-story accessory
4 dwelling unit that does not exceed four-foot side and rear yard
5 setbacks for a lot with a proposed or existing single-family
6 dwelling. The accessory dwelling unit may be combined with a
7 junior accessory dwelling unit described in subparagraph (A). A
8 local agency may impose the following conditions on the accessory
9 dwelling unit:

10 (i) A total floor area limitation of not more than 800 square feet.

11 (ii) A height limitation of 16 feet.

12 (C) (i) Multiple accessory dwelling units within the portions
13 of existing multifamily dwelling structures that are not used as
14 livable space, including, but not limited to, storage rooms, boiler
15 rooms, passageways, attics, or garages, if each unit complies with
16 state building standards for dwellings.

17 (ii) A local agency shall allow at least one accessory dwelling
18 unit within an existing multifamily dwelling and ~~may~~ shall allow
19 up to 25 percent of the existing multifamily dwelling units.

20 (D) Not more than two accessory dwelling units that are located
21 on a lot that has an existing multifamily dwelling, but are detached
22 from that multifamily dwelling and are subject to a height limit of
23 16 feet and four-foot rear yard and side setbacks.

24 (2) A local agency shall not require, as a condition for ministerial
25 approval of a permit application for the creation of an accessory
26 dwelling unit or a junior accessory dwelling unit, the correction
27 of nonconforming zoning conditions.

28 (3) The installation of fire sprinklers shall not be required in an
29 accessory dwelling unit if sprinklers are not required for the
30 primary residence.

31 (4) A local agency may require owner occupancy for either the
32 primary dwelling or the accessory dwelling unit on a single-family
33 lot, subject to the requirements of paragraph (6) of subdivision (a).

34 (5) A local agency shall require that a rental of the accessory
35 dwelling unit created pursuant to this subdivision be for a term
36 longer than 30 days.

37 (6) A local agency may require, as part of the application for a
38 permit to create an accessory dwelling unit connected to an onsite
39 water treatment system, a percolation test completed within the

1 last five years, or, if the percolation test has been recertified, within
2 the last 10 years.

3 (7) Subparagraphs (C) and (D) of paragraph (1) shall not apply
4 to a local agency that has adopted an ordinance by July 1, 2018,
5 providing for the approval of accessory dwelling units in
6 multifamily dwelling structures.

7 (f) (1) Fees charged for the construction of accessory dwelling
8 units shall be determined in accordance with Chapter 5
9 (commencing with Section 66000) and Chapter 7 (commencing
10 with Section 66012).

11 (2) Accessory dwelling units shall not be considered by a local
12 agency, special district, or water corporation to be a new residential
13 use for purposes of calculating connection fees or capacity charges
14 for utilities, including water and sewer service, unless the accessory
15 dwelling unit was constructed with a new single-family dwelling.

16 (A) For an accessory dwelling unit described in subparagraph
17 (A) of paragraph (1) of subdivision (e), a local agency, special
18 district, or water corporation shall not require the applicant to
19 install a new or separate utility connection directly between the
20 accessory dwelling unit and the utility or impose a related
21 connection fee or capacity charge, unless the accessory dwelling
22 unit was constructed with a new single-family home.

23 (B) For an accessory dwelling unit that is not described in
24 subparagraph (A) of paragraph (1) of subdivision (e), a local
25 agency, special district, or water corporation may require a new
26 or separate utility connection directly between the accessory
27 dwelling unit and the utility. Consistent with Section 66013, the
28 connection may be subject to a connection fee or capacity charge
29 that shall be proportionate to the burden of the proposed accessory
30 dwelling unit, based upon either its size or the number of its
31 plumbing fixtures, upon the water or sewer system. This fee or
32 charge shall not exceed the reasonable cost of providing this
33 service.

34 (g) This section does not limit the authority of local agencies
35 to adopt less restrictive requirements for the creation of an
36 accessory dwelling unit.

37 (h) (1) A local agency shall submit a copy of the ordinance
38 adopted pursuant to subdivision (a) to the Department of Housing
39 and Community Development within 60 days after adoption.

1 (2) (A) The department may submit written findings to the local
2 agency as to whether the ordinance complies with this section. If
3 the department finds that the ordinance does not comply with this
4 section, it shall notify the local agency that it is in violation of this
5 section and shall provide the local agency a reasonable time, no
6 longer than 30 days, to respond to the findings before taking any
7 other action authorized by this section.

8 (B) The local agency shall consider findings made by the
9 department pursuant to subparagraph (A) and shall do one of the
10 following:

11 (i) Amend its ordinance to comply with this section.

12 (ii) Adopt a resolution with findings explaining the reason the
13 ordinance complies with this section and addressing the
14 department's findings.

15 (C) (i) If the local agency does not amend its ordinance in
16 response to the department's findings or does not adopt a resolution
17 with findings explaining the reason the ordinance complies with
18 this section and addressing the department's findings, the
19 department shall notify the local agency and may notify the
20 Attorney General that the local agency is in violation of state law.

21 (ii) Before notifying the Attorney General that the local agency
22 is in violation of state law, the department may consider whether
23 a local agency adopted an ordinance in compliance with this section
24 between January 1, 2017, and January 1, 2020.

25 (i) As used in this section, the following terms apply:

26 (1) "Accessory dwelling unit" means an attached or a detached
27 residential dwelling unit that provides complete independent living
28 facilities for one or more persons. It shall include permanent
29 provisions for living, sleeping, eating, cooking, and sanitation on
30 the same parcel as the single-family or multifamily dwelling is or
31 will be situated. An accessory dwelling unit also includes the
32 following:

33 (A) An efficiency unit, as defined in Section 17958.1 of the
34 Health and Safety Code.

35 (B) A manufactured home, as defined in Section 18007 of the
36 Health and Safety Code.

37 (2) "Accessory structure" means an existing, fixed structure,
38 including, but not limited to, a garage, studio, pool house, or other
39 similar structure.

(3) "Living area" means the interior habitable area of a dwelling unit, including basements and attics but does not include a garage or any accessory structure.

(4) "Local agency" means a city, county, or city and county, whether general law or chartered.

(5) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(6) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(7) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(8) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 65852.22 of the Government Code is amended to read:

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.

1 Owner-occupancy shall not be required if the owner is another
2 governmental agency, land trust, or housing organization.

3 (3) Require the recordation of a deed restriction, which shall
4 run with the land, shall be filed with the permitting agency, and
5 shall include both of the following:

6 (A) A prohibition on the sale of the junior accessory dwelling
7 unit separate from the sale of the single-family residence, including
8 a statement that the deed restriction may be enforced against future
9 purchasers.

10 (B) A restriction on the size and attributes of the junior accessory
11 dwelling unit that conforms with this section.

12 (4) Require a permitted junior accessory dwelling unit to be
13 constructed within the walls of the proposed or existing
14 single-family residence.

15 (5) Require a permitted junior accessory dwelling to include a
16 separate entrance from the main entrance to the proposed or
17 existing single-family residence.

18 (6) Require the permitted junior accessory dwelling unit to
19 include an efficiency kitchen, which shall include all of the
20 following:

21 (A) A cooking facility with appliances.

22 (B) A food preparation counter and storage cabinets that are of
23 reasonable size in relation to the size of the junior accessory
24 dwelling unit.

25 (b) (1) An ordinance shall not require additional parking as a
26 condition to grant a permit.

27 (2) This subdivision shall not be interpreted to prohibit the
28 requirement of an inspection, including the imposition of a fee for
29 that inspection, to determine if the junior accessory dwelling unit
30 complies with applicable building standards.

31 (c) An application for a permit pursuant to this section shall,
32 notwithstanding Section 65901 or 65906 or any local ordinance
33 regulating the issuance of variances or special use permits, be
34 considered ministerially, without discretionary review or a hearing.
35 The permitting agency shall act on the application to create a junior
36 accessory dwelling unit within 60 days from the date the local
37 agency receives a completed application if there is an existing
38 single-family dwelling on the lot. If the permit application to create
39 a junior accessory dwelling unit is submitted with a permit
40 application to create a new single-family dwelling on the lot, the

1 permitting agency may delay acting on the permit application for
2 the junior accessory dwelling unit until the permitting agency acts
3 on the permit application to create the new single-family dwelling,
4 but the application to create the junior accessory dwelling unit
5 shall still be considered ministerially without discretionary review
6 or a hearing. If the applicant requests a delay, the 60-day time
7 period shall be tolled for the period of the delay. A local agency
8 may charge a fee to reimburse the local agency for costs incurred
9 in connection with the issuance of a permit pursuant to this section.

10 (d) For purposes of any fire or life protection ordinance or
11 regulation, a junior accessory dwelling unit shall not be considered
12 a separate or new dwelling unit. This section shall not be construed
13 to prohibit a city, county, city and county, or other local public
14 entity from adopting an ordinance or regulation relating to fire and
15 life protection requirements within a single-family residence that
16 contains a junior accessory dwelling unit so long as the ordinance
17 or regulation applies uniformly to all single-family residences
18 within the zone regardless of whether the single-family residence
19 includes a junior accessory dwelling unit or not.

20 (e) For purposes of providing service for water, sewer, or power,
21 including a connection fee, a junior accessory dwelling unit shall
22 not be considered a separate or new dwelling unit.

23 (f) This section shall not be construed to prohibit a local agency
24 from adopting an ordinance or regulation, related to parking or a
25 service or a connection fee for water, sewer, or power, that applies
26 to a single-family residence that contains a junior accessory
27 dwelling unit, so long as that ordinance or regulation applies
28 uniformly to all single-family residences regardless of whether the
29 single-family residence includes a junior accessory dwelling unit.

30 (g) If a local agency has not adopted a local ordinance pursuant
31 to this section, the local agency shall ministerially approve a permit
32 to construct a junior accessory dwelling unit that satisfies the
33 requirements set forth in subparagraph (A) of paragraph (1) of
34 subdivision (e) of Section 65852.2 and the requirements of this
35 section.

36 (h) For purposes of this section, the following terms have the
37 following meanings:

38 (1) “Junior accessory dwelling unit” means a unit that is no
39 more than 500 square feet in size and contained entirely within a
40 single-family residence. A junior accessory dwelling unit may

1 include separate sanitation facilities, or may share sanitation
2 facilities with the existing structure.

3 (2) “Local agency” means a city, county, or city and county,
4 whether general law or chartered.

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of Section
10 17556 of the Government Code.

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AMENDED IN SENATE JUNE 20, 2019

AMENDED IN SENATE JUNE 11, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1763

Introduced by Assembly Member Chiu

February 22, 2019

An act to amend Section 65915 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL’S DIGEST

AB 1763, as amended, Chiu. Planning and zoning: density bonuses: affordable housing.

Existing law, known as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the jurisdictional boundaries of that city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents and meets other requirements. Existing law provides for the calculation of the amount of density bonus for each type of housing development that qualifies under these provisions.

This bill would additionally require a density bonus to be provided to a developer who agrees to construct a housing development in which 100% of the total units, exclusive of managers’ units, are for lower income households, as defined. *However, the bill would provide that a*

housing development that qualifies for a density bonus under its provisions may include up to 20% of the total units for moderate-income households, as defined. The bill would also require that a housing development that meets ~~this~~ *these* criteria receive 4 incentives or concessions under the Density Bonus Law. The bill would generally require that the housing development receive a density bonus of 80%, but would exempt the housing development from any maximum controls on density if it is located within ½ mile of a major transit stop or a high-quality transit corridor, as defined, and additionally require the city, county, or city and county to allow an increase in height and floor area ratio in specified amounts that vary depending on whether the development is located within ½ mile of a major transit stop or a high-quality transit corridor. The bill would also make various nonsubstantive changes to the Density Bonus Law.

Existing law requires that an applicant for a density bonus agree to, and that the city and county ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for a density bonus for at least 55 years, as provided. Existing law requires that the rent for lower income density bonus units be set at an affordable rent, as defined in specified law.

This bill, for units in the development, including both base density and density bonus units, in a housing development that qualifies for a density bonus under its provisions as described above, would instead require that the rent for at least 20% of the units in that development be set at an affordable rent, defined as described above, and that the rent for the remaining units be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

Existing law, upon the request of the developer, prohibits a city, county, or city and county from requiring a vehicular parking ratio for a development meeting the eligibility requirements under the Density Bonus Law that exceeds specified ratios. For a development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in specified law, and that is a special needs housing development, as defined, existing law limits that vehicular parking ratio to 0.3 spaces per unit.

This bill would instead, upon the request of the developer, prohibit a city, county, or city and county from imposing any minimum vehicular

parking requirement for a development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families and is either a special needs housing development or a supportive housing development, as those terms are defined.

By adding to the duties of local planning officials with respect to the award of density bonuses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65915 of the Government Code, as
- 2 amended by Chapter 937 of the Statutes of 2018, is amended to
- 3 read:
- 4 65915. (a) (1) When an applicant seeks a density bonus for
- 5 a housing development within, or for the donation of land for
- 6 housing within, the jurisdiction of a city, county, or city and county,
- 7 that local government shall comply with this section. A city,
- 8 county, or city and county shall adopt an ordinance that specifies
- 9 how compliance with this section will be implemented. Failure to
- 10 adopt an ordinance shall not relieve a city, county, or city and
- 11 county from complying with this section.
- 12 (2) A local government shall not condition the submission,
- 13 review, or approval of an application pursuant to this chapter on
- 14 the preparation of an additional report or study that is not otherwise
- 15 required by state law, including this section. This subdivision does
- 16 not prohibit a local government from requiring an applicant to
- 17 provide reasonable documentation to establish eligibility for a
- 18 requested density bonus, incentives or concessions, as described
- 19 in subdivision (d), waivers or reductions of development standards,
- 20 as described in subdivision (e), and parking ratios, as described in
- 21 subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943.

(D) (i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing

1 development, excluding any units permitted by the density bonus
2 awarded pursuant to this section, that will contain at least any one
3 of the following:

4 (A) Ten percent of the total units of a housing development for
5 lower income households, as defined in Section 50079.5 of the
6 Health and Safety Code.

7 (B) Five percent of the total units of a housing development for
8 very low income households, as defined in Section 50105 of the
9 Health and Safety Code.

10 (C) A senior citizen housing development, as defined in Sections
11 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits
12 residency based on age requirements for housing for older persons
13 pursuant to Section 798.76 or 799.5 of the Civil Code.

14 (D) Ten percent of the total dwelling units in a common interest
15 development, as defined in Section 4100 of the Civil Code, for
16 persons and families of moderate income, as defined in Section
17 50093 of the Health and Safety Code, provided that all units in the
18 development are offered to the public for purchase.

19 (E) Ten percent of the total units of a housing development for
20 transitional foster youth, as defined in Section 66025.9 of the
21 Education Code, disabled veterans, as defined in Section 18541,
22 or homeless persons, as defined in the federal McKinney-Vento
23 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units
24 described in this subparagraph shall be subject to a recorded
25 affordability restriction of 55 years and shall be provided at the
26 same affordability level as very low income units.

27 (F) (i) Twenty percent of the total units for lower income
28 students in a student housing development that meets the following
29 requirements:

30 (I) All units in the student housing development will be used
31 exclusively for undergraduate, graduate, or professional students
32 enrolled full time at an institution of higher education accredited
33 by the Western Association of Schools and Colleges or the
34 Accrediting Commission for Community and Junior Colleges. In
35 order to be eligible under this subclause, the developer shall, as a
36 condition of receiving a certificate of occupancy, provide evidence
37 to the city, county, or city and county that the developer has entered
38 into an operating agreement or master lease with one or more
39 institutions of higher education for the institution or institutions
40 to occupy all units of the student housing development with

1 students from that institution or institutions. An operating
 2 agreement or master lease entered into pursuant to this subclause
 3 is not violated or breached if, in any subsequent year, there are not
 4 sufficient students enrolled in an institution of higher education
 5 to fill all units in the student housing development.

6 (II) The applicable 20-percent units will be used for lower
 7 income students. For purposes of this clause, “lower income
 8 students” means students who have a household income and asset
 9 level that does not exceed the level for Cal Grant A or Cal Grant
 10 B award recipients as set forth in paragraph (1) of subdivision (k)
 11 of Section 69432.7 of the Education Code. The eligibility of a
 12 student under this clause shall be verified by an affidavit, award
 13 letter, or letter of eligibility provided by the institution of higher
 14 education that the student is enrolled in, as described in subclause
 15 (I), or by the California Student Aid Commission that the student
 16 receives or is eligible for financial aid, including an institutional
 17 grant or fee waiver, from the college or university, the California
 18 Student Aid Commission, or the federal government shall be
 19 sufficient to satisfy this subclause.

20 (III) The rent provided in the applicable units of the development
 21 for lower income students shall be calculated at 30 percent of 65
 22 percent of the area median income for a single-room occupancy
 23 unit type.

24 (IV) The development will provide priority for the applicable
 25 affordable units for lower income students experiencing
 26 homelessness. A homeless service provider, as defined in paragraph
 27 (3) of subdivision (d) of Section 103577 of the Health and Safety
 28 Code, or institution of higher education that has knowledge of a
 29 person’s homeless status may verify a person’s status as homeless
 30 for purposes of this subclause.

31 (ii) For purposes of calculating a density bonus granted pursuant
 32 to this subparagraph, the term “unit” as used in this section means
 33 one rental bed and its pro rata share of associated common area
 34 facilities. The units described in this subparagraph shall be subject
 35 to a recorded affordability restriction of 55 years.

36 (G) One hundred percent of the total units, exclusive of a
 37 manager’s unit or units, are for lower income households, as
 38 defined by Section 50079.5 of the Health and Safety ~~Code~~. *Code*,
 39 *except that up to 20 percent of the total units in the development*

1 *may be for moderate-income households, as defined in Section*
2 *50053 of the Health and Safety Code.*

3 (2) For purposes of calculating the amount of the density bonus
4 pursuant to subdivision (f), an applicant who requests a density
5 bonus pursuant to this subdivision shall elect whether the bonus
6 shall be awarded on the basis of subparagraph (A), (B), (C), (D),
7 (E), (F), or (G) of paragraph (1).

8 (3) For the purposes of this section, “total units,” “total dwelling
9 units,” or “total rental beds” does not include units added by a
10 density bonus awarded pursuant to this section or any local law
11 granting a greater density bonus.

12 (c) (1) (A) An applicant shall agree to, and the city, county,
13 or city and county shall ensure, the continued affordability of all
14 very low and low-income rental units that qualified the applicant
15 for the award of the density bonus for 55 years or a longer period
16 of time if required by the construction or mortgage financing
17 assistance program, mortgage insurance program, or rental subsidy
18 program.

19 (B) (i) Except as otherwise provided in clause (ii), rents for the
20 lower income density bonus units shall be set at an affordable rent,
21 as defined in Section 50053 of the Health and Safety Code.

22 (ii) For housing developments meeting the criteria of
23 subparagraph (G) of paragraph (1) of subdivision (b), rents for all
24 units in the development, including both base density and density
25 bonus units, shall be as follows:

26 (I) The rent for at least 20 percent of the units in the
27 development shall be set at an affordable rent, as defined in Section
28 50053 of the Health and Safety Code.

29 (II) The rent for the remaining units in the development shall
30 be set at an amount consistent with the maximum rent levels for
31 a housing development that receives an allocation of state or federal
32 low-income housing tax credits from the California Tax Credit
33 Allocation Committee.

34 (2) An applicant shall agree to, and the city, county, or city and
35 county shall ensure that, the initial occupant of all for-sale units
36 that qualified the applicant for the award of the density bonus are
37 persons and families of very low, low, or moderate income, as
38 required, and that the units are offered at an affordable housing
39 cost, as that cost is defined in Section 50052.5 of the Health and
40 Safety Code. The local government shall enforce an equity sharing

1 agreement, unless it is in conflict with the requirements of another
2 public funding source or law. The following apply to the equity
3 sharing agreement:

4 (A) Upon resale, the seller of the unit shall retain the value of
5 any improvements, the downpayment, and the seller's proportionate
6 share of appreciation. The local government shall recapture any
7 initial subsidy, as defined in subparagraph (B), and its proportionate
8 share of appreciation, as defined in subparagraph (C), which
9 amount shall be used within five years for any of the purposes
10 described in subdivision (e) of Section 33334.2 of the Health and
11 Safety Code that promote home ownership.

12 (B) For purposes of this subdivision, the local government's
13 initial subsidy shall be equal to the fair market value of the home
14 at the time of initial sale minus the initial sale price to the
15 moderate-income household, plus the amount of any downpayment
16 assistance or mortgage assistance. If upon resale the market value
17 is lower than the initial market value, then the value at the time of
18 the resale shall be used as the initial market value.

19 (C) For purposes of this subdivision, the local government's
20 proportionate share of appreciation shall be equal to the ratio of
21 the local government's initial subsidy to the fair market value of
22 the home at the time of initial sale.

23 (3) (A) An applicant shall be ineligible for a density bonus or
24 any other incentives or concessions under this section if the housing
25 development is proposed on any property that includes a parcel or
26 parcels on which rental dwelling units are or, if the dwelling units
27 have been vacated or demolished in the five-year period preceding
28 the application, have been subject to a recorded covenant,
29 ordinance, or law that restricts rents to levels affordable to persons
30 and families of lower or very low income; subject to any other
31 form of rent or price control through a public entity's valid exercise
32 of its police power; or occupied by lower or very low income
33 households, unless the proposed housing development replaces
34 those units, and either of the following applies:

35 (i) The proposed housing development, inclusive of the units
36 replaced pursuant to this paragraph, contains affordable units at
37 the percentages set forth in subdivision (b).

38 (ii) Each unit in the development, exclusive of a manager's unit
39 or units, is affordable to, and occupied by, either a lower or very
40 low income household.

1 (B) For the purposes of this paragraph, “replace” shall mean
2 either of the following:

3 (i) If any dwelling units described in subparagraph (A) are
4 occupied on the date of application, the proposed housing
5 development shall provide at least the same number of units of
6 equivalent size to be made available at affordable rent or affordable
7 housing cost to, and occupied by, persons and families in the same
8 or lower income category as those households in occupancy. If
9 the income category of the household in occupancy is not known,
10 it shall be rebuttably presumed that lower income renter households
11 occupied these units in the same proportion of lower income renter
12 households to all renter households within the jurisdiction, as
13 determined by the most recently available data from the United
14 States Department of Housing and Urban Development’s
15 Comprehensive Housing Affordability Strategy database. For
16 unoccupied dwelling units described in subparagraph (A) in a
17 development with occupied units, the proposed housing
18 development shall provide units of equivalent size to be made
19 available at affordable rent or affordable housing cost to, and
20 occupied by, persons and families in the same or lower income
21 category as the last household in occupancy. If the income category
22 of the last household in occupancy is not known, it shall be
23 rebuttably presumed that lower income renter households occupied
24 these units in the same proportion of lower income renter
25 households to all renter households within the jurisdiction, as
26 determined by the most recently available data from the United
27 States Department of Housing and Urban Development’s
28 Comprehensive Housing Affordability Strategy database. All
29 replacement calculations resulting in fractional units shall be
30 rounded up to the next whole number. If the replacement units will
31 be rental dwelling units, these units shall be subject to a recorded
32 affordability restriction for at least 55 years. If the proposed
33 development is for-sale units, the units replaced shall be subject
34 to paragraph (2).

35 (ii) If all dwelling units described in subparagraph (A) have
36 been vacated or demolished within the five-year period preceding
37 the application, the proposed housing development shall provide
38 at least the same number of units of equivalent size as existed at
39 the highpoint of those units in the five-year period preceding the
40 application to be made available at affordable rent or affordable

1 housing cost to, and occupied by, persons and families in the same
 2 or lower income category as those persons and families in
 3 occupancy at that time, if known. If the incomes of the persons
 4 and families in occupancy at the highpoint is not known, it shall
 5 be rebuttably presumed that low-income and very low income
 6 renter households occupied these units in the same proportion of
 7 low-income and very low income renter households to all renter
 8 households within the jurisdiction, as determined by the most
 9 recently available data from the United States Department of
 10 Housing and Urban Development's Comprehensive Housing
 11 Affordability Strategy database. All replacement calculations
 12 resulting in fractional units shall be rounded up to the next whole
 13 number. If the replacement units will be rental dwelling units,
 14 these units shall be subject to a recorded affordability restriction
 15 for at least 55 years. If the proposed development is for-sale units,
 16 the units replaced shall be subject to paragraph (2).

17 (C) Notwithstanding subparagraph (B), for any dwelling unit
 18 described in subparagraph (A) that is or was, within the five-year
 19 period preceding the application, subject to a form of rent or price
 20 control through a local government's valid exercise of its police
 21 power and that is or was occupied by persons or families above
 22 lower income, the city, county, or city and county may do either
 23 of the following:

24 (i) Require that the replacement units be made available at
 25 affordable rent or affordable housing cost to, and occupied by,
 26 low-income persons or families. If the replacement units will be
 27 rental dwelling units, these units shall be subject to a recorded
 28 affordability restriction for at least 55 years. If the proposed
 29 development is for-sale units, the units replaced shall be subject
 30 to paragraph (2).

31 (ii) Require that the units be replaced in compliance with the
 32 jurisdiction's rent or price control ordinance, provided that each
 33 unit described in subparagraph (A) is replaced. Unless otherwise
 34 required by the jurisdiction's rent or price control ordinance, these
 35 units shall not be subject to a recorded affordability restriction.

36 (D) For purposes of this paragraph, "equivalent size" means
 37 that the replacement units contain at least the same total number
 38 of bedrooms as the units being replaced.

39 (E) Subparagraph (A) does not apply to an applicant seeking a
 40 density bonus for a proposed housing development if the

1 applicant's application was submitted to, or processed by, a city,
2 county, or city and county before January 1, 2015.

3 (d) (1) An applicant for a density bonus pursuant to subdivision
4 (b) may submit to a city, county, or city and county a proposal for
5 the specific incentives or concessions that the applicant requests
6 pursuant to this section, and may request a meeting with the city,
7 county, or city and county. The city, county, or city and county
8 shall grant the concession or incentive requested by the applicant
9 unless the city, county, or city and county makes a written finding,
10 based upon substantial evidence, of any of the following:

11 (A) The concession or incentive does not result in identifiable
12 and actual cost reductions, consistent with subdivision (k), to
13 provide for affordable housing costs, as defined in Section 50052.5
14 of the Health and Safety Code, or for rents for the targeted units
15 to be set as specified in subdivision (c).

16 (B) The concession or incentive would have a specific, adverse
17 impact, as defined in paragraph (2) of subdivision (d) of Section
18 65589.5, upon public health and safety or the physical environment
19 or on any real property that is listed in the California Register of
20 Historical Resources and for which there is no feasible method to
21 satisfactorily mitigate or avoid the specific, adverse impact without
22 rendering the development unaffordable to low-income and
23 moderate-income households.

24 (C) The concession or incentive would be contrary to state or
25 federal law.

26 (2) The applicant shall receive the following number of
27 incentives or concessions:

28 (A) One incentive or concession for projects that include at least
29 10 percent of the total units for lower income households, at least
30 5 percent for very low income households, or at least 10 percent
31 for persons and families of moderate income in a common interest
32 development.

33 (B) Two incentives or concessions for projects that include at
34 least 20 percent of the total units for lower income households, at
35 least 10 percent for very low income households, or at least 20
36 percent for persons and families of moderate income in a common
37 interest development.

38 (C) Three incentives or concessions for projects that include at
39 least 30 percent of the total units for lower income households, at
40 least 15 percent for very low income households, or at least 30

1 percent for persons and families of moderate income in a common
2 interest development.

3 (D) Four incentives or concessions for projects that include 100
4 percent of the total units, exclusive of a managers' unit or units,
5 for lower income households.

6 (3) The applicant may initiate judicial proceedings if the city,
7 county, or city and county refuses to grant a requested density
8 bonus, incentive, or concession. If a court finds that the refusal to
9 grant a requested density bonus, incentive, or concession is in
10 violation of this section, the court shall award the plaintiff
11 reasonable attorney's fees and costs of suit. Nothing in this
12 subdivision shall be interpreted to require a local government to
13 grant an incentive or concession that has a specific, adverse impact,
14 as defined in paragraph (2) of subdivision (d) of Section 65589.5,
15 upon health, safety, or the physical environment, and for which
16 there is no feasible method to satisfactorily mitigate or avoid the
17 specific adverse impact. Nothing in this subdivision shall be
18 interpreted to require a local government to grant an incentive or
19 concession that would have an adverse impact on any real property
20 that is listed in the California Register of Historical Resources.
21 The city, county, or city and county shall establish procedures for
22 carrying out this section that shall include legislative body approval
23 of the means of compliance with this section.

24 (4) The city, county, or city and county shall bear the burden
25 of proof for the denial of a requested concession or incentive.

26 (e) (1) In no case may a city, county, or city and county apply
27 any development standard that will have the effect of physically
28 precluding the construction of a development meeting the criteria
29 of subdivision (b) at the densities or with the concessions or
30 incentives permitted by this section. An applicant may submit to
31 a city, county, or city and county a proposal for the waiver or
32 reduction of development standards that will have the effect of
33 physically precluding the construction of a development meeting
34 the criteria of subdivision (b) at the densities or with the
35 concessions or incentives permitted under this section, and may
36 request a meeting with the city, county, or city and county. If a
37 court finds that the refusal to grant a waiver or reduction of
38 development standards is in violation of this section, the court
39 shall award the plaintiff reasonable attorney's fees and costs of
40 suit. Nothing in this subdivision shall be interpreted to require a

1 local government to waive or reduce development standards if the
 2 waiver or reduction would have a specific, adverse impact, as
 3 defined in paragraph (2) of subdivision (d) of Section 65589.5,
 4 upon health, safety, or the physical environment, and for which
 5 there is no feasible method to satisfactorily mitigate or avoid the
 6 specific adverse impact. Nothing in this subdivision shall be
 7 interpreted to require a local government to waive or reduce
 8 development standards that would have an adverse impact on any
 9 real property that is listed in the California Register of Historical
 10 Resources, or to grant any waiver or reduction that would be
 11 contrary to state or federal law.

12 (2) A proposal for the waiver or reduction of development
 13 standards pursuant to this subdivision shall neither reduce nor
 14 increase the number of incentives or concessions to which the
 15 applicant is entitled pursuant to subdivision (d).

16 (f) For the purposes of this chapter, “density bonus” means a
 17 density increase over the otherwise maximum allowable gross
 18 residential density as of the date of application by the applicant to
 19 the city, county, or city and county, or, if elected by the applicant,
 20 a lesser percentage of density increase, including, but not limited
 21 to, no increase in density. The amount of density increase to which
 22 the applicant is entitled shall vary according to the amount by
 23 which the percentage of affordable housing units exceeds the
 24 percentage established in subdivision (b).

25 (1) For housing developments meeting the criteria of
 26 subparagraph (A) of paragraph (1) of subdivision (b), the density
 27 bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clause (ii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) (I) If the housing development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the city, county, or city and county shall not impose any maximum controls on density and shall allow a height increase of up to three additional stories, or 33 feet, and an increase in the allowable floor area ratio of up to 55 percent relative to the underlying limit, or 4.25, whichever is greater.

(II) If the housing development is located within one-half mile of a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the city, county, or

city and county shall not impose any maximum controls on density and shall allow a height increase of up to two additional stories, or 22 feet, and an increase in the allowable floor area ratio of up to 50 percent relative to the underlying limit, or 3.75, whichever is greater.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34

1 40 35

2
3 (5) All density calculations resulting in fractional units shall be
4 rounded up to the next whole number. The granting of a density
5 bonus shall not require, or be interpreted, in and of itself, to require
6 a general plan amendment, local coastal plan amendment, zoning
7 change, or other discretionary approval.

8 (g) (1) When an applicant for a tentative subdivision map,
9 parcel map, or other residential development approval donates
10 land to a city, county, or city and county in accordance with this
11 subdivision, the applicant shall be entitled to a 15-percent increase
12 above the otherwise maximum allowable residential density for
13 the entire development, as follows:

14	Percentage Very Low Income	Percentage Density Bonus
15	10	15
16	11	16
17	12	17
18	13	18
19	14	19
20	15	20
21	16	21
22	17	22
23	18	23
24	19	24
25	20	25
26	21	26
27	22	27
28	23	28
29	24	29
30	25	30
31	26	31
32	27	32
33	28	33
34	29	34
35	30	35
36		

37
38 (2) This increase shall be in addition to any increase in density
39 mandated by subdivision (b), up to a maximum combined mandated
40 density increase of 35 percent if an applicant seeks an increase

1 pursuant to both this subdivision and subdivision (b). All density
2 calculations resulting in fractional units shall be rounded up to the
3 next whole number. Nothing in this subdivision shall be construed
4 to enlarge or diminish the authority of a city, county, or city and
5 county to require a developer to donate land as a condition of
6 development. An applicant shall be eligible for the increased
7 density bonus described in this subdivision if all of the following
8 conditions are met:

9 (A) The applicant donates and transfers the land no later than
10 the date of approval of the final subdivision map, parcel map, or
11 residential development application.

12 (B) The developable acreage and zoning classification of the
13 land being transferred are sufficient to permit construction of units
14 affordable to very low income households in an amount not less
15 than 10 percent of the number of residential units of the proposed
16 development.

17 (C) The transferred land is at least one acre in size or of
18 sufficient size to permit development of at least 40 units, has the
19 appropriate general plan designation, is appropriately zoned with
20 appropriate development standards for development at the density
21 described in paragraph (3) of subdivision (c) of Section 65583.2,
22 and is or will be served by adequate public facilities and
23 infrastructure.

24 (D) The transferred land shall have all of the permits and
25 approvals, other than building permits, necessary for the
26 development of the very low income housing units on the
27 transferred land, not later than the date of approval of the final
28 subdivision map, parcel map, or residential development
29 application, except that the local government may subject the
30 proposed development to subsequent design review to the extent
31 authorized by subdivision (i) of Section 65583.2 if the design is
32 not reviewed by the local government before the time of transfer.

33 (E) The transferred land and the affordable units shall be subject
34 to a deed restriction ensuring continued affordability of the units
35 consistent with paragraphs (1) and (2) of subdivision (c), which
36 shall be recorded on the property at the time of the transfer.

37 (F) The land is transferred to the local agency or to a housing
38 developer approved by the local agency. The local agency may
39 require the applicant to identify and transfer the land to the
40 developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

(4) “Childcare facility,” as used in this section, means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.

(i) “Housing development,” as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that

1 results in identifiable and actual cost reductions, to provide for
 2 affordable housing costs, as defined in Section 50052.5 of the
 3 Health and Safety Code, or for rents for the targeted units to be
 4 set as specified in subdivision (c).

5 (2) Approval of mixed-use zoning in conjunction with the
 6 housing project if commercial, office, industrial, or other land uses
 7 will reduce the cost of the housing development and if the
 8 commercial, office, industrial, or other land uses are compatible
 9 with the housing project and the existing or planned development
 10 in the area where the proposed housing project will be located.

11 (3) Other regulatory incentives or concessions proposed by the
 12 developer or the city, county, or city and county that result in
 13 identifiable and actual cost reductions to provide for affordable
 14 housing costs, as defined in Section 50052.5 of the Health and
 15 Safety Code, or for rents for the targeted units to be set as specified
 16 in subdivision (c).

17 (l) Subdivision (k) does not limit or require the provision of
 18 direct financial incentives for the housing development, including
 19 the provision of publicly owned land, by the city, county, or city
 20 and county, or the waiver of fees or dedication requirements.

21 (m) This section does not supersede or in any way alter or lessen
 22 the effect or application of the California Coastal Act of 1976
 23 (Division 20 (commencing with Section 30000) of the Public
 24 Resources Code). Any density bonus, concessions, incentives,
 25 waivers or reductions of development standards, and parking ratios
 26 to which the applicant is entitled under this section shall be
 27 permitted in a manner that is consistent with this section and
 28 Division 20 (commencing with Section 30000) of the Public
 29 Resources Code.

30 (n) If permitted by local ordinance, nothing in this section shall
 31 be construed to prohibit a city, county, or city and county from
 32 granting a density bonus greater than what is described in this
 33 section for a development that meets the requirements of this
 34 section or from granting a proportionately lower density bonus
 35 than what is required by this section for developments that do not
 36 meet the requirements of this section.

37 (o) For purposes of this section, the following definitions shall
 38 apply:

39 (1) "Development standard" includes a site or construction
 40 condition, including, but not limited to, a height limitation, a

1 setback requirement, a floor area ratio, an onsite open-space
 2 requirement, or a parking ratio that applies to a residential
 3 development pursuant to any ordinance, general plan element,
 4 specific plan, charter, or other local condition, law, policy,
 5 resolution, or regulation.

6 (2) “Maximum allowable residential density” means the density
 7 allowed under the zoning ordinance and land use element of the
 8 general plan, or, if a range of density is permitted, means the
 9 maximum allowable density for the specific zoning range and land
 10 use element of the general plan applicable to the project. If the
 11 density allowed under the zoning ordinance is inconsistent with
 12 the density allowed under the land use element of the general plan,
 13 the general plan density shall prevail.

14 (p) (1) Except as provided in paragraphs ~~(2) and (3)~~ (2), (3),
 15 and (4), upon the request of the developer, a city, county, or city
 16 and county shall not require a vehicular parking ratio, inclusive of
 17 handicapped and guest parking, of a development meeting the
 18 criteria of subdivisions (b) and (c), that exceeds the following
 19 ratios:

20 (A) Zero to one bedroom: one onsite parking space.

21 (B) Two to three bedrooms: two onsite parking spaces.

22 (C) Four and more bedrooms: two and one-half parking spaces.

23 (2) Notwithstanding paragraph (1), if a development includes
 24 the maximum percentage of low-income or very low income units
 25 provided for in paragraphs (1) and (2) of subdivision (f) and is
 26 located within one-half mile of a major transit stop, as defined in
 27 subdivision (b) of Section 21155 of the Public Resources Code,
 28 and there is unobstructed access to the major transit stop from the
 29 development, then, upon the request of the developer, a city,
 30 county, or city and county shall not impose a vehicular parking
 31 ratio, inclusive of handicapped and guest parking, that exceeds 0.5
 32 spaces per bedroom. For purposes of this subdivision, a
 33 development shall have unobstructed access to a major transit stop
 34 if a resident is able to access the major transit stop without
 35 encountering natural or constructed impediments.

36 (3) Notwithstanding paragraph (1), if a development consists
 37 solely of rental units, exclusive of a manager’s unit or units, with
 38 an affordable housing cost to lower income families, as provided
 39 in Section 50052.5 of the Health and Safety Code, then, upon the
 40 request of the developer, a city, county, or city and county shall

1 not impose a vehicular parking ratio, inclusive of handicapped and
 2 guest parking, that exceeds the following ratios:

3 (A) If the development is located within one-half mile of a major
 4 transit stop, as defined in subdivision (b) of Section 21155 of the
 5 Public Resources Code, and there is unobstructed access to the
 6 major transit stop from the development, the ratio shall not exceed
 7 0.5 spaces per unit.

8 (B) If the development is a for-rent housing development for
 9 individuals who are 62 years of age or older that complies with
 10 Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed
 11 0.5 spaces per unit. The development shall have either paratransit
 12 service or unobstructed access, within one-half mile, to fixed bus
 13 route service that operates at least eight times per day.

14 ~~(C) If the development is a special needs housing development,~~
 15 ~~as defined in Section 51312 of the Health and Safety Code, the~~
 16 ~~ratio shall not exceed 0.3 spaces per unit. The development shall~~
 17 ~~have either paratransit service or unobstructed access, within~~
 18 ~~one-half mile, to fixed bus route service that operates at least eight~~
 19 ~~times per day.~~

20 *(4) Notwithstanding paragraphs (1) and (8), if a development*
 21 *consists solely of rental units, exclusive of a manager's unit or*
 22 *units, with an affordable housing cost to lower income families,*
 23 *as provided in Section 50052.5 of the Health and Safety Code, and*
 24 *the development is either a special needs housing development,*
 25 *as defined in Section 51312 of the Health and Safety Code, or a*
 26 *supportive housing development, as defined in Section 50675.14*
 27 *of the Health and Safety Code, then, upon the request of the*
 28 *developer, a city, county, or city and county shall not impose any*
 29 *minimum vehicular parking requirement. A development that is a*
 30 *special needs housing development shall have either paratransit*
 31 *service or unobstructed access, within one-half mile, to fixed bus*
 32 *route service that operates at least eight times per day.*

33 ~~(4)~~

34 (5) If the total number of parking spaces required for a
 35 development is other than a whole number, the number shall be
 36 rounded up to the next whole number. For purposes of this
 37 subdivision, a development may provide onsite parking through
 38 tandem parking or uncovered parking, but not through onstreet
 39 parking.

40 ~~(5)~~

1 (6) This subdivision shall apply to a development that meets
2 the requirements of subdivisions (b) and (c), but only at the request
3 of the applicant. An applicant may request parking incentives or
4 concessions beyond those provided in this subdivision pursuant
5 to subdivision (d).

6 ~~(6)~~

7 (7) This subdivision does not preclude a city, county, or city
8 and county from reducing or eliminating a parking requirement
9 for development projects of any type in any location.

10 ~~(7)~~

11 (8) Notwithstanding paragraphs (2) and (3), if a city, county,
12 city and county, or an independent consultant has conducted an
13 areawide or jurisdictionwide parking study in the last seven years,
14 then the city, county, or city and county may impose a higher
15 vehicular parking ratio not to exceed the ratio described in
16 paragraph (1), based upon substantial evidence found in the parking
17 study, that includes, but is not limited to, an analysis of parking
18 availability, differing levels of transit access, walkability access
19 to transit services, the potential for shared parking, the effect of
20 parking requirements on the cost of market-rate and subsidized
21 developments, and the lower rates of car ownership for low-income
22 and very low income individuals, including seniors and special
23 needs individuals. The city, county, or city and county shall pay
24 the costs of any new study. The city, county, or city and county
25 shall make findings, based on a parking study completed in
26 conformity with this paragraph, supporting the need for the higher
27 parking ratio.

28 ~~(8)~~

29 (9) A request pursuant to this subdivision shall neither reduce
30 nor increase the number of incentives or concessions to which the
31 applicant is entitled pursuant to subdivision (d).

32 (q) Each component of any density calculation, including base
33 density and bonus density, resulting in fractional units shall be
34 separately rounded up to the next whole number. The Legislature
35 finds and declares that this provision is declaratory of existing law.

36 (r) This chapter shall be interpreted liberally in favor of
37 producing the maximum number of total housing units.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 a local agency or school district has the authority to levy service

AB 1763

— 24 —

- 1 charges, fees, or assessments sufficient to pay for the program or
- 2 level of service mandated by this act, within the meaning of Section
- 3 17556 of the Government Code.

O

AMENDED IN ASSEMBLY JULY 3, 2019
 AMENDED IN ASSEMBLY JUNE 13, 2019
 AMENDED IN SENATE MARCH 27, 2019

SENATE BILL

No. 592

Introduced by Senator Wiener

February 22, 2019

An act to amend Section 65589.5 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 592, as amended, Wiener. Housing Accountability Act.

(1) The Housing Accountability Act, among other things, prohibits a local agency from disapproving or conditioning approval in a manner that renders infeasible a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete within the meaning of the Permit Streamlining Act, unless the local agency makes specified written findings based on a preponderance of the evidence in the record.

This bill would *additionally prohibit a local agency from disapproving or conditioning a housing development project that is determined to be complete, as provided, and would make other related conforming changes. The bill would provide that the act applies to any form of land use decision by a local agency, including a ministerial or use by right decision and a discretionary approval. The bill would require an application that is not subject to the Permit Streamlining Act to be deemed or determined to be complete for purposes of the act at the time the application is submitted to the local agency, and would make*

conforming changes. The bill would specify that a general plan, zoning, or subdivision standard or criterion is not “applicable” for purposes of the act if its applicability to a housing development project is discretionary or if the project could be approved without the standard or criterion being met. *to a housing development project regardless of whether the local agency’s review of the project is a ministerial or use by right decision, or a discretionary approval.* By increasing the duties on local agencies, this bill would impose a state-mandated local program.

(2) The act provides that disproving a housing development project includes, among other things, any instance in which a local agency votes on the proposed housing development project application, or the local agency fails to comply with the time periods specified in the Permit Streamlining Act.

This bill would provide that disproving a housing development project for purposes of the act includes any instance in which a local agency takes action on the proposed housing development project application and disproves the project, *or in the case of a ministerial project, if the local agency fails to comply with the time periods specified in the applicable law authorizing the ministerial project.*

(3) The act requires a local agency that considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with applicable law to provide the applicant with a written document, within a specified amount of time, identifying the provisions the application is not in compliance with and an explanation of the reasons for the decision.

This bill would require a local agency that determines an application that was revised after the agency’s initial denial is inconsistent, not in compliance, or not in conformity with applicable law to provide a similar written document within 30 days providing an explanation of the reasons for the decision. By requiring local agencies to provide additional specified written documents and explanations, this bill would impose a state-mandated local program.

(4) The act defines a housing development project to mean a use consisting of residential units only, specified mixed-use developments, and transitional housing or supportive housing.

The bill would define a housing development project for purposes of the act to also include ~~a single unit, including an accessory dwelling unit, or the addition of one or more bedrooms to an existing residential unit.~~

(5) The act requires a local agency that proposes to impose a condition on a housing development project that the project be developed at a lower density to base its decision upon specified findings. The act defines “lower density” to mean any conditions that have the same effect or impact on the ability of the project to provide housing.

~~The bill would specify that conditions that have the same effect or impact on the ability of the project to provide housing include lower density includes a condition requiring a reduction in the number of bedrooms or other normal residential features, or the substantial impairment of the housing development project’s economic viability. bedrooms, and would clarify that project means a housing development project.~~

(6) Existing law authorizes the applicant to bring an action to enforce the act, and authorizes a court to issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development project or emergency shelter. Existing law requires the court to award reasonable attorney’s fees and costs of suit to the plaintiff or petitioner, unless an exception applies.

~~This bill would specify that the above enforcement provisions apply regardless of whether the action of the local agency was taken in a proceeding that legally requires a hearing. The bill would authorize a plaintiff or petitioner who is the project applicant to seek compensatory damages for a violation of the act. The bill would specify that in an action brought to enforce the act, evidence is required to be taken and discretion in the determination of facts is vested in an inferior tribunal, corporation, board, or officer, regardless of whether the local agency’s action was made at a legally required hearing.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 65589.5 of the Government Code is amended to read:

65589.5. (a) (1) The Legislature finds and declares all of the following:

(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

1 (C) The crisis has grown so acute in California that supply,
2 demand, and affordability fundamentals are characterized in the
3 negative: underserved demands, constrained supply, and protracted
4 unaffordability.

5 (D) According to reports and data, California has accumulated
6 an unmet housing backlog of nearly 2,000,000 units and must
7 provide for at least 180,000 new units annually to keep pace with
8 growth through 2025.

9 (E) California's overall homeownership rate is at its lowest level
10 since the 1940s. The state ranks 49th out of the 50 states in
11 homeownership rates as well as in the supply of housing per capita.
12 Only one-half of California's households are able to afford the
13 cost of housing in their local regions.

14 (F) Lack of supply and rising costs are compounding inequality
15 and limiting advancement opportunities for many Californians.

16 (G) The majority of California renters, more than 3,000,000
17 households, pay more than 30 percent of their income toward rent
18 and nearly one-third, more than 1,500,000 households, pay more
19 than 50 percent of their income toward rent.

20 (H) When Californians have access to safe and affordable
21 housing, they have more money for food and health care; they are
22 less likely to become homeless and in need of
23 government-subsidized services; their children do better in school;
24 and businesses have an easier time recruiting and retaining
25 employees.

26 (I) An additional consequence of the state's cumulative housing
27 shortage is a significant increase in greenhouse gas emissions
28 caused by the displacement and redirection of populations to states
29 with greater housing opportunities, particularly working- and
30 middle-class households. California's cumulative housing shortfall
31 therefore has not only national but international environmental
32 consequences.

33 (J) California's housing picture has reached a crisis of historic
34 proportions despite the fact that, for decades, the Legislature has
35 enacted numerous statutes intended to significantly increase the
36 approval, development, and affordability of housing for all income
37 levels, including this section.

38 (K) The Legislature's intent in enacting this section in 1982 and
39 in expanding its provisions since then was to significantly increase
40 the approval and construction of new housing for all economic

1 segments of California's communities by meaningfully and
2 effectively curbing the capability of local governments to deny,
3 reduce the density for, or render infeasible housing development
4 projects and emergency shelters. That intent has not been fulfilled.

5 (L) It is the policy of the state that this section should be
6 interpreted and implemented in a manner to afford the fullest
7 possible weight to the interest of, and the approval and provision
8 of, housing.

9 (3) It is the intent of the Legislature that the conditions that
10 would have a specific, adverse impact upon the public health and
11 safety, as described in paragraph (2) of subdivision (d) and
12 paragraph (1) of subdivision (j), arise infrequently.

13 (b) It is the policy of the state that a local government not reject
14 or make infeasible housing development projects, including
15 emergency shelters, that contribute to meeting the need determined
16 pursuant to this article without a thorough analysis of the economic,
17 social, and environmental effects of the action and without
18 complying with subdivision (d).

19 (c) The Legislature also recognizes that premature and
20 unnecessary development of agricultural lands for urban uses
21 continues to have adverse effects on the availability of those lands
22 for food and fiber production and on the economy of the state.
23 Furthermore, it is the policy of the state that development should
24 be guided away from prime agricultural lands; therefore, in
25 implementing this section, local jurisdictions should encourage,
26 to the maximum extent practicable, in filling existing urban areas.

27 (d) A local agency shall not disapprove a housing development
28 project, including farmworker housing as defined in subdivision
29 (h) of Section 50199.7 of the Health and Safety Code, for very
30 low, low-, or moderate-income households, or an emergency
31 shelter, or condition approval in a manner that renders the housing
32 development project infeasible for development for the use of very
33 low, low-, or moderate-income households, or an emergency
34 shelter, including through the use of design review standards,
35 unless it makes written findings, based upon a preponderance of
36 the evidence in the record, as to one of the following:

37 (1) The jurisdiction has adopted a housing element pursuant to
38 this article that has been revised in accordance with Section 65588,
39 is in substantial compliance with this article, and the jurisdiction
40 has met or exceeded its share of the regional housing need

1 allocation pursuant to Section 65584 for the planning period for
2 the income category proposed for the housing development project,
3 provided that any disapproval or conditional approval shall not be
4 based on any of the reasons prohibited by Section 65008. If the
5 housing development project includes a mix of income categories,
6 and the jurisdiction has not met or exceeded its share of the regional
7 housing need for one or more of those categories, then this
8 paragraph shall not be used to disapprove or conditionally approve
9 the housing development project. The share of the regional housing
10 need met by the jurisdiction shall be calculated consistently with
11 the forms and definitions that may be adopted by the Department
12 of Housing and Community Development pursuant to Section
13 65400. In the case of an emergency shelter, the jurisdiction shall
14 have met or exceeded the need for emergency shelter, as identified
15 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
16 disapproval or conditional approval pursuant to this paragraph
17 shall be in accordance with applicable law, rule, or standards.

18 (2) The housing development project or emergency shelter as
19 proposed would have a specific, adverse impact upon the public
20 health or safety, and there is no feasible method to satisfactorily
21 mitigate or avoid the specific, adverse impact without rendering
22 the development unaffordable to low- and moderate-income
23 households or rendering the development of the emergency shelter
24 financially infeasible. As used in this paragraph, a “specific,
25 adverse impact” means a significant, quantifiable, direct, and
26 unavoidable impact, based on objective, identified written public
27 health or safety standards, policies, or conditions as they existed
28 on the date the application was deemed or determined to be
29 complete. Inconsistency with the zoning ordinance or general plan
30 land use designation shall not constitute a specific, adverse impact
31 upon the public health or safety.

32 (3) The denial of the housing development project or imposition
33 of conditions is required in order to comply with specific state or
34 federal law, and there is no feasible method to comply without
35 rendering the development unaffordable to low- and
36 moderate-income households or rendering the development of the
37 emergency shelter financially infeasible.

38 (4) The housing development project or emergency shelter is
39 proposed on land zoned for agriculture or resource preservation
40 that is surrounded on at least two sides by land being used for

1 agricultural or resource preservation purposes, or which does not
2 have adequate water or wastewater facilities to serve the project.

3 (5) The housing development project or emergency shelter is
4 inconsistent with both the jurisdiction's zoning ordinance and
5 general plan land use designation as specified in any element of
6 the general plan as it existed on the date the application was
7 deemed or determined to be complete, and the jurisdiction has
8 adopted a revised housing element in accordance with Section
9 65588 that is in substantial compliance with this article. For
10 purposes of this section, a change to the zoning ordinance or
11 general plan land use designation subsequent to the date the
12 application was deemed or determined to be complete shall not
13 constitute a valid basis to disapprove or condition approval of the
14 housing development project or emergency shelter.

15 (A) This paragraph cannot be utilized to disapprove or
16 conditionally approve a housing development project if the housing
17 development project is proposed on a site that is identified as
18 suitable or available for very low, low-, or moderate-income
19 households in the jurisdiction's housing element, and consistent
20 with the density specified in the housing element, even though it
21 is inconsistent with both the jurisdiction's zoning ordinance and
22 general plan land use designation.

23 (B) If the local agency has failed to identify in the inventory of
24 land in its housing element sites that can be developed for housing
25 within the planning period and are sufficient to provide for the
26 jurisdiction's share of the regional housing need for all income
27 levels pursuant to Section 65584, then this paragraph shall not be
28 utilized to disapprove or conditionally approve a housing
29 development project proposed for a site designated in any element
30 of the general plan for residential uses or designated in any element
31 of the general plan for commercial uses if residential uses are
32 permitted or conditionally permitted within commercial
33 designations. In any action in court, the burden of proof shall be
34 on the local agency to show that its housing element does identify
35 adequate sites with appropriate zoning and development standards
36 and with services and facilities to accommodate the local agency's
37 share of the regional housing need for the very low, low-, and
38 moderate-income categories.

39 (C) If the local agency has failed to identify a zone or zones
40 where emergency shelters are allowed as a permitted use without

1 a conditional use or other discretionary permit, has failed to
2 demonstrate that the identified zone or zones include sufficient
3 capacity to accommodate the need for emergency shelter identified
4 in paragraph (7) of subdivision (a) of Section 65583, or has failed
5 to demonstrate that the identified zone or zones can accommodate
6 at least one emergency shelter, as required by paragraph (4) of
7 subdivision (a) of Section 65583, then this paragraph shall not be
8 utilized to disapprove or conditionally approve an emergency
9 shelter proposed for a site designated in any element of the general
10 plan for industrial, commercial, or multifamily residential uses. In
11 any action in court, the burden of proof shall be on the local agency
12 to show that its housing element does satisfy the requirements of
13 paragraph (4) of subdivision (a) of Section 65583.

14 (e) Nothing in this section shall be construed to relieve the local
15 agency from complying with the congestion management program
16 required by Chapter 2.6 (commencing with Section 65088) of
17 Division 1 of Title 7 or the California Coastal Act of 1976
18 (Division 20 (commencing with Section 30000) of the Public
19 Resources Code). Nothing in this section shall be construed to
20 relieve the local agency from making one or more of the findings
21 required pursuant to Section 21081 of the Public Resources Code
22 or otherwise complying with the California Environmental Quality
23 Act (Division 13 (commencing with Section 21000) of the Public
24 Resources Code).

25 (f) (1) Nothing in this section shall be construed to prohibit a
26 local agency from requiring the housing development project to
27 comply with objective, quantifiable, written development standards,
28 conditions, and policies appropriate to, and consistent with, meeting
29 the jurisdiction's share of the regional housing need pursuant to
30 Section 65584. However, the development standards, conditions,
31 and policies shall be applied to facilitate and accommodate
32 development at the density permitted on the site and proposed by
33 the development.

34 (2) Nothing in this section shall be construed to prohibit a local
35 agency from requiring an emergency shelter project to comply
36 with objective, quantifiable, written development standards,
37 conditions, and policies that are consistent with paragraph (4) of
38 subdivision (a) of Section 65583 and appropriate to, and consistent
39 with, meeting the jurisdiction's need for emergency shelter, as
40 identified pursuant to paragraph (7) of subdivision (a) of Section

1 65583. However, the development standards, conditions, and
 2 policies shall be applied by the local agency to facilitate and
 3 accommodate the development of the emergency shelter project.

4 (3) This section does not prohibit a local agency from imposing
 5 fees and other exactions otherwise authorized by law that are
 6 essential to provide necessary public services and facilities to the
 7 housing development project or emergency shelter.

8 (4) For purposes of this section, a housing development project
 9 or emergency shelter shall be deemed consistent, compliant, and
 10 in conformity with an applicable plan, program, policy, ordinance,
 11 standard, requirement, or other similar provision if there is
 12 substantial evidence that would allow a reasonable person to
 13 conclude that the housing development project or emergency
 14 shelter is consistent, compliant, or in conformity.

15 (g) This section shall be applicable to charter cities because the
 16 Legislature finds that the lack of housing, including emergency
 17 shelter, is a critical statewide problem.

18 (h) The following definitions apply for the purposes of this
 19 section:

20 (1) “Feasible” means capable of being accomplished in a
 21 successful manner within a reasonable period of time, taking into
 22 account economic, environmental, social, and technological factors.

23 (2) ~~(A)~~ “Housing development project” means a use consisting
 24 of any of the following:

25 ~~(i)~~

26 (A) Residential units only.

27 ~~(ii)~~

28 (B) Mixed-use developments consisting of residential and
 29 nonresidential uses with at least two-thirds of the square footage
 30 designated for residential use.

31 ~~(iii)~~

32 (C) Transitional housing or supportive housing.

33 ~~(B)~~ A “housing development project” may solely be, or may
 34 include, a single unit, including an accessory dwelling unit as
 35 defined in Section 65852.2.

36 ~~(C)~~ A “housing development project” may solely be, or may
 37 include, the addition of one or more bedrooms to an existing
 38 residential unit.

39 (D) Accessory dwelling unit as defined in Section 65852.2.

(3) “Housing for very low, low-, or moderate-income households” means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) “Area median income” means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) “Disapprove the housing development project” includes any instance in which a local agency does either of the following:

(A) Takes action on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section ~~65950~~ or, in the case of a ministerial project, the time period specified in the applicable law authorizing that ministerial project. ~~65950~~. An extension of time pursuant to Article 5 (commencing with Section 65950) ~~or the time period specified in the applicable law authorizing that ministerial project~~ shall be deemed or determined to be to be an extension of time pursuant to this paragraph.

1 (6) ~~“Conditions that have the same effect or impact on the ability~~
 2 ~~of the housing development project to provide housing” shall~~
 3 ~~include, but are not limited to, each of the following:~~

4 (A) ~~Reduction in the number of bedrooms or other normal~~
 5 ~~residential features, such as a living room or kitchen.~~

6 (B) ~~The substantial impairment of the housing development~~
 7 ~~project’s economic viability.~~

8 (i) If any city, county, or city and county denies approval or
 9 imposes conditions, including design changes, lower density, or
 10 a reduction of the percentage of a lot that may be occupied by a
 11 building or structure under the applicable planning and zoning in
 12 force at the time the application is deemed or determined to be
 13 complete pursuant to Section 65943, that have a substantial adverse
 14 effect on the viability or affordability of a housing development
 15 for very low, low-, or moderate-income households, and the denial
 16 of the development or the imposition of conditions on the
 17 development is the subject of a court action which challenges the
 18 denial or the imposition of conditions, then the burden of proof
 19 shall be on the local legislative body to show that its decision is
 20 consistent with the findings as described in subdivision (d) and
 21 that the findings are supported by a preponderance of the evidence
 22 in the record. For purposes of this section, “lower density” includes
 23 any conditions that have the same effect or impact on the ability
 24 of the *housing development* project to provide ~~housing~~. *housing,*
 25 *including a condition requiring a reduction in the number of*
 26 *bedrooms.*

27 (j) (1) (A) ~~When a proposed housing development project~~
 28 ~~complies with applicable, objective general plan, zoning, and~~
 29 ~~subdivision standards and criteria, including design review~~
 30 ~~standards, in effect at the time that the housing development~~
 31 ~~project’s application is deemed or determined to be complete, but~~
 32 ~~the local agency proposes to disapprove the project or to impose~~
 33 ~~a condition that the project be developed at a lower density, the~~
 34 ~~local agency shall base its decision regarding the proposed housing~~
 35 ~~development project upon written findings supported by a~~
 36 ~~preponderance of the evidence on the record that both of the~~
 37 ~~following conditions exist:~~

38 (i)

39 (A) The housing development project would have a specific,
 40 adverse impact upon the public health or safety unless the project

1 is disapproved or approved upon the condition that the project be
2 developed at a lower density. As used in this paragraph, a “specific,
3 adverse impact” means a significant, quantifiable, direct, and
4 unavoidable impact, based on objective, identified written public
5 health or safety standards, policies, or conditions as they existed
6 on the date the application was deemed or determined to be
7 complete.

8 (ii)

9 (B) There is no feasible method to satisfactorily mitigate or
10 avoid the adverse impact identified pursuant to paragraph (1), other
11 than the disapproval of the housing development project or the
12 approval of the project upon the condition that it be developed at
13 a lower density.

14 ~~(B) For purposes of this section, a general plan, zoning, or~~
15 ~~subdivision standard or criterion is not “applicable” if its~~
16 ~~applicability to a housing development project is discretionary or~~
17 ~~if the project could be approved without the standard or criterion~~
18 ~~being met.~~

19 (2) (A) If the local agency considers a proposed housing
20 development project to be inconsistent, not in compliance, or not
21 in conformity with an applicable plan, program, policy, ordinance,
22 standard, requirement, or other similar provision as specified in
23 this subdivision, it shall provide the applicant with written
24 documentation identifying the provision or provisions, and an
25 explanation of the reason or reasons it considers the housing
26 development to be inconsistent, not in compliance, or not in
27 conformity as follows:

28 (i) Within 30 days of the date that the application for the housing
29 development project is deemed or determined to be complete, if
30 the housing development project contains 150 or fewer housing
31 units.

32 (ii) Within 60 days of the date that the application for the
33 housing development project is deemed or determined to be
34 complete, if the housing development project contains more than
35 150 units.

36 (B) If an applicant elects to revise the application in response
37 to any comments, and the local agency considers a proposed
38 housing development project to be inconsistent, not in compliance,
39 or not in conformity with an applicable plan, program, policy,
40 ordinance, standard, requirement, or other similar provision as

1 specified in this subdivision, the local agency shall provide the
 2 applicant with written documentation identifying the provision or
 3 provisions, and an explanation of the reason or reasons it considers
 4 the housing development to be inconsistent, not in compliance, or
 5 not in conformity within 30 days of the date that the revisions are
 6 submitted.

7 (C) If the local agency fails to provide the required
 8 documentation pursuant to subparagraph (A) or (B), the housing
 9 development project shall be deemed consistent, compliant, and
 10 in conformity with the applicable plan, program, policy, ordinance,
 11 standard, requirement, or other similar provision.

12 (3) For purposes of this section, the receipt of a density bonus
 13 pursuant to Section 65915 shall not constitute a valid basis on
 14 which to find a proposed housing development project is
 15 inconsistent, not in compliance, or not in conformity with an
 16 applicable plan, program, policy, ordinance, standard, requirement,
 17 or other similar provision specified in this subdivision.

18 (4) For purposes of this section, a proposed housing development
 19 project is not inconsistent with the applicable zoning standards
 20 and criteria, and shall not require a rezoning, if the housing
 21 development project is consistent with the objective general plan
 22 standards and criteria but the zoning for the project site is
 23 inconsistent with the general plan. If the local agency has complied
 24 with paragraph (2), the local agency may require the proposed
 25 housing development project to comply with the objective
 26 standards and criteria of the zoning which is consistent with the
 27 general plan, however, the standards and criteria shall be applied
 28 to facilitate and accommodate development at the density allowed
 29 on the site by the general plan and proposed by the proposed
 30 housing development project.

31 (5) For purposes of this section, “lower density” includes any
 32 conditions that have the same effect or impact on the ability of the
 33 housing development project to provide ~~housing~~ housing,
 34 *including a condition requiring a reduction in the number of*
 35 *bedrooms.*

36 (k) (1) (A) The applicant, a person who would be eligible to
 37 apply for residency in the housing development project or
 38 emergency shelter, or a housing organization may bring an action
 39 to enforce this section. If, in any action brought to enforce this
 40 section, a court finds that either (i) the local agency, in violation

1 of subdivision (d), disapproved a housing development project or
 2 conditioned its approval in a manner rendering it infeasible for the
 3 development of an emergency shelter, or housing for very low,
 4 low-, or moderate-income households, including farmworker
 5 housing, without making the findings required by this section or
 6 without making findings supported by a preponderance of the
 7 evidence, or (ii) the local agency, in violation of subdivision (j),
 8 disapproved a housing development project complying with
 9 applicable, objective general plan and zoning standards and criteria,
 10 or imposed a condition that the project be developed at a lower
 11 density, without making the findings required by this section or
 12 without making findings supported by a preponderance of the
 13 evidence, the court shall issue an order or judgment compelling
 14 compliance with this section within 60 days, including, but not
 15 limited to, an order that the local agency take action on the housing
 16 development project or emergency shelter, ~~including approval of~~
 17 ~~all necessary entitlements for construction thereof.~~ *shelter.* The
 18 court may issue an order or judgment directing the local agency
 19 to approve the housing development project or emergency ~~shelter~~
 20 *shelter, including approval of all necessary entitlements for*
 21 *construction thereof,* if the court finds that the local agency acted
 22 in bad faith when it disapproved or conditionally approved the
 23 housing development project or emergency shelter in violation of
 24 this section. The court shall retain jurisdiction to ensure that its
 25 order or judgment is carried out and shall award reasonable
 26 attorney's fees and costs of suit to the plaintiff or petitioner, except
 27 under extraordinary circumstances in which the court finds that
 28 awarding fees would not further the purposes of this section. A
 29 plaintiff or petitioner who is the project applicant may seek
 30 compensatory damages for a violation of this section. For purposes
 31 of this section, "lower density" includes conditions that have the
 32 same effect or impact on the ability of the housing development
 33 project to provide ~~housing.~~ *housing, including a condition requiring*
 34 *a reduction in the number of bedrooms.*

35 (B) (i) Upon a determination that the local agency has failed
 36 to comply with the order or judgment compelling compliance with
 37 this section within 60 days issued pursuant to subparagraph (A),
 38 the court shall impose fines on a local agency that has violated this
 39 section and require the local agency to deposit any fine levied
 40 pursuant to this subdivision into a local housing trust fund. The

1 local agency may elect to instead deposit the fine into the Building
2 Homes and Jobs Trust Fund, if Senate Bill 2 of the 2017–18
3 Regular Session is enacted, or otherwise in the Housing
4 Rehabilitation Loan Fund. The fine shall be in a minimum amount
5 of ten thousand dollars (\$10,000) per housing unit in the housing
6 development project on the date the application was deemed or
7 determined to be complete pursuant to Section 65943. In
8 determining the amount of fine to impose, the court shall consider
9 the local agency’s progress in attaining its target allocation of the
10 regional housing need pursuant to Section 65584 and any prior
11 violations of this section. Fines shall not be paid out of funds
12 already dedicated to affordable housing, including, but not limited
13 to, Low and Moderate Income Housing Asset Funds, funds
14 dedicated to housing for very low, low-, and moderate-income
15 households, and federal HOME Investment Partnerships Program
16 and Community Development Block Grant Program funds. The
17 local agency shall commit and expend the money in the local
18 housing trust fund within five years for the sole purpose of
19 financing newly constructed housing units affordable to extremely
20 low, very low, or low-income households. After five years, if the
21 funds have not been expended, the money shall revert to the state
22 and be deposited in the Building Homes and Jobs Trust Fund, if
23 Senate Bill 2 of the 2017–18 Regular Session is enacted, or
24 otherwise in the Housing Rehabilitation Loan Fund, for the sole
25 purpose of financing newly constructed housing units affordable
26 to extremely low, very low, or low-income households.

27 (ii) If any money derived from a fine imposed pursuant to this
28 subparagraph is deposited in the Housing Rehabilitation Loan
29 Fund, then, notwithstanding Section 50661 of the Health and Safety
30 Code, that money shall be available only upon appropriation by
31 the Legislature.

32 (C) If the court determines that its order or judgment has not
33 been carried out within 60 days, the court may issue further orders
34 as provided by law to ensure that the purposes and policies of this
35 section are fulfilled, including, but not limited to, an order to vacate
36 the decision of the local agency and to approve the housing
37 development project, in which case the application for the housing
38 development project, as proposed by the applicant at the time the
39 local agency took the initial action determined to be in violation
40 of this section, along with any standard conditions determined by

1 the court to be generally imposed by the local agency on similar
2 projects, shall be deemed to be approved unless the applicant
3 consents to a different decision or action by the local agency.

4 (2) For purposes of this subdivision, “housing organization”
5 means a trade or industry group whose local members are primarily
6 engaged in the construction or management of housing units or a
7 nonprofit organization whose mission includes providing or
8 advocating for increased access to housing for low-income
9 households and have filed written or oral comments with the local
10 agency prior to action on the housing development project. A
11 housing organization may only file an action pursuant to this
12 section to challenge the disapproval or reduction in density of a
13 housing development project by a local agency. A housing
14 organization shall be entitled to reasonable attorney’s fees and
15 costs if it is the prevailing party in an action to enforce this section.
16 Nothing in this section is intended to limit the application of
17 Section 1021.5 of the Code of Civil Procedure.

18 (l) If the court finds that the local agency (1) acted in bad faith
19 when it disapproved or conditionally approved the housing
20 development or emergency shelter in violation of this section and
21 (2) failed to carry out the court’s order or judgment within 60 days
22 as described in subdivision (k), the court, in addition to any other
23 remedies provided by this section, shall multiply the fine
24 determined pursuant to subparagraph (B) of paragraph (1) of
25 subdivision (k) by a factor of five. For purposes of this section,
26 “bad faith” includes, but is not limited to, an action that is frivolous
27 or otherwise entirely without merit.

28 (m) ~~Irrespective of whether the local agency’s action was made~~
29 ~~as a result of a proceeding in which by law a hearing is required~~
30 ~~to be given, evidence is required to be taken in any action brought~~
31 ~~to enforce the provisions of this section and discretion in the~~
32 ~~determination of facts is vested in an inferior tribunal, corporation,~~
33 ~~board, or officer.~~ Any action brought to enforce the provisions of
34 *this section, regardless of whether the action of the local*
35 *agency was taken in a proceeding in which by law a hearing is*
36 *required*, shall be brought pursuant to Section 1094.5 of the Code
37 of Civil Procedure, and the local agency shall prepare and certify
38 the record of proceedings in accordance with subdivision (c) of
39 Section 1094.6 of the Code of Civil Procedure no later than 30
40 days after the petition is served, provided that the cost of

1 preparation of the record shall be borne by the local agency, unless
 2 the petitioner elects to prepare the record as provided in subdivision
 3 (n) of this section. A petition to enforce the provisions of this
 4 section shall be filed and served no later than 90 days from the
 5 later of (1) the effective date of a decision of the local agency
 6 imposing conditions on, disapproving, or any other final action on
 7 a housing development project or (2) the expiration of the time
 8 periods specified in subparagraph (B) of paragraph (5) of
 9 subdivision (h). Upon entry of the trial court's order, a party may,
 10 in order to obtain appellate review of the order, file a petition
 11 within 20 days after service upon it of a written notice of the entry
 12 of the order, or within such further time not exceeding an additional
 13 20 days as the trial court may for good cause allow, or may appeal
 14 the judgment or order of the trial court under Section 904.1 of the
 15 Code of Civil Procedure. If the local agency appeals the judgment
 16 of the trial court, the local agency shall post a bond, in an amount
 17 to be determined by the court, to the benefit of the plaintiff if the
 18 plaintiff is the project applicant.

19 (n) In any action, the record of the proceedings before the local
 20 agency shall be filed as expeditiously as possible and,
 21 notwithstanding Section 1094.6 of the Code of Civil Procedure or
 22 subdivision (m) of this section, all or part of the record may be
 23 prepared (1) by the petitioner with the petition or petitioner's points
 24 and authorities, (2) by the respondent with respondent's points and
 25 authorities, (3) after payment of costs by the petitioner, or (4) as
 26 otherwise directed by the court. If the expense of preparing the
 27 record has been borne by the petitioner and the petitioner is the
 28 prevailing party, the expense shall be taxable as costs.

29 ~~(o) For purposes of this section, an application that is not subject~~
 30 ~~to Chapter 4.5 of Division 1 of Title 7 (commencing with Section~~
 31 ~~65920) shall be deemed or determined to be complete at the time~~
 32 ~~the application is submitted to the local agency.~~

33 ~~(p)~~
 34 ~~(o) This section shall apply to any form of land use decision by~~
 35 ~~a local agency, including, but not limited to, a ministerial or use~~
 36 ~~by right decision or a discretionary approval. a housing~~
 37 ~~development project regardless of whether the local agency's~~
 38 ~~review of the project is a ministerial or use by right decision, or~~
 39 ~~a discretionary approval.~~

40 ~~(q)~~

1 (p) This section shall be known, and may be cited, as the
2 Housing Accountability Act.
3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

O



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June 12, 2019

The Honorable Nancy Skinner
Chair, Senate Public Safety
California State Capitol, Room 2031
Sacramento, CA 95814

RE: AB 516 (Chiu) Authority to Remove Vehicles.
Notice of Opposition

Dear Senator Skinner,

The City of Morgan Hill is **Opposed** to AB 516 (Chiu), a measure that would eliminate the ability for our city to adequately enforce state and local vehicle violations.

AB 516 would eliminate enforcement tools to address motorists who disregard basic laws designed to benefit our entire community. Specifically, the measure would eliminate the ability for the City of Morgan Hill to:

- “Immobilize,” or place a boot on a vehicle, for motorists who have five or more unpaid parking tickets
- Remove vehicles with expired registration that are operating illegally; and
- Remove vehicles in violation of parking time restrictions

The authority to remove vehicles that are operating unlawfully for failing to register within six months is an essential enforcement tool for violation of state and local laws aimed at requiring insurance, keeping our air clean, our storm drains free of pollution, and our streets safe. Motorists that allow their vehicle registration to expire for more than 6 months are not only in gross violation of state law, but are rejecting their basic responsibility to pay for various programs and services collected with their registration.

It is key to note that the 72-hour parking enforcement notice is usually triggered by a complaint from a local resident or business when cars appear abandoned or haven’t moved for an extended period of time. By the time our city responds, more than 72 hours have typically elapsed, when a notice is thereby issued for the vehicle to move. Compliance costs nothing and can simply involve moving a vehicle to a more acceptable location to avoid a tow. By the time a tow is actually enforced, a vehicle has likely remained unmoved for days and possibly weeks. This bill will impact the City’s ability to tow cars for a 72-hour violation which is critical to street sweeping, crime reduction, and quality of life for our residents.

For these reasons, the City of Morgan Hill **Opposes** AB 516.

Sincerely,

Rich Constantine
Mayor

cc. Assembly Member Robert Rivas (fax: 916-319-2130)
Senator Bill Monning (fax: 916-651-4917)
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org



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July 5, 2019

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
California State Capitol, Room 3086
Sacramento, CA 95814

RE: SB 13 (Wieckowski) Accessory Dwelling Units.
Oppose Unless Amended (As Amended 4/4/19)

Dear Senator Portantino:

The City of Morgan Hill must respectfully oppose SB 13 unless the measure is amended to address our key concerns. SB 13 would significantly amend the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs), even though the law was thoroughly revised in the 2016 Legislative Session. These revisions were a product of two carefully negotiated bills that only became effective in January 2017, with further amendments during the 2017 Legislative Session.

Arbitrary caps on impact fees. SB 13 would prohibit Morgan Hill from imposing any impact fees on ADUs less than 750 square feet and limit the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot.

This completely disregards the Mitigation Fee Act (MFA), which strictly regulates how local agencies impose impact fees. Under the MFA, impact fees must be limited to the particular service and can only cover the cost of providing that service. Arbitrarily capping these fees would result in an inability to provide the public improvements and public services necessary to meet the needs of the residents living in the newly constructed ADU.

Greenfield cities depend upon impact fees to build capacity in young, developing infrastructure systems. Without this infrastructure, cities cannot support additional housing with services required. In addition, not all cities are fiscally able to sustain development as well as others. Impact fees are a significant tool needed to balance fiscal sustainability.

Prohibits replacement parking. When a garage, carport, or covered parking structure is demolished or converted into an ADU, SB 13 would prohibit a city from requiring replacement parking. This would only exacerbate existing parking conflicts because cities are currently prohibited from imposing parking requirements on new ADUs if they are within one-half mile of transit. The residents of greenfield cities are auto dependent. Poor public transit exacerbates efforts to encourage residents to mode-split. In addition, removal of parking supply disproportionately impacts poorer residents who may have shift work or work two or more jobs. Having space to park a car because transit does not provide a reliable alternative is imperative. The City of Morgan Hill aspires to provide more transit opportunities to our residents, however, there has been limited ability from transit agencies to expand services to areas south of San Jose.

Prohibits owner occupancy requirements. SB 13 would prohibit a local jurisdiction from requiring a property owner to live in the main house or one of the accessory structures. This would incentivize operating the property as a commercial enterprise and could have the unintended effect of large-scale investors purchasing many single-family homes and adding ADUs, thus operating more like a property management company, not a homeowner seeking some additional income. Additionally, owner occupancy requirements could provide greater oversight and an opportunity to provide more affordable rents as a homeowner is less likely to be profit driven.

Small cities do not have the capacity to arbitrate property owner issues. It is imperative that local owners are on premises to manage rental units, in the absence of professional management.

For these reasons, the City of Morgan Hill opposes SB 13 unless it is amended.

Sincerely,



Christina Turner
City Manager

cc. Senator Bob Wieckowski (fax: 916-651-4910)
Assembly Member Robert Rivas (fax: 916-319-2130)
Senator Bill Monning (fax: 916-651-4917)
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org



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July 5, 2019

The Honorable Scott Wiener
Chair, Senate Housing Committee
State Capitol Building, Room 5100
Sacramento, CA 95814

**RE: AB 68 (Ting) Accessory Dwelling Units
Oppose Unless Amended**

Dear Senator Wiener:

The City of Morgan Hill must respectfully oppose AB 68 unless it is amended to address our key concerns. AB 68 would amend the statewide standards that apply to locally adopted ordinances concerning accessory dwelling units (ADUs), even though the law was thoroughly revised in the 2016 Legislative Session.

Loophole around Health and Safety Standards. Section 1 of the bill amends Government Code Section 65852.2 (e), thereby circumventing local ordinances that may exclude ADUs for criteria based on health and safety. Specifically, up to two new-construction ADUs on a parcel with a multifamily dwelling, unlimited ADUs converted from existing space with a multifamily building, a new-construction ADU on a parcel with a single family home, and conversions of existing space to create an ADU and JADU within a single family home or associated accessory structure would have to be allowed on any residential or mixed use parcel, irrespective of a local ordinance adopted pursuant to Government Code Section 65852.2 (a)(1)(A). The overreach of local authority to ensure our neighborhoods operate correctly, are safe and well designed to meet life safety issues has not been considered.

Prohibits replacement parking. When a garage, carport, or covered parking structure is demolished or converted into an ADU, AB 68 would prohibit a city from requiring replacement parking. This would only exacerbate existing parking conflicts because cities are currently prohibited from imposing parking requirements on new ADUs if they are within one-half mile of transit. This action also disproportionately impacts lower wage residents who perform shift work and/or work more than one job, making it impossible for them to find housing in locations where their cars can be parked/secured.

For the reasons stated above, the City of Morgan Hill opposes AB 68 unless it is amended.

Sincerely,

Christina Turner
City Manager

cc. Assembly Member Phil Ting (fax: 916-319-2019)
Assembly Member Robert Rivas (fax: 916-319-2130)
Senator Bill Monning (fax: 916-651-4917)
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org

Attachment: AB 68 Accessory Dwelling Units Letter of Opposition 7.5.19 (2383 : City Positions on Pending Legislation AB 516, SB 13, AB 68,



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July 5, 2019

The Honorable Scott Wiener
Chair, Senate Housing Committee
State Capitol Building, Room 5100
Sacramento, CA 95814

RE: AB 1763 (Chiu) Density Bonus: 100% Affordable Housing
Oppose Unless Amended (as amended 6/11/19)

Dear Senator Wiener:

The City of Morgan Hill must respectfully assume an “oppose unless amended” position on AB 1763 (Chiu). This measure would greatly expand existing Density Bonus Law (DBL) to require a city or county to award a developer significantly more density, additional concessions and incentives, and greater allowable height if 100% of the units in a development are restricted to lower income households. These awards do not require a developer to pass the cost savings awarded by concessions on to the renter or purchaser as a discount and continues to let market set the price for the cost of housing.

We agree with the fundamental problem - there aren't enough homes, especially homes affordable to low-income households, being built in California. The City of Morgan Hill has been committed to affordable housing production for 40 years which is why 1:8 units in the City are affordability restricted. Morgan Hill is again leading the way and is exceeding RHNA goals at 460% of required above market, 147% of moderate, 109% of low income and 26% of very low-income units produced in the first 6 years of the current housing cycle. Morgan Hill needs assistance with financing of very low-income units. This density bonus law does nothing to assist with financing and provision of very low-income units.

Unfortunately, the City of Morgan Hill opposes the expansion of DBL as outlined in AB 1763 as it relates to “major transit stops” and “high quality transit corridors.” Specifically, we have concerns with the following:

- **Transit agencies would play a role in determining land use** near “major transit stops” and “high quality transit corridors.” AB 1763 would alter existing land use policies based on transit service that is not under the authority of local jurisdictions.
- **Unlimited density and up to three additional stories** for developments within one-half mile of a “major transit stop.” While the existing 35% density bonus allowance may need to be adjusted for projects near major transit stops that contain 100% affordable units, granting a developer an unlimited density bonus and three additional stories is too extreme in many communities. It is almost assured that such an expansion of DBL will undermine a city's state certified housing element and community-based housing plans.
- **Unlimited density and up to two additional stories** for developments along an entire “high quality bus corridor.” Bus corridors are by nature not set in stone and can be easily altered at the whim of a transit authority. Allowing developers to greatly increase density around bus corridors could result in residents being stranded, if bus service becomes inadequate.

For the reasons stated above, the City of Morgan Hill opposes AB 1763 unless it is amended.

Sincerely,

Christina Turner
City Manager

cc. Assembly Member David Chiu (fax: 916-319-2117)
Assembly Member Robert Rivas (fax: 916-319-2130)
Senator Bill Monning (fax: 916-651-4917)
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org

Attachment: AB 1763 Density Bonus 100% Affordable Housing Letter of Opposition 7.5.19 (2383 : City Positions on Pending Legislation AB 516,



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July 5, 2019

The Honorable David Chiu
Chair, Assembly Committee on Housing and Community Development
1020 N Street, Room 162
Sacramento, CA 95814

**RE: SB 592 (Wiener) Housing Accountability Act
Oppose Unless Amended (as amended 6/13/19)**

Dear Assembly Member Chiu:

The City of Morgan Hill must respectfully oppose SB 592 unless the measure is amended to address our key concerns. SB 592 would, among other things, greatly expand existing remedies in the Housing Accountability Act (HAA) and apply the HAA to any form of land use decision.

1. Although the bill seems to limit local decisions to “objective standards,” it gives housing development projects “by right” approval of variances and other discretionary factors. This effectively eliminates regulations related to zoning, planning, design, and subdivision.

A core principle of land-use planning is that no plan or code can account for all circumstances. Our code recognizes this challenge with language for single-family, multi-family, office, public facilities, and commercial zones. Such language is essential to assure that application of the General Plan and zoning codes to specific projects meet the stated objectives. This authority would be removed by SB 592.

2. The current Density Bonus Law (Calif. Gov. Code sec. 65915 et seq) gives local jurisdictions the authority to approve density greater than the “by right” limit available from the bonuses under that law. By giving development projects under SB 592 the right to any density that could be granted, SB 592 effectively negates 65915 (n). Because we have such language in our municipal code, the city would have no control, absent a health and safety finding, over the density of a proposed development that otherwise meets the requirements of 65915.

65915.(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

3. Voiding limits on the number of bedrooms in residential zones allows for dorm-style developments in lower density zones, including single-family areas. This may be the intent of the author, but it is opposed vigorously by the City of Morgan Hill.
4. Other than paragraphs (d) and (i), nothing in this bill promotes affordable housing. Its effect, rather, is to abolish sound planning principles and remove the ability of the city to execute the approved General Plan and related Housing Element.

We also note that the process of “Gut and Amend” used to this hide this measure from critical review is of great concern. It is antithetical to transparency and open government. For the reasons stated above, the City of Morgan Hill opposes SB 592.

Sincerely,



Christina Turner
City Manager

cc. Senator Scott Wiener
Assembly Member Robert Rivas (fax: 916-319-2130)
Senator Bill Monning (fax: 916-651-4917)
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org

DRAFT



Meeting Minutes City Council

Rich Constantine - Mayor
Rene Spring - Mayor Pro Tem
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member

Wednesday, June 26, 2019 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

CALL TO ORDER

Mayor Constantine called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Present	
Rene Spring	Mayor Pro Tem	Present	
Yvonne Martinez Beltran	Council Member	Present	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	

DECLARATION OF POSTING AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

Minutes Acceptance: Minutes of Jun 26, 2019 7:00 PM (CONSENT CALENDAR)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr shared that he serves on the Valley Transportation Authority (VTA) board on behalf of the cities of Morgan Hill and Gilroy. He shared that the VTA has gone through some changes while putting together a new service model. As a result of those changes, one thing at risk in the new service model are the express buses which are an important part of the South County commute up into the job-rich North County. Currently VTA is talking with potential express bus employer partners in some of the private bus companies that we see moving through our community and exploring with them how they may be able to provide more service to the public rather than to just their own companies and about how such services might work. In August, VTA is going to bring some of those ideas back to the board and to the standing committees for feedback. At the request of the South County representatives, VTA is exploring improving South County connections to the core and the rest of the service network in the county. A principle part of that is figuring out how to improve Route 68 service, which is the backbone of transportation for South County. We have asked VTA how that service can be sped up. They are gathering information on rider travel patterns and looking at ways we may be able to speed that service up. We are hoping to hear back from them in late 2019 or early 2020 with ideas as to how to improve that service. He spoke regarding the labor negotiations at the VTA and the plan they have developed in the event that the employees do go out on a strike. The service would be very limited with not all routes being operated.

He announced that they have been working with CalTrain on improving schedules for South County riders, specifically the third southbound train (train 274) that comes into Morgan Hill in the evening. Currently, the latest train that comes into Morgan Hill comes in at 7:37 p.m. and very few people ride that train. Through polling they have learned that people would prefer an earlier train, as such CalTrain has agreed to make that service change. They will be changing the third train service to an earlier train that will arrive in Morgan Hill at 6:16 p.m. That schedule change will happen this fall.

He commented that he and his colleagues Council Members Spring and McKay attended the new South County Animal Services Center groundbreaking ceremony this morning in San Martin. It is scheduled to open in 2021 and have greatly expanded services for the entire county but of great benefit to those of us here in South County.

He shared that we recently had a City/School Liaison Committee meeting and at those meetings we talk a lot about traffic and transportation and one of the key things that the City has been talking with the School District about is how we can curb kids' access to vaping and e-cigarettes. We are working in partnership with them and our Police Department has obtained a grant to help with these efforts.

He concluded by stating that he would be remiss if he did not comment about the tragic events that have taken place in our community over the last 24 hours. Our community faced a terrible tragedy yesterday, one that other communities have faced, but rarely has there been gun violence in Morgan Hill and never on this scale. Today we grieve. We grieve for the families that lost loved ones, the co-workers, the customers, the family that is the Ford Store in Morgan Hill, and we grieve for the loss of our innocence as a community. Morgan Hill is a safe community. This was an isolated incident but tragic, nonetheless. Now we will begin the process of recovery. Perhaps because we are a small and tight knit community, that process might be a little bit more difficult for us, but perhaps it might also make us stronger. He asked that this week and next week as we prepare for the celebrations that are coming up to celebrate our county's independence, in a way that only Morgan Hill can do, let's remember our first responders who acted heroically and professionally last night and who continue to keep us safe every day. Let us also remember the families who lost loved ones, but perhaps just as important, let's remember who we are as a community. Let us remember our values, our spirit, the Morgan Hill feel that we all talk so much about and let us remember that violence has no place in our community. We will continue to be the safe, caring, and loving community that we call Morgan Hill.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements. She announced that the first Engage Morgan Hill Advisory Group meeting will take place Saturday, June 29th at 9:00 a.m. in the Council Chamber. This group of community leaders will spend one year learning more about City services, how they are funded, and what the financial projections are. They will meet regularly to help develop recommendations to the City Council about how we can remain fiscally sustainable. She invited any community members who may be interested in this initiative to attend. For more information you can contact Maureen Tobin.

She mentioned that Thursday evening, June 27th at 8:00 p.m. at the Community and Cultural Center Amphitheatre, there will be a vigil organized by our faith community in remembrance of those whose lives were lost in the tragic events on Tuesday.

CITY ATTORNEY'S REPORT

Assistant City Attorney Cynthia Hasson shared that the City Attorney's office continues to monitor SB 330 as it moves through the Assembly. There have been two amendments to it so far. On June 12th there were some technical amendments and yesterday there was a slightly more substantive amendment that did delete the code enforcement restrictions on the substandard housing. The rest of the content remains relatively unchanged at this time.

OTHER REPORTS

Council Member McKay shared that he along with Mayor Constantine, Council Members Carr and Spring, and City Manager Christina Turner attended a three day executive training session with the League of California Cities at which they had the opportunity to meet with their peers and gain new insights. One insight he gleaned from the conference was just how well this Council works together, how highly functioning and respectful they are to each other, and how well they work with the City Manager.

Mayor Pro Tem Spring shared that during the month of June we celebrate Pride Month for the LGBTQ community. He shared that for years he has been working diligently to bring more services, specifically "Safe Places" to South County for members of the LGBTQ community especially the youth. Our LGBTQ youth are at very high risk of committing suicide or becoming homeless if their families no longer accept them. Safe Places are places that the LGBTQ youth are welcomed and can feel safe. He happily announced that there are finally a couple opening. Our Morgan Hill Library now has Safe Places in place twice per month and just today in Gilroy, at the Willey Cultural Center they opened a Safe Place run by a wonderful group. We need to keep working on it but we are making progress. As a huge animal lover he was very happy to see the start of a reasonable animal shelter for South County. He apologized if he is a little bit off this evening. He did not sleep well due to the tragic events that took place on Tuesday. He concluded by reading the following quote by Elisabeth Kübler-Ross and David Kessler: "The reality is that you will grieve forever. You will not "get over" the loss of a loved one; you will learn to live with it. You will heal and you will rebuild yourself around the loss you have suffered. You will be whole again, but you will never be the same. Nor should you be the same. Nor would want to." Morgan Hill will never be the same but we will always be a Morgan Hill that stands together, that is strong, that is caring, and that we all love. We don't always agree with each other but now is the time to stick together and he thanked everyone who has reached out to the families and wants to help. He shared that there is a Go Fund Me Page setup and you can access it via the Ford Store Morgan Hill's web page.

Council Member Martinez Beltran shared that she is sorry she missed the conference. Her twins were graduating from pre-school and she could not miss it. She then spoke regarding the tragic event that took place at the Ford Store Morgan Hill last night. She commented that this could have been more horrific, but it was our police department and all of the agencies that work with them that showed tremendous bravery and we are indebted to them for all that they do. She is saddened by these horrible events and it has rattled us as we have seen this happen throughout the country. What is the scariest is that it has reached home. She stated that she still believes that Morgan Hill is truly a very safe place to be and this is a one off, this is not the new norm. She is committed to work with local law enforcement and her colleagues to make sure that safety is always a priority for us. Our hearts and our thoughts go out to the

families and everyone that is touched by this.

PROCLAMATIONS

PROCLAIMING JULY 2019 AS PARKS AND RECREATION MONTH

Recreation Manager Jennie Tucker and Parks and Recreation Commissioner Craig van Keulen received the proclamation.

PRESENTATIONS

YAC PRESENTATION - ASSET #15 - POSITIVE PEER INFLUENCE

PUBLIC COMMENT

The public comment was opened at 7:34 p.m. The following people were called to speak:

Michael Burchfield

Rocke Garcia

Joe Baranowski

Sara Nicolson

There being no further requests to speak, the public comment was closed.

PUBLIC COMMENT SUPPLEMENT 1

PUBLIC COMMENT- MEETING HANDOUTS

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rene Spring, Mayor Pro Tem
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

CONSENT CALENDAR

MOTION:

Approving consent calendar items 3, 4, 6 through 9, and 11 through 14.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John McKay, Council Member
SECONDER:	Rene Spring, Mayor Pro Tem
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

1. ITEM PULLED FOR DISCUSSION

2. ITEM PULLED FOR DISCUSSION

3. APPROVE AMENDMENT TO AGREEMENT WITH THE COUNTY OFFICE OF SUPPORTIVE HOUSING FOR THE RAPID REHOUSING AND HOMELESS PREVENTION PROGRAM

Recommendation:

1. Authorize the City Manager to execute and administer the first amendment to the agreement with the County Office of Supportive Housing for the Rapid Rehousing and Homeless Prevention Program; and
2. Adopt resolution amending the Fiscal Year (FY) 2019-20 adopted budget to appropriate \$50,000 from the Housing Mitigation Fund (236) for the related expenditures.

4. APPROVE SECOND AMENDMENT TO AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS, INC.

Recommendation:

Authorize the City Manager to execute and administer a Second Amendment to Agreement with Innovative Claims Solutions, Inc. to provide third party claims administration for workers' compensation for 5 years and a not to exceed amount of \$172,220.

5. ITEM PULLED FOR DISCUSSION

6. APPROVE FINAL MAP OF EVERGREEN VILLAGE (BUTTERFIELD & COCHRANE DEVELOPMENT), SUBDIVISION IMPROVEMENT AGREEMENT, AND STORMWATER BEST-MANAGEMENT-PRACTICES (BMP) OPERATIONS AND MAINTENANCE AGREEMENT

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Evergreen–Butterfield & Cochrane, L.L.C., an Arizona limited liability company;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map, the Subdivision Improvements Agreement, and the Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement.

7. AWARD ANNUAL ON-CALL ELECTRICAL MAINTENANCE SERVICES AGREEMENTS

Recommendation:

1. Award Maintenance Service Agreements to Morgan Hill JET Electric, Inc., JT Electric, Inc. and Bear Electrical Solutions, Inc. for up to \$100,000 each for on-call electrical maintenance and repair services; and
2. Authorize the City Manager to execute and administer the Agreements.

8. AWARD ANNUAL ON-CALL PLUMBING MAINTENANCE SERVICE AGREEMENTS

Recommendation:

1. Award Maintenance Service Agreements to Burr Plumbing and Pumping Co, Inc., Ernie's Plumbing, and Century Commercial Service for \$100,000 each for on-call plumbing maintenance and repair services; and
2. Authorize the City Manager to execute and administer the Agreements.

9. AWARD OF JOINT TRUNK PIPELINE CONDITION ASSESSMENT CONTRACT AND APPROVAL OF RELATED COST SHARING AGREEMENT WITH THE CITY OF GILROY

Recommendation:

1. Approve and authorize the City Manager to execute and administer a Cost Sharing Agreement with the City of Gilroy for the Condition Assessment Project. This authorization is conditioned on the City of Gilroy approving the Cost Sharing Agreement prior to execution; and
2. Approve and authorize the City Manager to execute and administer an agreement with Water Works Engineers, LLC in the amount of \$602,567 for a Joint Trunk Pipeline Condition Assessment. This authorization is conditioned on the City of Gilroy approving the Cost Share Agreement prior to execution.

10. ITEM PULLED FOR DISCUSSION

11. ACCEPT AND APPROVE GALVIN PARK PAR COURSE GRANT MEMORANDUM OF UNDERSTANDING AND RELATED BUDGET AMENDMENT

Recommendation:

1. Accept the *Meet Me at the Park* grant from the National Recreation and Park Association (NRPA);
2. Approve and authorize the City Manager to execute the Memorandum of Understanding; and
3. Adopt resolution amending the City's Adopted FY 2019-20 Budget to appropriate \$30,000 as grant revenue and \$60,000 as expenditures in the Park Impact Fund (301) for the Galvin Park Inclusive Par Course project.

12. ACCEPT PARKING STRUCTURE SAFETY ENHANCEMENT PROJECT

Recommendation:

1. Accept as complete, the Parking Structure Safety Enhancement Project in the amount of \$322,733;
2. Authorize the City Engineer to sign a Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

13. ACCEPT APRIL 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

14. APPROVE THE JUNE 5, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

1. APPROVE PROPERTY EXCHANGE AGREEMENT AND MAINTENANCE AND OPERATIONS AGREEMENT WITH VALLEY WATER

Recommendation:

Authorize the City Manager to execute and administer a property exchange agreement and a maintenance and operations agreement with Valley Water.

Public Services Director Chris Ghione provided the report and answered questions for items 1 and 2.

The public comment was opened at 8:04 p.m.

There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended action.

RESULT:	AUTHORIZED [UNANIMOUS]
MOVER:	Rene Spring, Mayor Pro Tem
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

2. APPROVE AGREEMENT WITH WOODARD AND CURRAN, INC. FOR DESIGN OF CITY IMPROVEMENTS ASSOCIATED WITH VALLEY WATER'S FLOOD CONTROL PROJECT

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Woodard and Curran, Inc. for a not to exceed amount of \$457,271 for the design of City improvements associated with Valley Water's upcoming flood protection project.

Public Services Director Chris Ghione provided the report and answered questions for items 1 and 2.

The public comment was opened at 8:04 p.m.

There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended action.

RESULT:	AUTHORIZED [UNANIMOUS]
MOVER:	Rene Spring, Mayor Pro Tem
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

5. APPROVE SMALL GOVERNMENT ENTERPRISE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR GIS SOFTWARE LICENSING

Recommendation:

Approve and authorize the City Manager to execute a three-year Small Government Enterprise Agreement with Environmental Systems Research Institute, Inc. (Esri) for GIS software licensing for a total amount of \$105,000.

GIS Manager Pam van der Leeden and Assistant City Manager Cindy Murphy provided the report and answered questions.

The public comment was opened at 8:15 p.m.

There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended action.

RESULT: APPROVED [UNANIMOUS]
MOVER: Rene Spring, Mayor Pro Tem
SECONDER: John McKay, Council Member
AYES: Constantine, Spring, Martinez Beltran, Carr, McKay

10. AWARD 2019 PAVEMENT RESURFACING PROJECT TO GRANITE ROCK COMPANY

Recommendation:

1. Approve the 2019 Pavement Resurfacing Project plans and specifications;
2. Award contract to Granite Rock Company for the 2019 Pavement Resurfacing Project in the amount of \$3,943,226;
3. Authorize expenditure of construction contingency funds not to exceed \$394,323; and
4. Authorize the City Manager to execute and administer the construction contract with Granite Rock Company pending review and approval by the City Attorney.

The public comment was opened at 8:16 p.m.

Doug Muirhead was called to speak.

There being no further requests to speak, the public comment was closed.

MOTION:

Approving the recommended actions.

RESULT: AWARDED [4 TO 0]
MOVER: Rene Spring, Mayor Pro Tem
SECONDER: John McKay, Council Member
AYES: Constantine, Spring, Martinez Beltran, McKay
ABSTAIN: Carr

OTHER BUSINESS

15. APPROVE FISCAL YEAR 2019-20 WORK PLANS FOR PARKS AND RECREATION AND LIBRARY, CULTURE AND ARTS COMMISSIONS

Recommendation:

1. Approve the proposed Parks and Recreation Commission FY 2019-20 Work Plan; and
2. Approve the proposed Library, Culture and Arts Commission FY 2019-20 Work Plan.

Public Services Director Chris Ghione provided the report.

The public comment was opened at 8:36 p.m.

There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended actions, directing staff to talk with Parks and Recreation Commission about an emphasis on sand volleyball and the idea of more youth engagement when it comes to bicycles, bicycle infrastructure, and the bicycle advisory group.

RESULT: APPROVED [UNANIMOUS]
MOVER: Yvonne Martinez Beltran, Council Member
SECONDER: Rene Spring, Mayor Pro Tem
AYES: Constantine, Spring, Martinez Beltran, Carr, McKay

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member McKay asked staff to explore creating a social media page and/or web page called "Rumors" to have a place where people can go to find out what the truth is.

Council Member Carr asked that the City Attorney come back with a discussion and perhaps a recommendation on an ordinance restricting and banning the sale of flavored tobacco products including e-cigarettes, not covered by federal and state law.

ADJOURNMENT

Mayor Constantine reminded everyone about the candlelight vigil tomorrow night at the Downtown amphitheater at 8:00 p.m. for the victims of the Ford Store shooting. He shared that he will not be able to attend as he will be traveling back from a meeting in San Carlos. He reiterated, how proud he is to be the titular head of this organization and unfortunately it takes instances like what happened last night to remind us of our friends, colleagues, and teammates. Tonight's presentation by the YAC was very appropriate for the times that we are in. He is so appreciative of all of the teammates that came together and is so proud of the community and what it has done in the face of adversity.

There being no further business the meeting was adjourned at 8:42 p.m. in honor and on behalf of the families and co-workers of the Ford Store shooting victims.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Shane Palsgrove, Police Captain
APPROVED BY: City Manager

RECEIVE REPORT ON PREVENTATIVE GUN VIOLENCE MEASURES AND PROVIDE DIRECTION FOR FIREARMS SAFETY EDUCATION

RECOMMENDATION(S)

1. Accept report regarding preventative gun violence measures the City has implemented; and
2. Provide direction for firearms safety education.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety

2019 Strategic Priorities

Community Engagement and Messaging

GUIDING DOCUMENTS

Public Safety Master Plan

REPORT NARRATIVE:

This staff report is to inform the City Council of best practices the police department has implemented to prevent gun violence and provide recommendations for firearm safety education.

On Tuesday evening, June 25, 2019, Morgan Hill was the location of a tragic incident involving gun violence. Our condolences are with the families who have suffered the loss of their loved ones.

“Gun violence” as it is referred to in this report is defined as physical force intended to hurt or kill with the use of a gun. Gun-related violence may or may not be considered criminal. Violence includes homicide, assault with a deadly weapon, and suicide or attempted suicide. Non-criminal violence includes accidental or unintentional injury and death.

In 2017, there were 38,396 deaths by firearm in the United States prompting the Police Executive Research Forum (PERF) to conduct a study into the reduction of gun violence. While the number of deaths from gun violence nationwide is significant, Morgan Hill has a low gun violence rate of 3 in 2017.

Even with a low gun violence rate, one incident of violence is too many. The Police Department, under Council direction, has implemented the following best practices as identified by PERF. PERF assembled a workgroup consisting of 175 police chiefs, sheriffs, federal agency executives, and subject matter experts from across the nation to

study gun violence. The group published a study in March 2019, which identifies nine recommendations to reduce gun violence. The study categorizes types of gun violence into four categories and provides nine recommendations:

Type of Gun Violence	Morgan Hill Incidents	
	2017	2018
1. Suicide	1	1
2. Homicide / Non-Fatal Shootings	0 / 2	0 / 3
3. Domestic Violence	0	0
4. Mass Shooting	0	0

Recommendations

1. Provide swift, certain, proportional consequences to deter illegal gun possession, and keep guns out of the hands of people prohibited from owning them.

Police leaders attribute differences to the vastly different laws and policies in effect in different locations. Perhaps the most important difference, chiefs and sheriffs say, is that some states have laws and prosecutorial practices of imposing jail time or other meaningful sanctions for illegal possession of a gun by convicted felons and other persons who are legally prohibited from owning guns. State legislatures can assist by enhancing penalties for first offenses and could increase proportionally for each subsequent offense. Changes in state law have lessened the time offenders have to stay in custody for firearm related incidents.

Morgan Hill Police Officers work with our local gun dealers who prevent prohibited persons from acquiring firearms through using the National Instant Criminal Background Check System (NICS). Prohibited persons include but is not limited to felons, any person who is a danger to themselves or others because of a mental illness, addicted to narcotics, is a fugitive from justice or is subject to a temporary restraining order. Since 1998, this system has prevented more than 1.5 million illegal firearms sales nationwide. Officers follow up on Department of Justice notifications when prohibited persons attempt to purchase a firearm or are in possession of a firearm. Officers issue restraining orders and collect firearms during domestic violence and mental health investigations. Officers also strictly enforce gun laws of people prohibited from owning them.

Public Education—we can enhance the public education by adding a link on the City website that provides information and resources regarding the types of restraining orders pertaining to firearms.

2. Secure guns in the home.

The Police Department offers free gun locks to the community and Council recently approved a City ordinance amending Chapter 9.04 titled “Weapons,” requiring the safe storage of firearms when not attended, promptly reporting of the theft or loss of firearms to the Police Department, and prohibiting the possession of large capacity magazines except in limited circumstances. Adherence to this ordinance could reduce the chances that firearms will be taken to commit suicide or homicide.

Public Education—we can enhance the public education by adding a link on the City website that provides information on laws, gun safety programs, and best practices.

3. Remove guns from homes where they pose an extreme risk.

Officers enforce laws that provide for the immediate surrender of firearms upon conviction of domestic violence offenses, mental health holds, gun-violence restraining orders (GVRO), or other disqualifying events under federal law. Officers also follow up on any perceived threat involving a gun whether on social media or allegation of illegal activity through cooperation of gun owner or search warrant.

Community members may surrender firearms at the Police Department at any time. GVROs allow for family members or friends to contact law enforcement to petition the courts for a temporary restraining order to remove firearm(s) from individuals who may be at risk of harming themselves or others. The Police Department has utilized the GVRO process previously and will receive additional training on its use in August of this year.

Public Education—we can enhance the public education by adding a link on the City website that provides information on types of restraining orders pertaining to firearms as mentioned prior.

4. Implement evidence-based policing strategies to target the small number of offenders responsible for most gun violence.

Police Officers vigorously investigate non-fatal shootings and gun possession cases, as a strategy for preventing future shootings and homicides. Our Police Analyst informs evidence-based enforcement and prevention strategies through the following: focused deterrence, hot spot policing, directed patrols, problem-oriented policing, and partnerships with the community.

Officers conduct probation and parole compliance checks to ensure conditions of person(s) release are followed. Specialized units track and arrest offenders responsible for gun violence.

Officers in accordance with County protocol make mandatory arrests for domestic violence incidents. Intervening when violence occurs and collecting guns in the home has proven to prevent further gun-violence.

Officers teach the Parent Project, “Changing Destructive Adolescent Behavior” which is an award-winning intervention model addressing destructive adolescent behaviors. The program addresses: truancy, drugs, runaways, media, early teen sex, violence, and gangs. This type of education helps parents recognize and address behaviors that lead to gun violence.

In January 2012, the City of Gilroy, the City of Morgan Hill, Gilroy and Morgan Hill Unified School Districts and the Santa Clara County Board of Supervisors met and created the South County Youth Task Force (SCYTF) to address the effects of violence and gangs on our youth and in our community. This collaboration is a cross-sector, multi-agency partnership that is implementing a multi-faceted, community-oriented approach to create culturally responsive prevention and intervention practices.

Our Police Chief and Councilmembers participate in the Suicide Prevention work group identifying risk factors for youth and develop best practice policies for the County. Council also funded “Applied Suicide Intervention Skills Training” for all of our officers to better recognize signs and symptoms.

Our Police Officers are all trained in crisis intervention techniques to deescalate situations—specific to person(s) with mental health conditions.

Public Education—we can enhance the public education by sending out email blasts and social media posts during June “Firearm Safety Month.” We can also partner with our local gun dealers and other stakeholders to post flyers and disseminate information.

5. Collect ballistics and use ballistic technology.

Crime scene investigators collect ballistic evidence in all shootings and run through the National Integrated Ballistic Information Network and aggressively pursue all investigative leads. All guns are traced through the eTrace system. Connecting guns to their users helps to solve crimes and prevent future offenses.

The Santa Clara County District Attorney’s Office has implemented a Crime Strategies Unit (CSU) – a data driven intelligence and information sharing unit that facilitates real-time communication between and among law enforcement agencies within and outside Santa Clara County. The CSU focuses on all crimes but places special emphasis on burglaries, thefts, and gun-related crimes. The CSU administers the Gun Related Intelligence Program (GRIP) to help police investigators, crime lab technicians, federal partners and intelligence analysts quickly and collaboratively solve gun crimes. When two or more cases are linked to a single firearm by examiners at the Crime Lab, the GRIP analysts open a GRIP case, and work to try and solve the cases through follow-up with the police agencies and witnesses. In 2018, GRIP investigated 251 cases in which a single weapon was used in more than one crime.

6. Limit availability of high-powered firearms and limit capacity of ammunition magazines.

Communities can regulate this at local level and/or support state legislation. Morgan Hill has amended Chapter 9.04 to address large capacity magazines, as mentioned above.

Public Education—we can enhance the public education by adding a link on the City website that provides information on options and current laws pertaining to firearms safety as mentioned prior.

7. Stop guns from entering the black market.

Local and Federal law enforcement vigorously investigate and prosecute purchasers and gun dealers who engage in straw purchases and other illegal gun trafficking schemes. Our local gun dealers have partnered with us to guard against gun store burglaries and robberies. They have implemented strict physical security standards. The requirement to promptly report the theft or loss of a firearm further helps to deter straw-purchases by making it more difficult for a potential straw-purchaser to claim a gun was lost after it was identified as being used in a crime.

Public Education—we can enhance the public education by adding a link on the City website that provides information on how to surrender a firearm to the police department safely.

8. Assess threats to prevent mass shootings.

Officers use a threat assessment protocol for individuals who come to the attention of law enforcement as potential mass attack offenders. To combat school shootings, school resource officers, teachers and other school personnel are trained to look for signs of crisis or violence, and protocols have been established for reporting and following up on those threats.

Public Education—we can enhance the public education by adding a link on the City website that allows community members and business owners to request “Gun Violence Training.” School Resource Officers will develop a threat assessment with the school district to develop a protocol for responding to and investigating reports of threats. Police Training staff will also continue to teach Active Shooter Training to include gun safety discussions at all the schools.

9. Expand gun violence research.

Continuous studies on gun violence need to be conducted in order to identify trends, patterns, and early warning signs. Police executives and officers subscribe to empirical journals, regularly attend conferences, and network at local and federal meetings keeping abreast of current trends and best practices.

Conclusion

The responsibility for addressing gun violence rests with everyone, not just Congress, state lawmakers, or at the local level. A concerted effort by all of us offers the best hope

for change. Further considerations for firearm safety education can be through partnerships with the City, schools, businesses, community-based and faith-based organizations.

We can enhance the public education by adding a link on the City website that provides information on options, types of restraining orders pertaining to firearms, information on laws, gun safety programs, how to surrender a firearm to the police department safely and gun ownership best practices. We can send out email blasts and social media posts during June “Firearm Safety Month”, partner with our local gun dealers and other stakeholders to disseminate information bringing awareness to gun safety and advertise free “Gun Violence Training” presented by our Police Department. School Resource Officers will also work with the schools to develop a protocol for responding to and investigating reports of threats and continue Active Shooter Training to include gun safety discussions at all the schools.

COMMUNITY

ENGAGEMENT:

None for this report, as its purpose is to provide Council information and seek direction. Depending on Council direction, staff will engage with the community accordingly.

ALTERNATIVE ACTIONS:

City Council can accept the report and request no additional follow up.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

March 7, 2018, City Attorney gave a presentation of potential measures to prevent gun violence. City Council adopted a resolution condemning gun violence and committing to the consideration of common-sense measures to prevent gun violence in Morgan Hill. City Council directed the City Attorney to draft ordinances requiring gun owners to report the loss or theft of a firearm; requiring the safe storage of firearms; prohibiting the possession of large capacity magazines; and requiring a local permit to conduct retail firearm and/or ammunition sales.

May 16, 2018, City Attorney provided an update to Council on the proposed ordinances. At that meeting, staff was directed to conduct further outreach to the community, including a meeting with an ad hoc committee of the Council.

October 24, 2018, Council approved a City ordinance amending Chapter 9.04 titled “Weapons,” to require the safe storage of firearms when not attended, to requiring the reporting of the theft or loss of firearms, and to prohibit the possession of large capacity magazines except in limited circumstances.

November 28, 2018, City Council held a public hearing and introduced ordinance 2292. Council asked for a report discussing measures the police department and others can take to prevent gun violence.

FISCAL AND RESOURCE IMPACT:

No fiscal impact. Preparation of this report is accommodated within the Police Department's existing workplan.

CEQA (California Environmental Quality Act):

Not a Project. This report is for information only.



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Jim Crawford, Division Chief of Operations for Morgan Hill Fire
APPROVED BY: City Manager

ACCEPT DONATION OF AN AMBULANCE TO FIRE AND APPROVE ASSOCIATED REQUIREMENTS TO PLACE IN SERVICE

RECOMMENDATION(S)

1. Accept the donation of an ambulance from Monterey County Regional Fire District;
2. Adopt resolution amending Fiscal Year 2019-20 adopted budget to appropriate \$100,000 from the General Fund and a transfer of \$25,000 from Fire Impact Fund (313) to the General Fund (010), for one-time costs to place the ambulance in service, operate the ambulance and the capability to bill for treatment and transport; and
3. Authorize the City Manager to approve, amend and execute agreements to operate the ambulance within Santa Clara County Emergency Medical Services (EMS) and other agencies that are required to place the ambulance in service for use.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community
Preserving and Cultivating Public Trust

GUIDING DOCUMENTS

Public Safety Master Plan

REPORT NARRATIVE:

The County of Santa Clara, except for Palo Alto and Stanford, are served through an Exclusive Operating Area (EOA) contract. The Santa Clara County Emergency Medical Services Agency (LEMSA) executes and manages the 9-1-1 ambulance response system contractor. Since 2011, the EOA contract for 9-1-1 ambulance services has been with Rural Metro/American Medical Response (AMR). Fire Departments are allowed by the LEMSAs to permit ambulance(s) for use in the 9-1-1 response system, in special circumstances. The Ambulance provider has recently renegotiated its agreement with the County of Santa Clara. As a result, changes to the required service levels are expected and concerns are warranted by the lowering of ambulance response time performance, likely impacting South County more so than cities up North. AMR currently staffs 3 ambulances in the South County Sub-Regional Area (Gilroy, San Martin, and Morgan Hill (EMS Zone 5)). All 9-1-1 ambulances participate in a "System

Status” program that ensures greatest coverage for the County is balanced with incident demand. The EMS Zone 5’s unique geography in the County means any additional ambulance needs for the area will respond from the north part of the County. When the 9-1-1 ambulance demand is high in the County, delays of 20-30 minutes, or greater have occurred, as units in the north part of the County respond to the increased need. A Fire Department ambulance would provide Fire an opportunity to transport the public in the City, under approved LEMSA guidelines, during high demand of 9-1-1 ambulance resources. If approved, the City would join the Cities of San Jose, Santa Clara, Milpitas, and Gilroy in ambulance ownership to support their local jurisdictions.

There are other potential uses of an ambulance resource to the Public:

- Event standby (Mushroom Mardi Gras, AMGEN, Taste of Morgan Hill, Freedom Fest, etc.)
- Use as an additional response vehicle “squad model” (non-transport Advanced Life Support)
- Long term event support (Care and Shelter, Law Enforcement standby, disaster support)

The Monterey County Regional Fire District has a surplus ambulance and has offered to donate the 2003 Ford Type III ambulance to the City of Morgan Hill. The ambulance has been operated for 99,000 miles and has an estimated value of \$20,000. The ambulance will also come equipped with a Stryker manual gurney with a value of \$2,000. The vehicle has been inspected by staff, is well maintained and operational.

Several other steps must be completed after acquisition of the ambulance, before it can be put into service:

- Apply for a Medical Billing Number from Medicare.
- Apply for an ambulance permit from the LEMSA and update the current County EMS contract and Annex A contract with the LEMSA to include the ambulance.
- Establish a contract with a vendor for billing services with a third-party billing provider including setup of insurance services billing contracts.
- Purchase EMS equipment and supplies to ensure the LEMSA minimum inventory standard is met.

To bill Medicare and other insurance companies for services, the City must establish a Medicare billing account number. This process will take several months to complete.

All EMS provider resources must apply and be approved by the LEMSA. City’s existing Fire resources are all currently permitted, and Fire will work with the LEMSA to include the permitted ambulance.

The other cities with Fire ambulances in Santa Clara County already have established agreements with a third-party billing provider. R1 RCM (Revenue Cycle Management) Incorporated of Chicago, Illinois manages medical treatment and transport billing on their behalf. R1 RCM is a leader in the medical billing industry and was chosen through

competitive process by other cities. Since these agreements and operations are already in place, Fire is requesting approval for the City Manager to negotiate, amend, approve, and execute an agreement with the same billing provider. The billing service contract will include assisting in acquiring all needed forms, agreements, contracts with insurance companies, state, and federal entities. Each ambulance service call is approximately \$3,000 in billings. While this service improves the level of service public safety can provide it is not expected to make a significant change to revenues for Fire Services. The City of Gilroy has provided a fire department ambulance in their system for several years. In 2018 Gilroy Fire had two transports for service totaling billings of \$4,332 and a final revenue of \$2,088. The difference in billing and revenue is due to the capitation of healthcare costs and administrative costs for billing to be completed.

Once approved, Fire will address the other steps of the process indicated above to ensure that the ambulance will be able to respond as needed and approved.

Fire's ambulance services would supplement the County's EMS service. Staffing of the ambulance will be allocated from existing Fire medical personnel, on an as needed basis. While the exact staffing implications are unclear at this time, it is clear this could impact engine staffing. During the peak demand, where ambulance delays are experienced, the engine responding to the call is tied up to stay on scene until the ambulance arrives. Having this ambulance would provide an opportunity to mitigate the delays and allows for the initial responding engine to be freed for other calls.

COMMUNITY ENGAGEMENT: Inform

This staff report will serve as the instrument to inform the community of the equipment donation and recommended approval for the budget resolution and equipment acquisition. Once the ambulance is available for response, the community will be informed of the new service that can be provided.

ALTERNATIVE ACTIONS:

An alternative action is to not accept the donation of the ambulance and not provide ambulance services as an option to the public.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

None.

FISCAL AND RESOURCE IMPACT:

Based on communication with other providers, and the EMS, the following financial impacts are expected:

Initial Cost: \$100,000

- Initial EMS equipment, EMS supplies: \$71,400
- Initial Communications Equipment (SVRCS): \$10,000
- Initial Medicare Number: \$600
- Initial Billing Service Startup: \$10,000
- Initial Ambulance Permit: \$8,000

Future Ongoing Costs: \$13,000, plus per transport

- Annual EMS Supplies Estimate: \$5,000
- Annual Ambulance Permit: \$8,000
- Annual Billing service estimate: \$40 per transport

This project is not included in the adopted budget. The ambulance acquisition was not part of the Fire Department's workplan as the opportunity to provide this resource was not in the forecast at the time of the current biennial budget development process. As outlined above, the cost to put this additional service in place is about \$100,000 initially, and \$13,000 annually.

A resolution amending the adopted FY 2019-20 budget, to appropriate \$100,000 from the General Fund (010) and a transfer of \$25,000 from the Fire Impact Fund (313) to the General Fund (010) to outfit the ambulance, is attached.

CEQA (California Environmental Quality Act):

Not a Project

Acquisition of vehicles, equipment and supplies do not result in a change to the environment and are therefore not considered a project.

LINKS/ATTACHMENTS:

1. Budget Amendment Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S ADOPTED FISCAL YEAR 2019-20 BUDGET APPROPRIATING \$100,000 FROM THE GENERAL FUND (010) TO PURCHASE EQUIPMENT FOR THE DONATED AMBULANCE AND APPROPRIATING A TRANSFER OF \$25,000 FROM THE FIRE IMPACT FUND (313) TO THE GENERAL FUND (010).

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Budget for Fiscal Year 2019-20, as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the City's previously adopted Fiscal Year 2019-20 Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- b. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and

directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2019-20 Budget of the City.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 17th day of July 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNCIL MEMBERS:

COUNCIL MEMBERS:

COUNCIL MEMBERS:

COUNCIL MEMBERS:

DATE: _____

Rich Constantine, MAYOR

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.XXXX , adopted by the City Council at the meeting held on July 17, 2019.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

EXHIBIT A

AGENDA BUDGET SCORECARD

FISCAL YEAR 2019-20

ADJUSTMENT #

041

FUND:

DEPARTMENT:

OBJECT:

010	General Fund
3510	Fire Administration
42299	OTHER EXPENSE

AGENDA DATE:

07/17/19

AGENDA ITEM TITLE:

Accept Ambulance Donation and Appropriate \$100,000 to Place in Service

	07/01/19 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/20 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	17,687,052	41,264,549	41,658,489	17,293,112
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	595,353	1,034,986	(439,633)
RECOMMENDED ACTION	-	25,000	100,000	(75,000)
RESULT OF RECOMMENDED ACTION	<u>17,687,052</u>	<u>41,884,902</u>	<u>42,793,475</u>	<u>16,778,479</u>

AGENDA BUDGET SCORECARD
FISCAL YEAR 2019-20
ADJUSTMENT #

042

FUND:
DEPARTMENT:
OBJECT:

313 Fire Impact Fund
 8085 Fire Mitigation
 49210 TRANSFER OUT-010 (GENERAL FUND)

AGENDA DATE:

07/17/19

AGENDA ITEM TITLE:

Transfer to the General Fund to Accept Ambulance Donation and
 Place in Service

	07/01/19 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/20 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	3,906,952	349,306	172,227	4,084,031
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION	-	-	25,000	(25,000)
RESULT OF RECOMMENDED ACTION	<u>3,906,952</u>	<u>349,306</u>	<u>197,227</u>	<u>4,059,031</u>



CITY COUNCIL STAFF REPORT

MEETING DATE: July 17, 2019

PREPARED BY: Jim Crawford, Division Chief of Operations for Morgan Hill Fire
APPROVED BY: City Manager

APPROVE SECOND AMENDMENT TO THE 911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA TO EXTEND THE TERM OF THE AGREEMENT AND THE USE OF THE MEDICAL PRIORITY DISPATCH SYSTEM

RECOMMENDATION(S)

1. Approve the Second Amendment to the Agreement with the County of Santa Clara Emergency Medical Services Agency relating to providing 911 emergency medical services extending the Agreement for a 36-month period through June 30, 2022;
2. Authorize the City Manager to include ambulance transport services provided by Morgan Hill Fire in the Second Amendment, subject to Council action on Agenda Item #17 - Ambulance Donation; and
3. Authorize the City Manager to execute the agreement.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety

Maintaining Fiscal Responsibility

GUIDING DOCUMENTS

Public Safety Master Plan

REPORT NARRATIVE:

As part of reestablishing the Morgan Hill Fire Department, the City entered into an agreement with the County of Santa Clara to become an approved EMS provider. The agreement allows the City to operate by contracting with Cal Fire to respond to 911 EMS requests. The City receives reimbursement that helps offset the costs of providing paramedic level care and Medical Priority Dispatching System Services (EMD). In 2016, the Agreement was amended to include minor edits and extend the term. Approval of the second amendment to the 911 EMS System provider agreement with the County of Santa Clara will allow the City to continue to provide 911 Advanced Life Support (ALS) Emergency Medical and EMD Services for the term ending June 30, 2022.

On tonight's agenda is an item regarding an ambulance donation for Council consideration. If approved, staff will include language in this second amendment which would allow Morgan Hill Fire to provide ambulance transport services.

COMMUNITY ENGAGEMENT: Inform

This staff report serves as the mechanism to inform the community of the recommended approval of the agreement to continue to provide ALS First Responder Services.

ALTERNATIVE ACTIONS:

No feasible alternatives at this time.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On November 7, 2012, the City Council approved the original ALS First Responder and EMD agreements, which became effective January 1, 2013.

On June 15, 2016, City Council approved the first amendment to the agreement, to extend the term.

FISCAL AND RESOURCE IMPACT:

There are no expenditure impacts to the City's budget as a result of this amendment. The City receives about \$225,000 annually, in first responder and EMD reimbursement as part of the agreement to provide ALS First Responder Services. Without the agreement, there is no mechanism to continue to receive the First Responder and EMD Fees.

CEQA (California Environmental Quality Act):

Not a Project. Amendment of the EMS services agreement is an administrative activity of government that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. EMS Second Amendment

**SECOND AMENDMENT
TO THE 911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT BETWEEN THE
CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA**

This Second Amendment to the 911 Emergency Medical Services Provider Agreement ("Second Amendment") is entered into by and between the City of Morgan Hill ("Provider") and the County of Santa Clara ("County"), effective as of June 30, 2019 ("Effective Date").

RECITALS

A. The Provider and County entered into that certain 911 Emergency Medical Services Provider Agreement ("Agreement"), effective January 1, 2013, to provide paramedic-level services and/or emergency ambulance transportation within the Santa Clara County Exclusive Operating Area. The Agreement was amended, effective July 1, 2016, to extend the term of the Agreement and the use of the Medical Priority Dispatch System.

B. The Provider and County now desire to further amend the term of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and of the conditions, terms, covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and Provider hereby agree that the Agreement is amended, as of the Effective Date, as follows:

1. Term of Agreement. Section 2.1 of the Agreement is amended and restated as follows:

2.1 Term of Agreement. This Agreement shall be effective as of 12:00 a.m. on January 1, 2013 and shall be in force and effect for a period of nine and a half years thereafter, until 11:59 p.m. on June 30, 2022.

2. The Agreement, as amended by this Second Amendment, constitutes the full and complete agreement and understanding between the parties hereto and shall supersede all prior communications, representations, understandings or agreements, if any, whether oral or written, concerning the subject matter contained in the Agreement. The Agreement may not be amended, waived or discharged, in whole or in part, except by a written instrument executed by all of the parties hereto.

3. Except as modified by this Second Amendment, the terms and provisions of the Agreement are hereby ratified and confirmed and shall remain in full force and effect. Should any inconsistency arise between this Second Amendment and the Agreement as to the specific matters which are the subject of this Second Amendment, the terms and conditions of this Second Amendment shall govern and prevail.

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the Effective Date.

COUNTY:

Provider:

Jeffrey V. Smith
County Executive
County of Santa Clara

Date

Christina Turner
City Manager
City of Morgan Hill

Date

Approved:

Approved as to Form and Legality:

Jackie Lowther, MBA, MSN
Emergency Medical Services
Agency

Date

Donald Larkin
City Attorney

Date

Attest:

Approved:

René G. Santiago
Deputy County Executive
Santa Clara County Health System

Date

Michelle Bigelow
Assistant City Clerk

Date

Approved:

John Cookinham
Chief Financial Officer
County of Santa Clara Health System

Date

Approved as to Form and Legality:

Wesley Dodd
Deputy County Counsel

Date

Attachment: EMS Second Amendment (2404 : Second Amendment to First Responder EMS Agreement)

**FIRST AMENDMENT
TO THE 911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT BETWEEN THE
CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA**

This First Amendment to the 911 Emergency Medical Services Provider Agreement ("First Amendment") is entered into by and between the City of Morgan Hill ("Provider") and the County of Santa Clara ("County"), effective as of June 30, 2016 ("Effective Date").

RECITALS

A. The Provider and County entered into that certain 911 Emergency Medical Services Provider Agreement ("Agreement") on December 12, 2012, to provide paramedic-level services and/or emergency ambulance transportation within the Santa Clara County Exclusive Operating Area.

B. The Provider and County now desire to amend certain provisions of this Agreement concerning the term of the Agreement and the use of the Medical Priority Dispatch System.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and of the conditions, terms, covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and Provider hereby agree that the Agreement is amended, as of the Effective Date, as follows:

1. Term of Agreement. Section 2.1 of the Agreement is amended and restated as follows:

2.1 Term of Agreement. This Agreement shall be effective as of 12:00 a.m. on July 1, 2011 and shall be in force and effect for a period of eight (8) years thereafter, until 11:59 p.m. on June 30, 2019.

2. Annex B, Section IV, C, Table I: Medical Priority Dispatch System Use.

The MPDS use standard for Fiscal Year 2016 shall be met by the provider for the remainder of the term of this agreement.

3. The Agreement, as amended by this First Amendment, constitutes the full and complete agreement and understanding between the parties hereto and shall supersede all prior communications, representations, understandings or agreements, if any, whether oral or written, concerning the subject matter contained in the Agreement. The Agreement may not be amended, waived or discharged, in whole or in part, except by a written instrument executed by all of the parties hereto.
4. Except as modified by this First Amendment, the terms and provisions of the Agreement are hereby ratified and confirmed and shall remain in full force and effect. Should any inconsistency arise between this First Amendment and the Agreement as to the specific matters which are the subject of this First Amendment, the terms and conditions of this First Amendment shall govern and prevail.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the Effective Date.

COUNTY OF SANTA CLARA:

CITY OF MORGAN HILL:


René G. Santiago
Deputy County Executive

8-1-16
Date

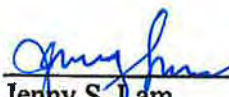

for Steve Rymer
City Manager

7/1/16
Date

Christina Turner

Approved as to Form and Legality:

Approved as to Form:


Jenny S. Lam
Deputy County Counsel

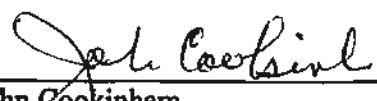
7/6/16
Date


for Gary Baum
Interim City Attorney

07/01/16
Date

Resolution No. 16-096

Approved:


John Cookinham
SCVHHS Chief Financial Officer

7/25/2016
Date

Attachment: EMS Second Amendment (2404 : Second Amendment to First Responder EMS Agreement)

911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT**BETWEEN****THE CITY OF MORGAN HILL****AND****THE COUNTY OF SANTA CLARA****EMERGENCY MEDICAL SERVICES AGENCY**

This Emergency Medical Services Agreement (the "Agreement") is made by and between the City of Morgan Hill ("Provider"), and the County of Santa Clara (the "County" and together with Provider, the "Parties"), with respect to the provision of 911 emergency medical services in the County of Santa Clara.

RECITALS

WHEREAS, the Emergency Medical Services Agency ("EMS Agency") of the County of Santa Clara is responsible for regulating advanced life support ("ALS") providers within Santa Clara County, and for authorizing the provision of ALS response and transport within the County; and

WHEREAS, Health and Safety Code Section 1797.178 specifies that no person or organization shall provide ALS or limited advanced life support unless that person or organization is an authorized part of the emergency medical services system; and

WHEREAS, the County agrees that the Provider may use the services of the California Department of Forestry and Fire Protection ("CAL FIRE") to provide services identified in this Agreement; and

WHEREAS, pursuant to Health and Safety Code Sections 1797.204 and 1798, among others, the EMS Agency is responsible for system coordination, medical oversight, and support of the delivery of all emergency medical services by provider agencies such as the Provider and CAL FIRE; and

WHEREAS, the EMS Agency and the Provider agree to cooperate with each other for the purpose of delivery, maintenance, and improvement of emergency medical care within Santa Clara County and the areas served by the County of Santa Clara, in order to meet the needs of Santa Clara County 9-1-1 patients efficiently and appropriately; and

WHEREAS, the Emergency Medical Services System ("EMS System") represents a collaborative effort between the County, cities, districts and other stakeholders to assure for the timely and efficient response to emergency medical calls, and for high quality patient outcomes; and

WHEREAS, the County entered into a contract for Advanced Life Support First Response and Paramedic Ambulance Transportation for the County's EOA, excluding the City of Palo Alto and "Stanford Lands" parcels, with Rural/Metro of California, Inc. for the period of July 1, 2011 through June 30, 2016; and.

WHEREAS, the EMS Agency, by this Agreement, wishes to designate Provider, and allow Provider to operate by contracting with CAL FIRE within the Santa Clara County EMS System, to respond to 9-1-1 emergency medical service requests.

NOW THEREFORE, the parties agree as follows:

ARTICLE I

DEFINITIONS

1.1 The term "Contract Administrator" shall be defined as the Director of the County of Santa Clara's EMS Agency.

1.2 The term "Contract Manager" shall be defined as the EMS Agency staff designated by the EMS Director to act as the manager of this Agreement.

1.3 The term "provider" shall be defined as any agency or entity providing first response at the basic life support, limited advanced life support, or advanced life support level.

1.4 The definitions included in California Code of Regulations, Title 22, Division 9, Chapters 1-9; California Code of Regulations, Title 13, Division 2, Chapter 5, Article 1 and the California Health and Safety Code, Division 2.5, Chapters 2-11, shall apply to this Agreement unless the Agreement indicates otherwise.

ARTICLE II

TERM/OPTION TO EXTEND

2.1 Term of Agreement. This Agreement shall be effective as of 12:00 a.m. January 1, 2013 and shall be in force and effect for a period of three (3) years and 6 months thereafter, until 11:59 p.m. June 30, 2016.

ARTICLE III

PROVIDER BREACH AND PROVISIONS FOR EARLY TERMINATION

3.1 Provider Breach. Conditions and circumstances that constitute a material breach of this Agreement by Provider include, but are not limited to, the following:

3.1.1 Failure of the Provider to operate within the EMS system in a manner which enables the County and the Provider to remain in compliance with federal and state laws, rules and regulations, and with the requirements of the Santa Clara County Prehospital Care Manual and any related rules and regulations.

3.1.2 Falsification of information or data supplied by the Provider.

3.1.3 Acceptance or payment by the Provider or Provider's employees of any bribe, kickback or consideration of any kind in exchange for any consideration whatsoever, when such consideration or action on the part of the Provider or Provider's employees is a violation of federal, state or local law.

3.1.4 Failure to meet the provisions identified in this Agreement.

3.1.5 Repeated failure of Provider to provide reports, and data generated in the course of operations including, but not limited to, dispatch data, patient report data, response time data or financial data, within the time periods specified in the Agreement.

3.1.6 Failure of Provider to meet system standard of care as established by the Medical Director, following reasonable notice and opportunity to address any such failure.

3.1.7 Any failure of performance, clinical or other, required in accordance with the Agreement and which is determined by the Contract Administrator and confirmed by the EMS Medical Director to constitute an endangerment to public health and safety.

3.2 Declaration of Material Breach and County's Remedies for Performance Failures. If conditions or circumstances constituting a breach as set forth above are determined to exist, the County shall have all rights and remedies available at law or in equity under the Agreement, specifically including the right to terminate the Agreement, which right shall be subject to the provisions set forth in this Section 3.2. In the event the County determines that a material breach has occurred, the County shall provide reasonable notice of such breach to Provider. Provider shall have up to thirty (30) days to either cure the breach or provide evidence to the reasonable satisfaction of the County that a material breach does not exist. The County's remedies for material breach include but are not limited to the ability to terminate Provider's participation in Annex B of this Agreement. In the event the County determines that conduct or non-performance poses endangerment to public health and safety, the County may, in its discretion, decide not to allow the Provider to have a cure period.

3.3 Termination Without Cause. Either Party may terminate this Agreement at any time without cause, by giving at least one hundred eighty (180) calendar days prior written notice thereof to the other when not addressed otherwise in this Agreement.

ARTICLE IV

SCOPE OF WORK

4.1 General. The basis of this Agreement is the desire and intention of the Parties to establish and define the roles and responsibilities of the EMS Agency and the Provider relative to the delivery of comprehensive emergency medical care within Santa Clara County, and Provider does not waive or modify any present rights under any statute by its execution of this Agreement.

4.1.1 This Agreement in accordance with the intentions of the Parties, will serve as a written agreement as required under Title 22, California Code of Regulations, Sections 100167(b)(4) and 100300(b)(4), between the EMS Agency and the Provider, for the purpose of developing and maintaining the working relationship between the Parties; and

4.1.2 This Agreement does not confer any rights, privileges or ownership to the Provider or CAL FIRE to provide services and/or respond to medical emergencies requested within any of the exclusive operating areas in Santa Clara County that are not expressly detailed herein or authorized by other applicable laws such as those provided to public safety authorities, fire departments and/or districts, etc.

4.1.3 Subject to the terms and conditions of this Agreement, the EMS Agency hereby authorizes Provider to enter into a sub-contract with CAL FIRE to provide the services, and to undertake the Provider roles and responsibilities, described in this Agreement. Provider's sub-contract with CAL FIRE shall incorporate all applicable terms and conditions of this Agreement, including but not limited to Sections 4.2 and 4.4 and Articles V, VI and VII of this Agreement.

4.1.4 Provider shall not, without the prior, written consent of the EMS Agency, enter into a sub-contract with any entity other than CAL FIRE to provide non-transport emergency Advanced Life Support (paramedic) first response services described in this Agreement. Any such sub-contract entered into by Provider without the EMS Agency's prior, written consent shall be null and void and shall be grounds for the County's immediate termination of this Agreement.

4.2 Non-Transport Emergency Advanced Life Support (Paramedic) First Response Services. The Provider, by this Agreement, is authorized to provide the following services:

Non-transport emergency Advanced Life Support (paramedic) first-response services in order to support and/or augment the services provided by Rural/Metro within the County Exclusive Operating Area. The roles and responsibilities of the Parties in providing these services are described below.

4.3 Roles and Responsibilities of the EMS Agency. The EMS Agency shall be responsible for, but not limited to, the following:

- 4.3.1 Perform EMS Agency responsibilities in a spirit of cooperation and collaboration with the Provider.
- 4.3.2 Establish and promulgate medical control policies and EMS System procedures consistent with federal and, state law and regulations, as well as County ordinances, policies and standards.
- 4.3.3 In accordance with the Health and Safety Code Division 2.5, administer and coordinate the Santa Clara County EMS System.
- 4.3.4 Engage in efforts at local, state, and federal levels related to the procurement of necessary funding for the purpose of maintaining the Santa Clara County EMS System.
- 4.3.5 Collaborate with the Provider on an ongoing basis to promote the enhancement of the Santa Clara County EMS System.
- 4.3.6 Provide access to standardized EMS System policies and/or protocols as contained in the "Santa Clara County Prehospital Care Manual."
- 4.3.7 In accordance with Title 22 of the California Code of Regulations and as approved by the EMS Agency, implements an EMS Quality Improvement Plan (EQIP) as a means of evaluating clinical emergency medical services provided.
- 4.3.8 Manage the hospital radio system or equivalent and provide access to the County Emergency Medical Services Communication System (the Provider shall be responsible for the cost for equipment used by the Provider to include programming, maintenance, and replacement).
- 4.3.9 Assess compliance with policies and procedures of the EMS System by means of scheduled reviews, which may include site visits of Provider's program.
- 4.3.10 Assess the Provider's emergency medical services program by observing, through field observations and/or attendance at the Provider-offered training, exercises, orientation, or other programs. Routine site visits will be scheduled between the Parties, when appropriate.
- 4.3.11 In consultation with various EMS System stakeholder committees and providers, coordinate a comprehensive emergency medical services data collection system, which includes required data elements, data analysis,

report generation, and other details related to ensuring the quality of the EMS System.

4.3.12 In collaboration with the Provider, may participate in research endeavors and other programs, including, but not limited to, pilot studies.

4.3.13 In accordance with Health and Safety Code Section 1797.153, coordinate and authorize Medical Health Mutual aid through the authority of the Medical Health Operational Area Coordinator (MHOAC).

4.3.14 The EMS Agency/County EMS Medical Director shall establish and provide medical control by means of the following:

1. Develop and approve medical protocols in accordance with Title 22 and other policies pertaining to base hospitals, paramedic and EMT personnel, EMS service providers, and the EMS Agency.
2. Whenever possible, significant system-wide changes will be adopted on an annual basis to ensure there is sufficient time for advance planning and the training of all personnel. This may include clinical protocols and orders, and master plans.
3. Ensure Provider compliance with all applicable state and federal laws and regulations, including but not limited to, confidentiality and disclosure, narcotic control, mandatory healthcare reporting, as related to the provision of services under this Agreement.
4. Consult with the Provider Agency Medical Advisor through the EMS Agency's Medical Advisory Committee to develop written medical policies and procedures.

4.4 Roles and Responsibilities of Provider. Responsibilities of the Provider under this Agreement shall include the following:

4.4.1 Respond to requests for emergency medical services within Provider's authorized jurisdiction including those established through automatic and mutual aid agreements.

4.4.2 Perform responsibilities of Provider in a spirit of cooperation and collaboration with the EMS Agency and the County Exclusive Operating Area ambulance provider.

4.4.3 Implement and insure adherence to the policies, guidelines and procedures of the EMS Agency as set forth in the Santa Clara County Prehospital Care Manual and all other policies, procedures and guidelines related to emergency medical services providers.

4.4.4 Comply with all applicable state and federal laws and regulations with respect to the provision of emergency medical services in Santa Clara County.

4.4.5 Place authorized units into service as identified in the County's asset permitting process and operate units as authorized.

4.4.6 Equip each approved ALS/paramedic unit with at least one portable radio capable of voice communications with base hospitals and transportable to the patient's side for the purpose of receiving direct medical control from the Base Hospital (currently, Santa Clara Valley Medical Center). Each radio shall meet the technical requirements as specified by the EMS Agency.

4.4.7 Equip each approved ALS/paramedic and BLS unit with at least one portable radio capable of voice communications with Santa Clara County Communications on the designed emergency medical services dispatch, command, and tactical channels; the EMS Agency, and Rural/Metro for the purpose of EMS System coordination.

4.4.8 Provider agrees to be subject to medical control by the local EMS agency, as specified in Health & Safety Code Section 1798 et seq., and shall comply with policies and procedures enacted by the local EMS agency in the administration of the local EMS System, and to be subject to the provision of medical direction by the County to the Provider as related to the provision of Basic Life Support Services at the Emergency Medical Technician level that exceed Health and Safety Code Sections 1797.182 and 1797.183 as applicable.

4.4.9 Have a designated physician or equivalent licensed provider (nurse practitioner or physician assistant) approved by the EMS Medical Director to address quality improvement matters. This position is not authorized to provide medical direction, but is to assist in clinical assurance and continuous quality management activities. If a non-physician is designated above, a physician shall be retained to authorize narcotic procurement and control as required by law.

4.4.10 In collaboration with the EMS Agency, Provider may participate in research endeavors and other programs, including, but not limited to, pilot studies.

4.4.11 In accordance with Health and Safety Code Section 1797.153 access all Medical Health (EMS) Mutual Aid through the Medical Health Operational Area Coordinator (MHOAC) via the County EMS Duty Chief.

1. This includes, but is not limited to requests for ambulances, medical personnel, supplies, equipment, and services.
2. Mutual aid related to paramedic staffed apparatus, other than ambulances, shall be managed through the Operational Area Fire and Rescue Coordinator. The Operational Area Fire and Rescue Coordinator shall notify the EMS Duty Chief as soon as possible and practical when paramedic resources are requested from or in to the County.
3. In order to facilitate and coordinate appropriate Operational Area Mutual Aid effectively and efficiently, nothing in this agreement shall limit the ability of the Operational Area Fire and Rescue Mutual Aid Coordinator and the Medical Health Operational Area Coordinator from agreeing to an alternative resource request process that will benefit the Operational Area.

4.4.12 Maintain, in accordance with applicable State law, licensing, certification, and accreditation of all ALS and basic life support personnel.

4.4.13 The EMS System (or other replacement system approved by the County) shall be online and available to dispatch center personnel at all times and/or available through a link to a computer aided dispatch system or transmitted from EMS System via electronic data transfer to field personnel as approved by the County.

4.4.14 Provider will participate in the Bay Area Urban Area Security Initiative funded, CAD-CAD/CROP project in order to transmit CAD data from Provider to County Communications. The transmission of data is to reduce call processing time thus reducing ambulance response times and to provide performance data reporting to the County. Provider agrees to cooperate with County Communications to complete implementation of fire/medical CAD programming. Should Provider discontinue participation in the project, Provider agrees to implement, at Provider's cost, no less than a one-way CAD data link from Provider's dispatch center to County Communications by June 30, 2016.

4.4.15 Coordinate the mitigation of potential or actual emergency events with the EMS Agency (through the EMS Duty Chief or other assigned staff) when a medical or health threat exists.

4.4.16 Process emergency medical services calls through a County Authorized Emergency Medical Dispatch (EMD) program in accordance with Santa Clara County Prehospital Care Manual.

4.4.17 Deliver on-scene care supportively and cooperatively with Rural/Metro and/or other EMS System participants. This may include, but is not limited to, accompanying the patient to the hospital in the ambulance when necessary.

4.4.18 Actively participate in disaster and emergency medical services surge planning and related drills, simulations, and exercises quarterly, as resources allow.

4.4.19 Respond to the best of Provider's ability and to the extent necessary and appropriate to any disaster, emergency medical services surge event, proclaimed or not.

4.4.20 Ensure Provider's personnel remain current and competent in the performance of EMT and/or paramedic skills as applicable.

4.4.21 Coordinate routine public information as related to the services provided under this Agreement with the County. Incident related public information shall be managed in accordance with the Standardized Emergency Management System.

4.5 First Responder Funding. The Provider is eligible for first responder funding. Performance criteria required to receive funding is identified in Annex B: First Responder Funding in the Santa Clara County Exclusive Operating Area, attached to this Agreement and incorporated by reference. Available funding will be provided directly to the Provider, not CAL FIRE, following the County's adjustment of liquidated damages and penalties provided for in Annex B.

ARTICLE V

INSURANCE

5.1 Insurance. Provider shall comply with the insurance requirements attached as Exhibit H.

ARTICLE VI

COMPLIANCE WITH STATE STANDARDS AND COUNTY EOA

6.1 Compliance with State Standards. The Parties agree to comply with the California Health & Safety Code, including, but not limited to, sections 1797.201; 1797.204; 1774.224; 1797.226, as they now exist or as they may be amended from time to time. Should any amendment of the Health & Safety code materially affect this Agreement, the Parties may consider amending this Agreement.

6.2 Compliance with County EOA. This agreement may be amended from time to time or immediately if the County's agreement with Rural/Metro is modified or terminated, to ensure its application to then current conditions, policies, and protocols and provisions of the County's Exclusive Operating Area.

ARTICLE VII

MISCELLANEOUS PROVISIONS

7.1 Entire Agreement. This document represents the entire agreement between the Parties. All prior negotiations and written and/or oral agreements between the Parties with respect to the subject matter of the agreement are merged into this Agreement.

7.2 Governing Law, Venue. This Agreement has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California. Proper venue for legal action regarding this Agreement shall be in the County of Santa Clara.

7.3 Assignment. No assignment of this Agreement or of the rights and obligations hereunder shall be valid without the prior written consent of the other Party.

7.4 Waiver. No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a Party must be in writing and shall apply to the specific instance expressly stated.

7.5 Independent Provider Status. This Agreement is not intended, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture, or association, between either Party to this Agreement. The Provider understands and agrees that all Provider employees rendering prehospital emergency medical care services under this Agreement are, for purposes of Workers' Compensation liability, employees solely of the Provider and not of County.

7.6 Notices. Any and all notices required, permitted, or desired to be given hereunder by one Party to the other shall be in writing and shall be delivered to the other Party electronically and either personally or by United States mail, certified or registered, postage prepaid, return receipt requested, to the Parties at the following addresses and to the attention of the person named.

The Contract Manager shall have the authority to issue all notices which are required or permitted by County hereunder. Provider shall address all matters related to this Agreement, including notice, to the Contract Manager. Addresses and persons to be notified may be changed by one Party by giving at least ten (10) calendar days prior written notice thereof to the other.

Notices to County shall be addressed as follows:

Contract Manager
County of Santa Clara
Emergency Medical Services Agency
976 Lenzen Avenue, Suite 1200
San Jose, California 95126

Notices to Provider shall be addressed as follows:

City Manager
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037

7.7 Dispute Resolution.

- 1) The Provider shall name specific individuals within the Provider's agency, upon execution of this Agreement, who are authorized to assist the EMS Agency with dispute resolution under this Agreement.
2. County shall name specific employees who are authorized to assist the EMS Agency with dispute resolution under this Agreement.
- 3) The Provider shall respond to written requests of the EMS Agency for information regarding any perceived dispute within five (5) business days, unless otherwise mutually agreed, following receipt of such request.
- 4) The Provider is encouraged to resolve normal day-to-day operational concerns directly with involved parties (other EMS System providers, hospitals, etc.). If a dispute is not resolved at this level, the Provider may refer it to the Contract Manager for further review and action.
- 5) Disputes perceived by the Provider to have a system-wide impact should be referred directly to the EMS Agency.

7.8 No Third Party Rights. No provision in this Agreement shall be construed to confer any rights to any third person or entity.

7.9 Partial Invalidity. If for any reason, any provision of this Agreement is held invalid, the remaining provisions shall remain in full force and effect.

7.10 Amendment. No addition to or alteration of the terms of this Agreement, whether by written or verbal understanding of the Parties, their officers, agents, or

employees, shall be valid unless made in the form of a written amendment to this Agreement which is formally approved and executed by the Parties.

7.11 County No-Smoking Policy. Contractor and its employees, agents and subcontractors, shall comply with the County's No-Smoking Policy, as set forth in the Board of Supervisors Policy Manual section 3.47 (as amended from time to time), which prohibits smoking: (1) at the Santa Clara Valley Medical Center Campus and all County-owned and operated health facilities, (2) within 30 feet surrounding County-owned buildings and leased buildings where the County is the sole occupant, and (3) in all County vehicles.

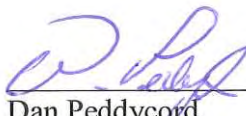
7.12 Debarment. Provider certifies that (i) employees who provide services hereunder have not been convicted of a criminal offense related to health care and that they are not listed by any federal or state agency as debarred, excluded or otherwise ineligible for participation in federal or state funded health care programs; (ii) Provider has performed an appropriate screen of these employees prior to making this certification; and (iii) it will screen all new employees who provide services under this Agreement. Provider certifies that Provider has not been convicted of a criminal offense related to health care, nor is Provider listed by any federal or state agency as debarred, excluded or otherwise ineligible for participation in federal or state funded health care programs. Provider agrees that if any of its employees providing services under this Agreement are convicted of a crime related to health care or debarred, such employees shall be removed from any responsibility or involvement in the provision of services under this Agreement once the criminal conviction or debarment is final. Provider shall notify EMS Agency of the pendency of such charges or proposed debarment or exclusion against it or against Provider's employees. Provider will indemnify, defend and hold harmless EMS Agency for any loss or damage resulting from Provider's or Provider's employees' criminal conviction, debarment or exclusion.

7.13 Nondiscrimination. Parties shall comply with all applicable Federal, State, and local laws and regulations. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973 (Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections 12900 et seq.); and California Labor Code sections 1101 and 1102. Parties shall not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor shall the parties discriminate in the provision of services provided under this contract because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

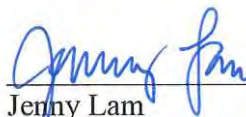
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IN WITNESS WHEREOF, this Agreement is entered into by the County of Santa Clara and the City of Morgan Hill as of the dates set forth below.

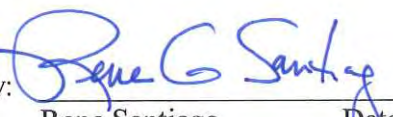
COUNTY OF SANTA CLARA

By:  11/27/12
 Dan Peddycord Date
 Public Health Department, Director

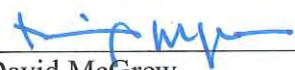
APPROVED AS TO FORM AND LEGALITY:

By:  11/19/12
 Jenny Lam Date
 Deputy County Counsel

APPROVED:

By:  12-6-12
 Rene Santiago Date
 Deputy County Executive

APPROVED:

By:  12/4/12
 David McGrew Date
 SCVHHS Chief Financial Officer

CITY OF MORGAN HILL

By:  11-12-12
 J. Edward Tewes Date
 City Manager

APPROVED AS TO FORM AND LEGALITY:

By:  11/12/12
 Danny Wan Date
 City Attorney
Council Approval 11/7/12

Attachments:

Annex B: First Responder Funding in the Santa Clara County Exclusive Operating Area
 Exhibit H: Insurance

Annex B

First Responder Funding in the Santa Clara County Exclusive Operating Area

I. PURPOSE OF FUNDING

This Annex is intended to identify the criteria and processes related to Provider access to available first responder funding within the Santa Clara County Exclusive Operating Area (EOA). Fire departments operating within the EOA must be compliant with the provisions of the *911 Emergency Medical Services Provider Agreement* in order to be eligible for the funding opportunities afforded herein.

Provider's participation in this funding opportunity is voluntary. However, in order to receive funding, the performance criteria detailed herein must be met. Providers that choose to terminate the Agreement shall be responsible for any liquidated damages incurred while performing under the Agreement, and damages shall not exceed the allocated funding.

In the event of termination of the agreement between the County and Rural/Metro, termination of the Agreement between the County and Provider, or termination of Provider's sub-contract with CAL FIRE, all applicable funding opportunities will cease.

Funding is provided for meeting specific performance standards that benefit the EMS System.

II. ALLOCATIONS BY COUNTY

By July of each year, the County will issue a notice indicating the maximum amount of funding available to each Provider. The amount of eligible funding will be determined using a formula that considers, but is not limited to, increases in EOA authorized billing charges, Consumer Price Index changes, and the Provider's EMS call volume. Annual allocations may increase, remain the same, or decrease based on EMS call volume (defined as an EMS call where County EOA ambulance was dispatched), available funds, damages levied, and other factors.

Increases to first responder funding will be determined based on Section 3.5 First Responder Fees of the Agreement between the County and Rural/Metro. First responder program funding shall be subject to increase annually by 3/5 of the authorized rate of the ambulance fee increase. For example, if ambulance rates increase by 5 percent, the first responder stipend will increase by 3 percent that same year. If the ambulance fees do not increase, program funding will not decrease. However, the County shall determine the exact allocation to Provider based on the formula described above.

Any unused allocation of first responder program funding will be deposited into the EMS Trust Fund annually.

First responder funding will be allocated in two areas; *Category A: EMS Resource Management* and *Category B: Response Time Performance*, as specified below. Category A funding allocations will be based on EMS call volume during the past calendar year. Category A funding availability for the first year of this Agreement will be based on Calendar Year 2010 EMS volume as reported to the County through the review process used under the AMR contract/subcontract which expires June 30, 2011. Category B funding will match the amount provided to eligible responders through the AMR subcontract that expires June 30, 2011.

The EMS Agency shall verify compliance with established standards and agreements prior to authorizing the payment of stipends. Rural/Metro shall make quarterly payments (in arrears) equal to one-fourth of the annual stipend to each Provider. The payment will be adjusted for debits and damages.

III. CONTINUATION OF FUNDING BEYOND FIVE YEARS

If Providers wish to request that the first responder funding program continues in the next County EOA service agreement (beyond June 30, 2016); a proposal must be submitted to the EMS Agency Director by December 31, 2013 or later as determined by the EMS Agency.

It is recommended that the Santa Clara County Fire Chiefs Association participate in developing recommendations that address collective fire service issues in addition to any city/department specific proposals. At a minimum the proposal must include the total amount requested, rational for continuation of funding eligibility, exact performance criteria that will benefit the entire Santa Clara County EMS System.

Proposed performance standards must be specific, measurable, attainable, relevant, and time-bound. The proposed methodology must detail how funds would be distributed to participating departments, liquidated damages structures, and/or other financial considerations.

Nothing in this Agreement shall eliminate the ability of each fire department to submit individual recommendations in addition to the collective proposal identified above.

IV. CATEGORY A: EMS RESOURCE MANAGEMENT

The purpose of Category A (EMS Resource Management) is consistent with utilizing CAD to CAD data and associated reporting of event data as well as the continued use of Emergency Medical Dispatch (EMD) and the Medical Priority Dispatch

System (MPDS) to more effectively and efficiently deploy and utilize emergency medical resources.

Category A funding is calculated using the following formula:

$$\frac{[\text{Total Funds Allotted for EMS Resource Management}]}{[\text{Previous Calendar Year Total EMS Events for all First Responder Agencies}]} \times [\text{Previous Calendar Year Total EMS Events for Individual First Responder Agency}] = [\text{Total Allotment for Current Calendar Year}]$$

Example:

$$\frac{[\$100]}{\text{Allotted Funds}} \div \frac{[50]}{\text{CY10}} \times \frac{[10]}{\text{CY10}} = \frac{[\$20]}{\text{CY11}}$$

In order to receive funding, Provider must meet the performance standards described herein.

Performance standards in this section include the following:

1. Reduction in Unnecessary Ambulance Response
2. Emergency Medical Dispatch Assessment Project
3. Use of Medical Priority Dispatch System

A. Reduction in Unnecessary Ambulance Response

In order to better allocate County EOA ambulances, Provider agrees to cooperate with the County and Rural/Metro to reduce unnecessary ambulance dispatches and/or cancel ambulances when appropriate.

In order to facilitate this process, Provider shall submit biannual reports demonstrating a review of all calls that resulted in no patient being transported. At a minimum this report shall contain (1) total number of responses where a patient was not transported, (2) the reason the patient was not transported, and (3) the Medical Priority Dispatch System determinant that was used if known. Analysis of this data by the EMS Agency will enable the review of policies and procedures so that adjustments may be made if necessary.

The Provider agrees to work cooperatively with the EMS Agency to develop and implement operational practices to continuously reduce inappropriate ambulance use.

Providers are required to submit the report by the last business day in January (period of July-December) and July (period of January to June) of each year. If Provider fails to provide the report, damages of \$ 250.00 per-day or portion thereof, may be levied by the County, up to a maximum of \$2,500.00 per reporting period. No funds will be made available to the Provider until the report is submitted to the EMS Agency.

B. Emergency Medical Dispatch Assessment Project

The purpose of this project is to determine the most effective use of Emergency Medical Dispatching (EMD) and Medical Priority Dispatch System (MPDS) use and to identify objective criteria and establish benchmarks that may be used to improve system efficiencies and patient outcomes. In order to develop a comprehensive recommendation to the EMS Agency, Provider agrees to cooperate with the County and Rural/Metro to assess and make recommendations related to the use of EMD and/or MPDS. The intention of this project is to help provide funding to Provider to work with the EMS Agency to develop, implement and revise the Santa Clara County Prehospital Care Manual and/or standard operating procedures related to EMD. Provider agrees to collaborate with the Santa Clara County Fire Chiefs Association to make recommendations to the EMS Agency related to this project. The EMS Agency shall coordinate this effort and will include other appropriate stakeholders as necessary.

C. Medical Priority Dispatch System Use

The use and reporting of MPDS is a critical tool in assessing the type of EMS calls processed through a dispatch center. In addition, the provision of pre-arrival medical and safety instructions to the caller from the dispatcher is a key component in starting medical care as soon as possible.

As fire departments are currently using MPDS, the following performance standards apply for eligibility for funding in this section of Category A funding.

Table 1: Medical Priority Dispatch System Use

Period	Standard	Validation
Fiscal Year 2013	In addition to pre-arrival instructions, the Medical Priority Dispatch System is used to initiate call triage no less than 35% of the time when use is possible and appropriate.	Yes/No
Fiscal Year 2014	In addition to pre-arrival instructions, the Medical Priority Dispatch System is used to initiate call triage no less than 40% of the time when use is possible and appropriate.	Yes/No
Fiscal Year 2015	In addition to pre-arrival instructions, the Medical Priority Dispatch System is used to initiate call triage no less than 45% of the time when use is possible and appropriate.	Yes/No
Fiscal Year 2016	In addition to pre-arrival instructions, the Medical Priority Dispatch System is used to initiate call triage no less than 50% of the time when use is possible and appropriate.	Yes/No

C.1 Validation/Required Reporting:

Data reporting for Table 1 shall include (1) the total EMS calls per-month, (2) total number of calls that were processed using MPDS, and (3) the MPDS call determinant that was used. The data must be in computer-readable format, suitable for statistical analysis and integrate with "FirstWatch". Once CAD/CAD is in place, reporting may be automated. Provider will have 60 days to implement changes to required reporting elements.

C.2 Liquidated Damages:

Providers are required to submit the report by the last business day in January (period of July-December) and July (period of January to June) of each year. If Provider fails to provide the report, damages of \$ 250.00 per-day or portion thereof, may be levied by the County, up to a maximum of \$2,500.00 per reporting period. No funds will be made available to the Provider until the report is submitted to the EMS Agency.

If Provider fails to meet the requirements contained in Table 1, 50% of eligible Category A funds will be deducted for each month where compliance was not achieved and the amount of damages deposited in to the EMS Trust Fund. The amount of damages shall not to exceed the total available Category A funding allocation.

Within any consecutive twelve month period, three or more occurrences of meeting less than the required percentage in Table 1 100% of the remaining eligible funds will be deducted as a penalty and placed into the EMS Trust Fund. Continuation of the Provider in the Category A funding eligibility will be restored upon Provider meeting the standards prescribed in Table 1 for no less than three consecutive months and will be at the sole discretion of the County.

V. CATEGORY B: RESPONSE TIME PERFORMANCE

Each participating Provider must meet the response time criteria included in Tables 3, 4, and 5 and provide at least one paramedic per-response classified as Charlie, Delta, Echo, or a response that has not been classified and has implemented Emergency Medical Dispatch (Medical Priority Dispatch System) in accordance with Santa Clara County Prehospital Care Manual shall be eligible for funding.

Providers not providing paramedic level service and/or those not operating in accordance with Santa Clara County Prehospital Care Manual related to the clinical aspects of emergency medical dispatch shall not be eligible for funding. An annual allocation will be held in reserve should the Sunnyvale Department of Public Safety implement a paramedic program within its jurisdiction. Until that time, the funding will be deposited into the EMS Trust Fund and used for Countywide system enhancements. The funds shall not accrue for use by City of Sunnyvale, Department of Public Safety.

A. Compliance Performance Standard

Satisfactory compliance is achieved when 90 percent or more of responses in each code of response (both Red Lights and Sirens and non-Red Lights and Sirens) meet the specified response time requirements. The County encourages Provider to utilize EMD to make the best use of its Advanced Life Support units. Provider is encouraged to implement Basic Life Support First Response to 911 emergency medical services calls that are classified as Alpha and Bravo level calls.

Urban, Suburban and Rural/Wilderness classifications are defined by population density. Table 2 identifies the formula for determining each classification.

Table 2: Population Density for Geographic Areas

Classification	Population
Urban	>101 people per square mile
Suburban	51-100 people per square mile
Rural / Wilderness	<50 people per square mile

Table 3: Response Time Requirements in the Urban Response Zone

Dispatch Classification	Provider Maximum Response Time	Notes
MPDS Classification: Alpha	12:59	First Response unit <i>ALS or BLS</i>
MPDS Classification: Bravo	7:59	First Response unit <i>ALS or BLS</i>
MPDS Classification: Charlie	7:59	First Response ALS
MPDS Classification: Delta	7:59	First Response ALS
MPDS Classification: Echo	7:59	First Response ALS
Non-Triaged or Non-MPDS Classified	7:59	First Response ALS

Table 4: Response Time Requirements in the Suburban Response Zone

Dispatch Classification	Provider Maximum Response Time	Notes
MPDS Classification: Alpha	14:59	First Response unit <i>ALS or BLS</i>
MPDS Classification: Bravo	9:59	First Response unit <i>ALS or BLS</i>
MPDS Classification: Charlie	9:59	First Response ALS
MPDS Classification: Delta	9:59	First Response ALS
MPDS Classification: Echo	9:59	First Response ALS
Non-Triaged or Non-MPDS Classified	9:59	First Response ALS

Table 5: Response Time Requirements in the Rural and Wilderness Zones*

Dispatch Classification	Provider Maximum Response Time	Notes
MPDS Classification: Alpha	21:59	First Response unit <i>ALS or BLS</i>
MPDS Classification: Bravo	11:59	First Response unit <i>ALS or BLS</i>
MPDS Classification: Charlie	11:59	First Response ALS
MPDS Classification: Delta	11:59	First Response ALS
MPDS Classification: Echo	11:59	First Response ALS
Non-Triaged or Non-MPDS Classified	11:59	First Response ALS

*Hard to serve areas apply.

B. Response Time Measurement

The following methods shall be used to measure response times.

C. Response Time Clock

For purposes of measuring response intervals, the Response Time Clock (RTC) shall be the time displayed by Provider's Computer Aided Dispatch (CAD) system.

D. Time Intervals for Response Reporting

Response intervals will be measured from the time the call is dispatched by the PSAP until the Provider's apparatus arrives at dispatched incident location. Response time intervals may also be measured using technologies such as GPS, AVL, proximity reporting, etc. as approved by the County. In situations where Provider has responded to a location other than directly to the scene (e.g. staging areas for hazardous scenes, or non-specific highway locations), arrival "on scene" shall be the time that Provider's apparatus arrives at the designated staging point or other location.

A "dispatch" shall be defined as the broadcast, by any means, of (1) incident location or suspected location and (2) unit identification for a (3) known or suspected call for emergency medical services.

Provider may issue an "alert" prior to the dispatch for the purpose of preparing response personnel and decreasing response time. An "alert" shall be defined as a broadcast, by any means, of (1) incident location or suspected location and (2) information that indicate an emergency medical response may be necessary. The selection and notification of a specific unit shall constitute a "dispatch", not an "alert". If an "alert" is not cancelled or changed into a "dispatch" within sixty (60) seconds of initiation it shall constitute a "dispatch".

If Provider's unit fails to report "on scene," the time of the next communication with Provider's dispatch center will be used as the "on scene" time unless other County approved validation systems are in place to accomplish the same tracking (AVL, GPS, Mobile Data Computers, etc.).

Medically trained first responders, law enforcement officers, authorized communications center personnel, and the County may initiate downgrades or cancellation of Provider response to medical calls. This shall not limit the Provider's ability to continue, cancel, or modify their resources response to the incident.

If Provider is cancelled by an authorized agency, after an assignment has been made but prior to the arrival, the response time clock will stop at the moment of cancellation. If the elapsed response time at the moment of cancellation exceeds the response time requirement for the assigned priority and zone of the call, the unit will be determined to be "late."

If an assignment is downgraded prior to arrival to the scene, the lower priority response time standard will apply.

If an assignment is upgraded prior to arrival on the scene, the response time clock will rest at the time the upgrade is dispatched and compliance with response time standards will be the shorter of (a) the non-Red Lights and Sirens (RLS) response requirement measured from the time the unit was originally dispatched, or (b) the RLS response times measured from the time of the upgrade.

If the elapsed response time at the moment of cancellation is less than the response time requirement for the assigned priority and urbanization coding of the call, the providers response time shall not be included in the aggregate overall fractile response time compliance, but will be reported monthly to the County.

E. Response Time Exceptions and Exemption Requests

The following responses are automatically exempt from response time calculations: Responses outside the County's EOA; Responses in established Hard to Serve Areas (HSA) as identified in EMS Policy 830, as the same may be amended or renumbered from time to time; and/or substantiated Provider dispatch center failures.

Equipment failures, traffic congestion, unit mechanical failures, and inability to staff units and other causes are not automatically grounds for granting an exemption to compliance with the response time requirements.

In the case of a Multiple Patient Management Plan Activation II or greater, response time performance may be waived by the County.

In the event of a proclamation of local emergency or disaster within the Provider's district or city or by the County of Santa Clara; response time performance may be waived by the County.

If Provider believes that any response or group of responses should be excluded from the compliance calculations due to "unusual factors beyond the Provider's reasonable control," the Provider may provide detailed documentation and request that these runs be excluded from response time calculations and associated damages. Any such request must be made in writing and in accordance with the County's Exemption Review Process. Examples may include, but are not limited to, greater alarm structure or wild land fires, provision of mutual aid.

VI. LIQUIDATED DAMAGES FOR FAILURE TO COMPLY

The Provider understands and agrees that the failure to comply with any performance standards or other requirements in this Annex will result in loss of benefit to the County and that it will be impracticable to determine the actual amount of damage whether in the event of delay, nonperformance, failure to meet standards, or any other deviation. Therefore, the Provider and County agree to the liquidated damages specified in this Annex.

It is expressly understood and agreed that the liquidated damages amounts are not to be considered a penalty, but shall be deemed, taken and treated as reasonable estimate of the damages. It is also expressly understood and agreed that County's remedies in the event of the Provider's breach or any noncompliance, are not limited to this Annex. Chronic failure to comply with the response time or other performance requirements may constitute breach of contract.

Superior response time performance during one part of the month shall not justify inferior response time performance during the remainder of the month.

Responses to requests for service originating outside of the Provider's service area (excluding automatic aid agreements) will not be counted in the number of total EMS calls used to determine response time under this Agreement.

When Provider responds to another Provider's jurisdiction as part of an executed automatic aid agreement, the entity holding authority for response shall be responsible for insuring response time compliance and shall pay any applicable damages. All automatic aid agreements related to response to EMS calls must be provided to the County annually for the purpose of verification of responsibility for EMS service coverage to a given areas within the County.

VII. LIQUIDATED DAMAGES FOR LATE RESPONSES

Liquidated damages will accrue for each response that exceeds the response time requirements.

Table 6: Liquidated Damages for Response Time Non-Performance

RESPONSE TIME PERFORMANCE LIQUIDATED DAMAGES			
Per Response			
<i>Amount that Response Time is Exceeded</i>			Fine per-response
Urban	Suburban	Rural Wilderness	
Up to 2:59	Up to 2:59	Up to 2:59	\$50
3 to 4:59	3 to 4:59	3 to 4:59	\$100
5 - 9:59	5 - 9:59	5 - 9:59	\$250
10 - 14:59	10 - 14:59	10 - 14:59	\$500
15 - 19:59	15 - 19:59	15 - 19:59	\$1,000
20 - 24:59	20 - 24:59	20 - 24:59	\$2,500
25 - 34:59	25 - 34:59	25 - 34:59	\$5,000
35+	35+	35+	\$7,500

Provider's late responses will accrue fines up to, but not exceeding, the amount of the allocated first responder funding for Provider. The liquidated damages amount shall increase according to the number of minutes the unit is delayed past the mandated response time.

VIII. PROVIDER FINANCIAL HARDSHIP

If Provider experiences an unusual hardship resulting from the accumulation of liquidated damages that extends beyond three (3) reporting periods related to the inability to meet the established response time performance criteria, and has implemented a corrective action plan, the Provider may submit a written request for temporary financial relief to the Contract Manager.

This request must clearly identify the reason for the hardship, a proposed corrective action plan (must include actions that have already been completed and additional remedies), and timeline for meeting compliance.

At a minimum the request must include how the Medical Priority Dispatching System (MPDS) has been implemented using the most appropriate resource for the call type; how non-paramedic units have been used on calls classified as Alpha and Bravo; and the reason that Provider has not been able to arrive on the scene in accordance with the established response time criteria.

Requests must be received in writing within fifteen (15) days after the close of the calendar month. Requests not submitted within fifteen (15) days after the close of the calendar month will not be considered. The Contract Manager will review the request and provide a disposition within thirty (30) business days.

IX. MONTHLY NON-COMPLIANCE

Ninety percent (90%) response time compliance in each dispatch classification as adjusted for exemptions shall be considered compliant with this Agreement.

The Provider shall be deemed in material breach of contract if the Provider fails to meet the response time requirements for at least 90% of responses each month for three consecutive months or for four months in any 12 month period. A material breach of contract may result in termination of the ability to participate in the first responder funding program and may result in the forfeiture of first responder funding.

X. INCENTIVE FOR SUPERIOR RESPONSE TIME PERFORMANCE

For every monthly reporting period in which Provider's compliance with response time requirements exceeds 95% for each response time priority classification no per minute liquidated damages shall accrue for the monthly reporting period. All liquidated damages for per call response times shall be forgiven for any month in which Provider meets or exceeds 95% compliance with response time performance standards.

XI. REMEDIES

If circumstances constituting a material breach as set forth above are determined to exist, and the Provider fails to cure such breach, the County shall have all rights and remedies available at law or in equity under the contract, including termination of the Agreement. The County may pursue one or more remedies, at any time; provided, however, that pursuing any remedy shall not be deemed an election of remedies by the County precluding the exercise of another remedy by the County.

XII. REQUIRED RESPONSE TIME DATA REPORTING

Within thirty (30) calendar days of the close of each calendar month, Provider will submit a report detailing its response time performance data during the immediately preceding month (reporting period) in a manner and format acceptable to the County. If a Provider fails to provide the report, damages of \$250.00 per-day or portion thereof, may be levied by the County.

Once a CAD to CAD link has been established that provides data directly to FirstWatch, the Provider shall provide to the County daily response time performance data in a format approved by the County, transmitted each day.

XIII. PAYMENTS FOR DAMAGES

The total amount of damages will be deducted from the payment due to the Provider and will be deposited into the EMS Trust Fund.

XIV. APPEAL OF DECISION

In the event that Provider disagrees with the determination by the Contract Manager related to appropriate use and/or issuance of penalty, a petition may be made to the Contract Administrator within 30 business days of receipt of Contract Manager's decision.

The petition must be submitted in writing and contain the basis for the appeal, any appropriate evidence, and requested remedy.

The Contract Administrator or delegate may request additional information or base a decision on materials that have been provided by the Provider and EMS Agency staff. The decision of the Contract Administrator shall be final.

EXHIBIT H

INSURANCE

I. Insurance and Indemnification

Without limiting the Contractor's indemnification to the County, the Contractor shall provide and maintain, at its sole expense, during the term of the Contract, or as may be further required herein, the following insurance coverages and agreements:

A. Evidence of Coverage

Prior to commencement of the Contract, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. The County's Special Endorsement form shall accompany the certificate. Individual endorsements executed by the insurance carrier may be substituted for the County's Special Endorsement form if they provide the coverage as required. In addition, a certified copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the requesting County department, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Contract until it has obtained all insurance required and such insurance has been approved by the County. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policyholder's alphabetic and financial size category rating of not less than A V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Insurance/Risk Manager.

C. Insurance Required1. Commercial General Liability Insurancea. Coverage Limits

Contractor shall obtain and maintain commercial general liability insurance for bodily injury (including death) and property damage which provides limits as follows:

- | | | | |
|-------|---|---|-------------|
| (i) | Each occurrence | - | \$5,000,000 |
| (ii) | General aggregate | - | \$5,000,000 |
| (iii) | Products/Completed Operations aggregate | - | \$5,000,000 |

- (iv) Personal Injury - \$5,000,000

A minimum of 50% of each of the aggregate limits must remain available at all times unless coverage is project specific.

b. Scope of Coverage

General liability coverage shall include:

- (i) Premises and Operations
- (ii) Products/Completed
- (iii) Contractual liability, expressly including liability assumed under this Agreement.
- (iv) Personal Injury liability
- (v) Owners' and Contractors' Protective liability
- (vi) Severability of interest

c. Endorsements

General liability coverage shall include the following endorsements, copies of which shall be provided to the County:

(i) Additional Insured Endorsement:

Insurance afforded by this policy shall also apply to the County, and members of the Board of Supervisors of the County, and the officers, agents, and employees of the County, individually and collectively, as additional insured. Such insurance shall also apply to any municipality and fire district in which the work occurs and they shall be named on the policy as additional insured (if applicable).

2. Automobile Liability Insurance

Contractor shall obtain and maintain automobile liability insurance for bodily injury (including death) and property damage which provides total limits of not less than five million dollars (\$5,000,000) combined single limit per occurrence applicable to all owned, non-owned and hired vehicles.

3. Workers' Compensation and Employer's Liability Insurance

- a. Coverage : Contractor shall obtain and maintain the following coverages:
 - (i) Statutory California Workers' Compensation coverage including broad form all-states coverage.
 - (ii) Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.
 - (iii) Coverage under the United States Longshoremen's and Harbor Workers' Act shall be provided when applicable.

4. Professional Errors and Omissions Liability Insurance

Contractor shall obtain and maintain professional errors and omissions liability insurance as follows:

- a. Coverage
 - (i) Coverage shall be in an amount of not less than five million dollars (\$5,000,000) per occurrence/aggregate.
 - (ii) If coverage contains a deductible or self-retention, it shall not be greater than fifty thousand dollars (\$50,000) per occurrence/event.

b. Claims Made Coverage

If coverage is written on a claims made basis, the Certificate of Insurance shall clearly state so. In addition to

coverage requirements above, such policy shall provide that:

- (i) Policy retroactive date coincides with or precedes the Contractor's start of services (including subsequent policies purchased as renewals or replacements).
- (ii) Contractor will make every effort to maintain similar insurance during the required extended period of coverage following conclusion of the Contract, including the requirement of adding all additional insureds.
- (iii) If insurance is terminated for any reason, Contractor agrees to purchase an extended reporting provision of at least two (2) years to report claims arising from work performed in connection with the Contract.
- (iv) Policy allows for reporting of circumstances or incidents that might give rise to future claims.

5. Special Provisions

The following provisions shall apply to the Contract:

- a. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the County of its insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to the Contract, including but not limited to the provisions concerning indemnification.
- b. The County acknowledges that some insurance requirements contained in the Contract may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under the Contract. Any self-insurance shall be approved in writing by the County upon evidence of financial capacity satisfactory to the County's insurance

manager.

- c. Should any of the work under the Contract to the extent as permitted under the contract be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.

Item # 02

**AGENDA DATE: 07/17/19
SUPPLEMENT # 1**

July 12, 2019

Garlic City BMX a Gilroy Non-Profit and the City of Gilroy Bicycle Pedestrian Commission would like to support the City of Morgan Hill's application to the Statewide Park Grant Program (Proposition 68). This grant will have a direct impact in the City of Morgan Hill by encouraging your residents and commuters to mode shift from vehicles to cycling by creating a safe place to ride and gain bike skills. This grant opportunity further supports current programs in the City including Safe Routes to School, Bike Party's, and Bike to Work Day.

Garlic City BMX is offering their support in any way they can to establish the framework for successful operations of the pump track/bike park. We have many years of track building and maintenance, and know what it takes to bring the current community together to operate a track. Garlic City BMX is currently in an MOU with the City of Gilroy to build and operate a dirt pump track at Christmas Hill Park. You already have a lot of support to operate a pump track/bike park in Morgan Hill and we are willing to support in any way.

Thank you.



Zachary Hilton
Chair, Gilroy Bicycle Pedestrian Commission
Garlic City BMX Committee Member
Zachary.Hilton@cityofgilroy.org



July 12, 2019

Mr. Chris Ghione, Community Services Director
Community Service Department
City of Morgan Hill
17575 Peak Avenue, Morgan Hill, CA 95037

Item # 02
AGENDA DATE: 07/17/19
SUPPLEMENT # 2

Dear Mr. Ghione,

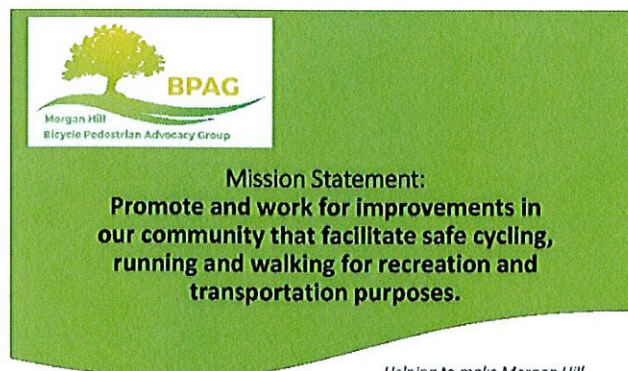
I am writing on behalf of the Morgan Hill Bicycle and Pedestrian Advocacy group (BPAG), a community volunteer group with the mission to create a healthy community, environment, and economy through bicycling for people who live, work or play in Morgan Hill.

As this area's predominant advocate for bicycle and pedestrian friendly environment in Morgan Hill, we are pleased to provide our support for the efforts of City Staff to move forward and work to complete and submit the Grant Application for the Prop 68/Prop 84 bond funding for a Park. Additional parks in Morgan Hill is a desired goal and is a priority in our 2017 Bikeways, Trail, Parks and Recreation Master Plan. Morgan Hill residents could greatly benefit from a new park that offered a "Pump Track" with additional amenities such as walking course, picnic facilities, restrooms, etc. We appreciate the community outreach efforts conducted by City Staff and know a new park is desired.

We encourage the City Council approve this Grant Application to obtain the funds for this new park in Morgan Hill. Thank you!

Sincerely,

Lisa A. Aragon
Chair of BPAG (Morgan Hill Bicycle & Pedestrian Advocacy Group)



A volunteer group working with Morgan Hill's Parks & Recreation Committee (PRC).
Regular Monthly Meetings at City Hall.
Questions? Contact BPAG members at bpag.morganhill@gmail.com

To Whom It May Concern,

Morgan Hill Pony Baseball would like to express its support the City of Morgan Hill's application to the Statewide Park Grant Program (Proposition 68). This grant will have a positive impact for youth playing baseball in Morgan Hill. Morgan Hill Pony Baseball has been involved in the grant process and believes the future park is very much needed within our community.

Pony Baseball currently maintains and operates several fields within Morgan Hill for our league and would be willing to partner with the City to operate another. Pony baseball looks forward to further discussions on the development of the park and baseball facility.

Respectfully,

Ryan Realini
Morgan Hill Pony Baseball Player Agent and Representative

From: [Chris Ghione](#)
To: [Michelle Bigelow](#); [Angie Gonzalez](#)
Cc: [Christina Turner](#)
Subject: Supplemental Information for Items 2 and
Date: Wednesday, July 17, 2019 11:41:59 AM

The following email is to provide information on the Parks and Recreation Commission recommendations from the July 16 PRC meeting impacting the July 17 Council meeting.

Item 2:

Approve Resolution Authorizing Grant Application and Authorizing the City Manager to Execute Grant-Related Agreements and Documents
Commission Recommendation: Approve staff recommendation action (6-0 Vote)

Item 5:

Approve Funding Agreement with the Boys and Girls Clubs of Silicon Valley
Commission Recommendation: Approve staff recommendation action (6-0 Vote)

Thank you,
Chris

Chris Ghione
Public Services Director
[Engage With Us!](#)

City of Morgan Hill
Community Services, Engineering and Utilities
17575 Peak Avenue, Morgan Hill, California, USA 95037

P: 408.782.9154 | **C:** 408.427.6196
chris.ghione@morganhill.ca.gov
morganhill.ca.gov | [facebook](#) | [twitter](#)

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Dear Morgan Hill City Council and Parks and Recreation Commission,

We, Kali Protectives, are writing you in support of the application for the park grant to fund new pump tracks in Morgan Hill. We know that maintenance is key, and are more than willing to help with getting a system into place to maintain the park, whether that is hosting work days or, or even hosting our own company events in the future, we are ready to lend a helping hand. Not only will these parks encourage kids to play outdoors, but it is also a way to bring the community closer together in an activity that is fun for all. Kali excitedly stands behind this initiative and we hope you see the importance of these parks in the wellbeing of our community.

Sincerely,



Agenda Item 5 (Funding Agreement with the Boy and Girls Club) –

1. How many kids actually do participate in these programs?

On average there were 25 participants attending daily. There are probably double the number of unique youth that participate each year. They all just don't come on the same day every day.

2.a) Is there a minimum attendance requirement for the programs to kick in (max # sounds like 50 kids)?

The max is 50 per staffing ratios. We have not set a minimum, but there are reporting requirements. If average daily attendance were to drop below 20, the City staff would recommend renegotiation of the payments due. If it drops very low, recommendation of canceling the program would occur. The agreement provides for cancellation without cause with 30 days notice. We really do not believe this will be an issue, because the property manager at EAH helps to ensure participation by families in the program.

2.b). Are the kids participating in the programs all from the city of Morgan Hill?

Yes. All participants are from EAH housing at Park Place.

3a). How did the age range get defined?

Through work with EAH housing based on several factors (See below).

3b) What about kids < 6 or > 13 years old? Any programs for them?

Children under 6 and of preschool age require much higher levels of supervision and varying hours of program because they may not attend school or may attend different schools. The cost to care for younger kids would drive the program cost up significantly. Children over the age of 13 also need different program guidelines and is difficult to interact. The youth are also old enough at that age to utilize the CRC Teen Center which is only a short walk away and provides programming for this age range. We could consider extending the ages, but it would create significant cost increases.

4. Do the programs provided include kids with special needs or disabilities?

The programs would be inclusive for children with some learning disabilities and ensure ADA compliance. We would need to have the funding to provide services for those with specific severe disabilities as those programs are highly specialized and very expensive. We would help refer those parents to program providers that could accommodate. Again, we would be as inclusive as possible within the available funding.

5. Is that the only organization that would offer such services or are there others?

There are many others that offer similar services. The YMCA provides afterschool programming as well. The Boys and Girls Club began discussions with the City due to their interest in the program and their partnership at the El Toro Youth Center. The program is not a traditional format and has very limited funding for a separate after school site. The Boys and Girls Club has offered these non-traditional formatted programs at other sites, including the Ochoa migrant camp in Gilroy. EAH housing has also worked with the BGC in other locations, which is why they supported the proposed change.

6. How did the cost get determined?

The BGC built a program budget with the minimum requirement to operate the program and presented it to the City. City staff evaluated the program budget.

Item # 05

AGENDA DATE: 07/17/19
SUPPLEMENT # 2

From: [Chris Ghione](#)
To: [Michelle Bigelow](#); [Angie Gonzalez](#)
Cc: [Christina Turner](#)
Subject: Supplemental Information for Items 2 and
Date: Wednesday, July 17, 2019 11:41:59 AM

The following email is to provide information on the Parks and Recreation Commission recommendations from the July 16 PRC meeting impacting the July 17 Council meeting.

Item 2:

Approve Resolution Authorizing Grant Application and Authorizing the City Manager to Execute Grant-Related Agreements and Documents

Commission Recommendation: Approve staff recommendation action (6-0 Vote)

Item 5:

Approve Funding Agreement with the Boys and Girls Clubs of Silicon Valley

Commission Recommendation: Approve staff recommendation action (6-0 Vote)

Thank you,
Chris

Chris Ghione
Public Services Director
[Engage With Us!](#)

City of Morgan Hill
Community Services, Engineering and Utilities
17575 Peak Avenue, Morgan Hill, California, USA 95037

P: 408.782.9154 | **C:** 408.427.6196
chris.ghione@morganhill.ca.gov
morganhill.ca.gov | [facebook](#) | [twitter](#)

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Agenda Item 10 (Recreation Programs Overview) –

1. A few years back, the cost recovery was at 99% and is now down to 93%
2. Which are the main programs/factors that led to a decreased cost recovery?
3. Are there any plans to improve cost recovery? If so, what are the plans and/or what would be impacts if possible cost recovery programs were implemented?

The Recreation Division's cost recovery is somewhat complicated as programs are market driven. There are two primary areas of impact, the first are areas outside the City's control that impact revenue and expenses, while the second relates to decisions and actions by the City.

Overall areas of impact outside City control that have impacted cost recovery include:

- A recent string of cooler summers resulting in lower Aquatics Center Revenue
- Increases to the minimum wage
- Increases in State requirements for maintenance and public projects relating to reporting and prevailing wage
- Significant increases in maintenance and project costs due to cost escalation in the Bay Area
- Insolvency of the Operator at the Outdoor Sports Center, resulting in the Operators' inability to make full scheduled payments to the City
- Aging City facilities that continue to cost more to maintain
- Increased PERS costs

The following are significant items that have impacted cost recovery and are directly related to decisions made by the City:

- Providing resources for Senior Services (the City took over management of the Senior Center when it risked closing due to the inability of the previous service provider to operate it)
- Returning the Parks and Recreation Commission and Library, Culture and Arts Commission to full-time Commissions and increasing staff responsibilities, as approved by the Council
- Funding the afterschool and summer program at the Park Place Apartments
- Reopening the Splash Pad at the Community and Cultural Center
- Fully funding and accounting for future replacement of building components
- Increased utilities costs due to opting into the more expensive Deep Green more environmentally friendly rates with SVCE
- Increased employee costs negotiated with the bargaining units

Unlike other areas of the City, such as water service, should rates be increased, use and participation may drop and not result in higher revenue. As noted, there are also factors outside the control of the City. For example, the Aquatics Center revenue is directly impacted by weather. When there is a cooler summer for example, revenues can go down by over \$100,000 due to lower participation at the facility.

Yes, the Community Services Team is planning to continue to work to improve cost recovery. Various program areas are routinely evaluated to improve revenue production, expense savings and overall cost savings. However, unlike private businesses, we balance the cost recovery with community access, which impacts rates, financial assistance and time spent on outreach to underserved residents. Our team is also continually looking for new opportunities for revenue producing programs that help support cost recovery. However, with the current level of Community Service activities (no fee activities, low cost programs) it will be difficult to obtain full cost recovery. I would also note, that even at this rate of cost

recovery, we have one of the highest cost recovery rates for recreation in the country, in terms of municipal recreation. According to the National Recreation and Parks Association's 2019 Agency Performance Review, recreation agencies across the country on average recover only 27.3% of their costs (City of Gilroy recovers 30% of costs.)

A Parents' Guide To Gun Safety

Talking With Your Child

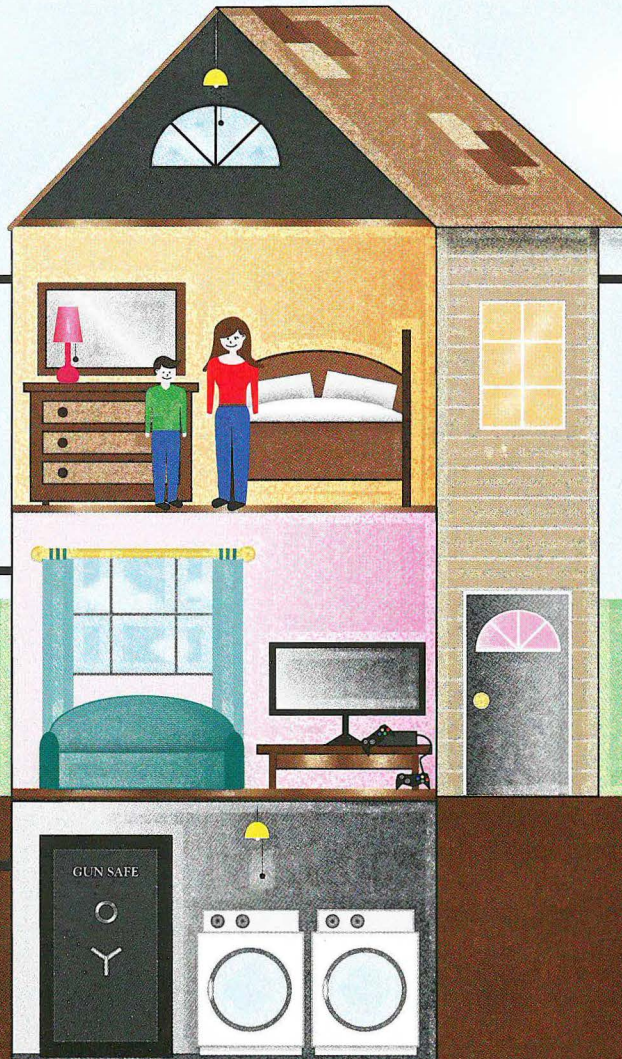
Speak openly and honestly about gun safety with your children. Answer questions and help eliminate the mystery surrounding guns. It is your decision when your child is ready to learn about or handle firearms.

Toy Guns Vs. Real Guns

Children are often exposed to guns at an early age through television, movies, and video games. Make sure your child understands the difference between entertainment and reality and does not mistake a real gun for a toy gun.

Gun Storage

Parents need to choose a storage solution that is right for their home, but always remember that guns should be stored so they are inaccessible to unauthorized users and especially children.



Eddie Eagle Gunsafe® Program

Young children must know how to stay safe if they encounter a firearm. Teach your child to remember Eddie Eagle's Gun Safety Message:

**"STOP! DON'T TOUCH. RUN AWAY.
TELL A GROWN UP."**

For more information about Eddie Eagle, visit EddieEagle.com.

Basic Gun Safety Rules

If you decide your children are ready to learn how to shoot a firearm, remember NRA's 3 basic gun safety rules:

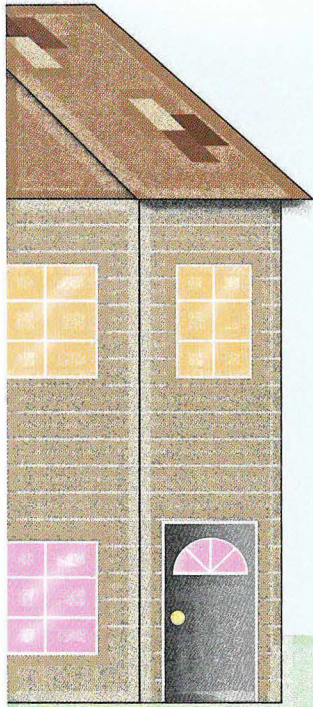
1. **ALWAYS** keep the gun pointed in a safe direction.
2. **ALWAYS** keep your finger off the trigger until ready to shoot.
3. **ALWAYS** keep the gun unloaded until ready to use.

Item # 16

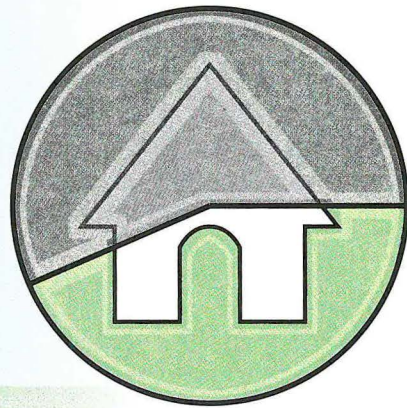
AGENDA DATE: 07/17/19

Meeting Handout

According to federal statistics, millions of households in the U.S. have guns. Whether you keep firearms in your household or not, talking to your children about what to do when encountering a firearm is critical. It is your responsibility to ensure your children understand firearm safety, so share the message you want them to know about firearms.

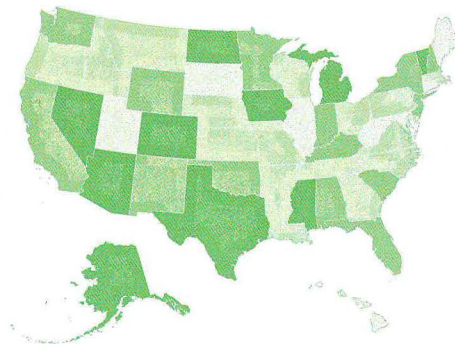


**Approximately 40%*
of U.S. households
have firearms.**

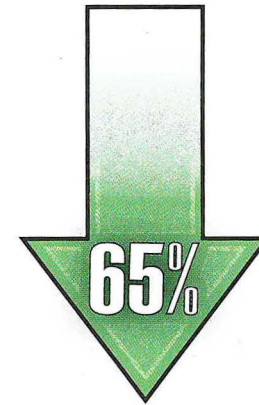


*Gallup

**Eddie Eagle has reached
more than 30 million
children in all 50 states.**



**Unintentional firearm
fatalities are down 65%**
in the last 20 years.**



**CDC

NRA

More information for parents can be found at eddie.nra.org
This brochure is not a substitute for formal, qualified instruction in the use of firearms.
To find a firearm safety course near you, visit www.nrainstructors.org.



Morgan Hill's Commitment to Firearm Safety Education

Item # 16

Best Practices



1. Provide swift, certain, proportional consequences
2. Secure guns in the home
3. Remove guns from homes where they pose an extreme risk
4. Implement evidence-based policing strategies

Best Practice Continued



5. Collect ballistics and use ballistic technology
6. Limit availability of high-powered firearms and limit capacity of ammunition magazines
7. Stop guns from entering the black market
8. Assess threats to prevent mass shootings
9. Expand gun violence research

Strategies to Enhance Firearm Safety Education



1. Adding a link on the City website that provides:

- Information on voter's options
- Types of restraining orders pertaining to firearms
- Information on laws
- Gun safety programs
- How to surrender a firearm to the police department safely
- Gun ownership best practices

Continued Strategies



2. Send out email blasts and social media posts during June “Firearm Safety Month”
3. Partner with stakeholders to disseminate information
4. School Resource Officers will develop a formal threat assessment for responding to and investigating reports of threats
5. Continue Active Shooter Training to include gun safety discussions at all the schools.



7/17/2019 – Item 16. “RECEIVE REPORT ON PREVENTATIVE GUN VIOLENCE AND PROVIDE DIRECTION FOR FIREARMS SAFETY EDUCATION”

	MORGAN HILL PD REPORT	COMMENTS
1	Based on PERF recommendations. Claims to be “evidence based”. Fails to meet criteria (RSM, 2003)) for scientific research	• Claims effectiveness, but offers scant proof. • Fails to meet criteria (RSM, 2003) for scientific research
2	Gives away free gun locks.	• Not participating in free gun lock give-away Project Child Safe program. Are taxpayers funding something that would otherwise be free? • No mention on MHPD/CMH web sites
3	Remove guns from homes where extreme risk	• No evidence of GVPO effectiveness. • Written procedure to avoid 4A litigation?
4	Limit availability of high-powered firearms and limit	• Preempted by state & federal law • Legality of hi-cap legal being litigated • No safety benefit: time to swap < 2”
5	MHPD investigates prohibited persons buy attempts and possession	• Great! Where’s the data re Armed Prohibited Persons? • Is MH getting compensated?
6	Gun turn-in	• Great! But no publicity • Ammo turn-in? • ‘no questions asked’ turn-in?
7	Evidenced-based strategies	• But no rewards publicized for unlawful possession
8	“Parent Project”	• How would one know of classes?
9	Once-year email blast on gun safety	• Completely ineffectual
10	“Gun Violence Training”	• Evidence of effectiveness? • No awareness or publicity
11	Community Engagement	• None

Request: Direct MHPD to seek engagement with community to shape effective programs and policies.

Dave Truslow. E: dtruslow@sonic.net M: 408-828-1520

Agenda Item 17 (Donation of Ambulance and Associated Requirements) –

1. Will the ambulance respond anywhere or will it remain a South County asset?
 - o It will only be activated per EMS Policy 614. Fire will use the resource to support the South County Sub-Region during ambulance drawdown or extended responses to support the EMS services Fire provides in South County. As an example, when requested, Gilroy has responded to calls for service in South County outside of Gilroy; since there is an adverse effect on fire services when other fire resources in the Boundary Drop Agreement are affected.
 - o This request to accept the donation and permit an ambulance for transport will not be used to help support the entire 9-1-1 EMS Ambulance system.
2. Who backfills?
 - o Fire will use the resource in a cross-staffed model. If the medic unit is staffed, a paramedic engine company will be temporarily unavailable.
3. The vehicle already has 99K miles. We replace police vehicles with 100K+ (per earlier agenda item). What is the life expectancy?
 - o A well maintained modern diesel ambulance may get 250,000 miles without major overhauls.
 - o Statewide most counties allow max of 250,000 miles on an ambulance because that tends to be when diesel motors start having issues.
 - o With our current staffing plan for the ambulance our daily inspections and regular preventative maintenance this ambulance should be good for many years.
 - o As a local example of mileage expectation, Gilroy purchased their ambulance new in 2003 and it has 38,500 miles.
 - o With Santa Clara County's 7th Amendment for County 9-1-1 Ambulance Services, the County is allowing daily ambulances to remain in the system up to 250,000 miles.
 - o Ambulances are driven differently than police vehicles and the wear and tear is not as significant due to less acceleration/torque.
4. It does not sound like the ambulance in Gilroy was much used, if I understood the report correctly. Did we explore partnering with Gilroy instead of accepting this donation? If not yet explored, could we explore that prior to deciding?
 - o While partnering was a consideration, we did not explore partnering in communications with Gilroy per se; we already can request the Gilroy medic unit today in case of need through the County EMS Duty Chief.
 - o Partnering would not create new capacity; it would always be a priority for their unit to serve Gilroy and does not add new capacity to the service of the sub-region.
 - o The current County EMS policies, only allow Gilroy to respond their ambulance and transport critical patients within the city limits of Gilroy. A waiver from policy can be requested through the EMS Duty Chief to respond outside their jurisdiction, which can be another delay.

- o Travel time from Gilroy to Morgan Hill is 18 minutes, thus placing the same delay that may potentially exist if an AMR/Rural Metro ambulance is responding from out of the area (North part of the County).
- o County (AMR/Rural Metro) ambulance responded to an estimated 8,117 calls in the Zone 5 (South County Sub-Region) in 2018. Any decrease in available ambulances provided by AMR/Rural Metro will increase the services demand on fire resources to fill the gap. The changes in the 7th amendment leaves Zone 5 in a situation where there is potential for increased response times by AMR/Rural Metro.
- o Currently if there is a delay in ambulance response and we are at scene of a critical patient we must place a request through our dispatch to County Communications dispatch asking for them contact the County EMS Duty Chief for approval for us to request Gilroy FD ambulance to respond to Morgan Hill. If approved by the County EMS duty chief, then we also must confirm that Gilroy FD can staff their ambulance and respond it to our incident.
- o When the City owns its own ambulance, if the patient meets the criteria outlined in County EMS policy 614, we can respond and transport our critical patient without needing any approval. This will significantly reduce commitment and transport times and get the patient definitive care at the hospital and improve fire resource's "back in service."
- o Gilroy Fire is currently using their ambulance as part of an Alternative Service Model (ASM) pilot project and staffing 12 hours as a 4th staffed resources in Gilroy to cover their increased call volume. The ASM ambulance may be used if the parameters of the EMS Policy 614 are met. In this case having a Unit staffed for Gilroy makes that resource now immediately available for use 12 hours per day.
- o Gilroy FD used to staff their ambulance more often and now the ASM pilot, anticipate that there will again be an increased use of the resource to transport.
- o Gilroy had more transports than they have realized in recent years as they changed their service delivery model. The ASM model will likely increase their transports again.

5. The cost seems very high vs. actual need (with data from Gilroy in mind). How is the need determined by staff and how is the high cost warranted if compared to actual need?

- o The execution of the 7th Amendment of the County Ambulance contract, significantly changes the Rural Metro/AMR's fine schedule and time compliance. We as the fire departments county wide are anticipating an increased response times for their ambulances. "Zone 5" which covers all of South County area for the ambulances has regularly had low time compliance monthly for the Rural Metro/AMR and if they dropped below a 92%-time compliance within Zone 5 they would be fined based on how many minutes they were late per call. They could be fined from \$5k-\$10k per incident. With the new contract, Rural Metro/AMR will only be fined if they drop below a 92% average throughout the county. Historically Rural Metro/AMR has had decent

time compliance in other zones with a higher call volume. Example now is they could have an 80%-time compliance in Zone 5 (South County) but if they are at 92% overall in the county there are no penalties placed on Rural Metro/AMR for that month. Morgan Hill FD having an ambulance is safety net for our citizens in the time of their need when Rural Metro/AMR has a delayed response due to call volume throughout the county. As we know it takes a long time for any vehicle to come from San Jose area to South County during rush hours (30 minutes plus). When we potentially would be utilizing our ambulance is when we have critical trauma patients, CPR patients, stroke patients, heart attack patients, or serious respiratory patients. All those patients need to be expedited to a hospital. With many of the critical patients that our ambulance would transport, most of them would be having to go to a trauma center or heart center hospital located in San Jose because our local hospital is not a receiving hospital for those patients.



Special - Regular Meeting Agenda

City Council

Rich Constantine - Mayor
Rene Spring - Mayor Pro Tem
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member

Wednesday, July 17, 2019 6:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

TELECONFERENCE

Council Member Martinez Beltran will be participating in the meeting via teleconference as follows:

The Westgate Hotel
Business Center
1055 2nd Ave
San Diego, CA 92101

Public comment from the teleconference location shall be allowed.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 6:00 p.m. for the purpose of conducting a workshop.

6:00 p.m. High Speed Rail Workshop

7:00 p.m. Regular Meeting

SPECIAL MEETING

6:00 P.M.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

Deputy City Clerk Bigelow

WORKSHOP

The Purpose of this workshop is to:

- Share California High Speed Rail Authority (CHSRA) staff - recommended State's Preferred Alternative and process for identifying the State's Preferred Alternative;
- Provide Council Members with the opportunity to discuss the CHSRA staff recommendation; and
- Collect Council feedback on the CHSRA staff-recommended State's Preferred Alternative.

PRESENTATION AND HANDOUTS

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PRESENTATIONS

YAC Presentation - Asset #27- Equality and Social Justice

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

PUBLIC COMMENT SUPPLEMENT

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. APPROVE FEE WAIVER FOR USE OF THE DOWNTOWN AMPHITHEATER BY THE FORD STORE MORGAN HILL

Recommendation:

Authorize the City Manager to waive facility rental fees of \$512 for use of the Downtown Amphitheater by The Ford Store Morgan Hill.

2. APPROVE RESOLUTION AUTHORIZING GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT-RELATED AGREEMENTS AND DOCUMENTS

Recommendation:

Adopt the resolution approving the following actions:

1. Authorizing staff to prepare and submit a Statewide Park Development and Community Revitalization Program Grant Application to the State of California Department of Parks and Recreation for an amount not to exceed \$8,500,000 for the development of the proposed park at Butterfield Boulevard and Monterey Road; and
2. Authorizing the City Manager to negotiate and execute the Statewide Park Development and Community Revitalization Program Grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

3. APPROVE AGREEMENT WITH AXON FOR BODY WORN CAMERAS

Recommendation:

1. Approve a 5-Year Sales Agreement with AXON for the purchase of body worn cameras, cloud storage, service and maintenance; and
2. Authorize City Manager to execute 5-Year Agreement with AXON for an amount not to exceed \$194,405.

4. APPROVE DESIGN SERVICES AGREEMENT FOR WEST LITTLE LLAGAS CREEK TRAIL PROJECT

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Verde Design, Inc. for a not to exceed amount of \$199,895, for design of the West Little Llagas Creek Trail Project.

5. APPROVE FUNDING AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF SILICON VALLEY

Recommendation:

Authorize the City Manager to execute a funding agreement with the Boys and Girls Clubs of Silicon Valley for Park Place Apartments youth program services.

6. APPROVE SENIOR ACCOUNTANT SALARY RANGE AND AFSCME SALARY SCHEDULE

Recommendation:

1. Approve the Senior Accountant monthly salary range of \$7,220 - \$9,215; and
2. Approve the American Federation of State, County, and Municipal Employees (AFSCME) Salary Schedule.

7. APPROVE PURCHASE OF THREE UNMARKED POLICE VEHICLES

Recommendation:

1. Approve the purchase and build out of three new unmarked replacement vehicles for the Police Department for the not to exceed amount of \$138,212, which includes 10% contingency of \$12,565;
2. Approve repurposing of the existing three unmarked vehicles within the Police Department; and
3. Authorize the City Manager to approve the purchase order with Priority 1 Public Safety Equipment Installation, Inc.

8. ACCEPT 2018 PAVEMENT RESURFACING PROJECT

Recommendation:

1. Accept as complete, the 2018 Pavement Resurfacing Project, in the final amount of \$1,528,721;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

9. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – MONTEREY PARQUE – TRACT NO. 10331

Recommendation:

1. Accept the subdivision public improvements for Monterey Parque – Tract No. 10331;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

10. ACCEPT REPORT REGARDING CITY RECREATION PROGRAMS OVERVIEW

Recommendation:

Receive report.

11. ACCEPT MAY 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

12. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FISCAL YEAR 2018-19 (YEAR 4) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:

Accept the Annual Evaluation Report for FY 2018-19 (Year 4) of the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

13. AWARD TENNANT AVENUE SEWER MAIN PROJECT

Recommendation:

1. Approve Tennant Avenue Sewer Main Project plans and specifications;
2. Award contract to KJ Woods Construction for the Tennant Avenue Sewer Main Project in the amount of \$2,148,000;
3. Authorize expenditure of construction contingency funds not to exceed \$322,200; and
4. Authorize the City Manager to execute and administer the construction contract with KJ Woods Construction.

14. RATIFY CITY POSITION ON PENDING LEGISLATION; AB 516 AUTHORITY TO REMOVE VEHICLES, SB 13 ACCESSORY DWELLING UNITS, AB 68 LAND USE: ACCESSORY DWELLING UNITS, AB 1763 PLANNING AND ZONING: DENSITY BONUSES: AFFORDABLE HOUSING, AND SB 592 HOUSING ACCOUNTABILITY ACT

Recommendation:

1. Receive legislative correspondence in opposition of AB 516 Authority to remove vehicles;
2. Receive legislative correspondence in opposition of SB 13 Accessory dwelling units;
3. Receive legislative correspondence in opposition of AB 68 Land use: accessory dwelling units;
4. Receive legislative correspondence in opposition of AB 1763 Planning and zoning: density bonuses: affordable housing;
5. Receive legislative correspondence in opposition of SB 592 Housing Accountability Act; and
6. Ratify City's positions.

15. APPROVE THE JUNE 26, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

16. RECEIVE REPORT ON PREVENTATIVE GUN VIOLENCE MEASURES AND PROVIDE DIRECTION FOR FIREARMS SAFETY EDUCATION

Recommendation:

1. Accept report regarding preventative gun violence measures the City has implemented; and
2. Provide direction for firearms safety education.

Estimated Time: 30 Minutes

17. ACCEPT DONATION OF AN AMBULANCE TO FIRE AND APPROVE ASSOCIATED REQUIREMENTS TO PLACE IN SERVICE

Recommendation:

1. Accept the donation of an ambulance from Monterey County Regional Fire District;
2. Adopt resolution amending Fiscal Year 2019-20 adopted budget to appropriate \$100,000 from the General Fund and a transfer of \$25,000 from Fire Impact Fund (313) to the General Fund (010), for one-time costs to place the ambulance in service, operate the ambulance and the capability to bill for treatment and transport; and
3. Authorize the City Manager to approve, amend and execute agreements to operate the ambulance within Santa Clara County Emergency Medical Services (EMS) and other agencies that are required to place the ambulance in service for use.

Estimated Time: 15 Minutes

18. APPROVE SECOND AMENDMENT TO THE 911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA TO EXTEND THE TERM OF THE AGREEMENT AND THE USE OF THE MEDICAL PRIORITY DISPATCH SYSTEM

Recommendation:

1. Approve the Second Amendment to the Agreement with the County of Santa Clara Emergency Medical Services Agency relating to providing 911 emergency medical services extending the Agreement for a 36-month period through June 30, 2022;
2. Authorize the City Manager to include ambulance transport services provided by Morgan Hill Fire in the Second Amendment, subject to Council action on Agenda Item #17 - Ambulance Donation; and
3. Authorize the City Manager to execute the agreement.

Estimated Time: 5 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(a)
Case Name: Patton et al. v. City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court Case No. 16-CV-303044
Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government. Code Section 54956.9(d)(1)
Case Name: Brandon v. City of Morgan Hill and Innovative Claim Solutions, Inc.
Case Numbers: Workers' Compensation Claim Nos:

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

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VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

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City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment
- Maintaining Fiscal Responsibility
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation



PUBLIC COMMENT**AGENDA DATE: 07/17/19****SUPPLEMENT # 1**

Fw: [New post] How to Get California Public Records

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; gary@custom-1.com; ehoward1965@gmail.com; president@gilroyedc.org; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; donpatloe@att.net; onemorejones@yahoo.com; sallybettencourt@gmail.com; carl@reformcalifornia.org; carol.marques@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; dion.bracco@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us; peter.leroe-munoz@ci.gilroy.ca.us; roland.velasco@ci.gilroy.ca.us; askmike@garlic.com; jon@hjtta.org; shawna.freels@ci.gilroy.ca.us; allcouncilmembers@ci.gilroy.ca.us; rich.constantine@morganhill.ca.gov; mgr42@charter.net

Date: Sunday, June 30, 2019, 09:22 AM PDT

Dear Barry,

Why don't you join taxpayers, taxed/fee'd by confiscatory boondogglers' taxes/fees, for the purpose of government transit that competes illegally with private sector for-hire carriers of passengers, and ask some questions of the boondogglers,

like I did for ten years straight appearing at the SBCCOG's podium?

Why don't you ask them for all their documents that show what percentage of seats are transported empty each day, each week, each month, each year?

Why don't you ask them for their documents that show what percentage of their expenses are paid with fares from passengers, and what percentage of their expenses are paid with taxpayers' subsidies?

If they answer you, as they answered me, they'll tell you, "We don't know. We don't keep such records." And under the Public Records Act, they are not required to create documents. They only have to produce existing documents. So, they don't answer your question.

And you could, as I did, ask more such questions, and get the same stone-walling "answers." Then you could report to your readers how local government covers-up their boondoggles' fraud, waste and abuse.

Ask them for truth in transportation. I did, but never got it from them. For ten years straight from their podium.

Ask them:

What is your farebox recovery rate in terms of legal accounting, namely, generally accepted accounting principles (GAAP)

accounting? They, as all other transit agencies in California thanks to our Legislature, use non-GAAP accounting methods to

report, and therefore, falsify, their financial reports. They use the same accounting methods as Bernie Madoff used. As Enron used. It's called "off book" accounting, where they intentionally omit all of their capital and fixed costs. They thus cover-up the true extent of their losses.

But they are not wasting their own money, so what do they care? If they were using their own money, not motorists' money

from gas & diesel taxes, then they would use legal (GAAP) accounting. They use what Supervisor & COG-then Chairman

Anthony Botehlo called "government accounting," as though that justified false financial reports from the transit agencies to

the taxpayers paying for their boondoggle wastefulness.

Want more? I could send you my Freedom of Information Act (a/k/a Public Records Act in California) requests that I sent to COG, and their stonewalling, non-answers.

Why don't you support the taxpayers for a change?

Joe Thompson

(408) 848-5506

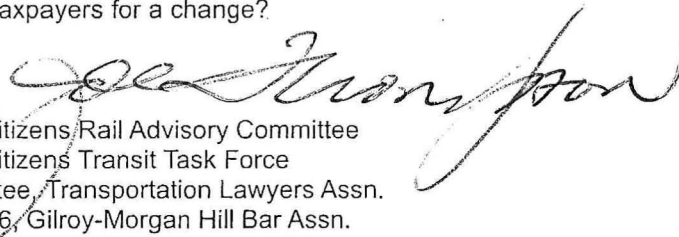
e-Mail: TransLaw@PacBell.Net

Charter Member, SBCCOG's Citizens Rail Advisory Committee

Charter Member, SBCCOG's Citizens Transit Task Force

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

Past-President 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.



cc: PUBLIC COMMENT: NEXT MEETING, REGULAR, SPECIAL, STUDY SESSION, PRIVATE RETREAT, PUBLIC WORKSHOP,
AND/OR NON-BROWN ACT COMPLIANT MEETING OF THE "MOBILITY PARTNERSHIP"

PS: You could make the same request to VTA. But, you'd get the same stonewalling. VTA taught COG how to cover-up their boondoggles' losses and waste of our tax dollars.
jpt

----- Forwarded Message -----

From: CEBblog™ <comment-reply@wordpress.com>

To: "translaw@pacbell.net" <translaw@pacbell.net>

Sent: Friday, June 28, 2019, 08:07:29 AM PDT

Subject: [New post] How to Get California Public Records

Respond to this post by replying above this line

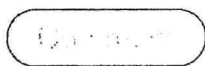
New post on **CEBblog**

How to Get California Public Records by Julie Brook, Esq.

The usual discovery requests don't always get you what you need.

Sometimes you'll do better seeking a public record under the California Public Records Act (Govt C §§6250–6276.48). [Read more of this post](#)

Julie Brook, Esq. | June 28, 2019 at 8:06 am | Tags: [CRPA](#), [discovery](#), [getting public records in California](#), [PRA](#), [public records act](#), [public records request](#) | Categories: [Civil Litigation](#), [Discovery](#), [Legal Topics](#) | URL: <https://wp.me/pKnUS-67A>



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<http://blog.ceb.com/2019/06/28/how-to-get-california-public-records/>

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RE: Failure Notice

From: Shawna Freels (Shawna.Freels@ci.gilroy.ca.us)

To: translaw@pacbell.net

Date: Wednesday, June 12, 2019, 8:43 AM PDT

THANK YOU SHAWNA;

ALL COUNCIL MEMBERS

Hi Joseph, The full Council can be reached at: AllCouncilMembers@ci.gilroy.ca.us

Best Regards,

Shawna Freels, MMC

City Clerk of the City of Gilroy

CCAC Professional Development Director

7351 Rosanna Street

Gilroy, CA. 95020

(408) 846-0204

shawna.freels@cityofgilroy.org

18 YEARS LATER, THEY'RE STILL DOING IT
TO US, WORSE EACH YEAR. JPT

Part of Every Trip We Take—
Taking Us Places We Don't Want to Go: JPT

A
Reply
to
Final Report by
San Benito County
Council of Governments
Transit Task Force

October 2002

"A bad cause seldom fails to betray itself."

James Madison, *The Federalist*, No. 41

By

JOSEPH P. THOMPSON

Attorney at Law

8339 Church Street, Suite 210, Gilroy, CA 95020

Post Office Box 154, Gilroy, CA 95021-0154

Telephone (408) 848-5506; Facsimile (408) 848-4246

E-mail: TransLaw@PacBell.Net

Website: <http://home.pacbell.net/translaw>

VTA
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EG
BAD Public
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BAD Transport
JPT

Fw: [transport-policy] California HSR horror story, continued

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: shawna.freels@ci.gilroy.ca.us; allCouncilMembers@ci.gilroy.ca.us; rtdillon@garlic.com; bholtzclaw@newsmedia.com; nmixer@newsmedia.com; gary@custom-1.com; president@gilroyedc.org; john.lang@morganhill.ca.gov; ehoward1965@gmail.com; rich.constantine@morganhill.ca.gov; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; carl@reformcalifornia.org; sallybettencourt@gmail.com; donpatloe@att.net

Date: Thursday, June 13, 2019, 9:18 PM PDT

Editor,

The article that I forwarded to you, for use in your next Supermassive Black Hole Bullet Train Article, has been included in the Transport Policy newsletter----see attached. How long are our leaders in Sacramento going to pretend that they are doing something beneficial, when, like other public sector boondoggles, their boondoggle is just like all the others. Unsound and unsustainable transport policy, taking us down the USSR's Road to Serfdom. It is time to privatize public sector transit before it's too late. Our leaders in California, including at the local level, are driving taxpayers out of the State in ever-increasing numbers.

Joe Thompson

(408) 848-5506

e-Mail: TransLaw@PacBell.Net

----- Forwarded Message -----

From: JCWCONSULT@aol.com [transport-policy] <transport-policy@yahoogroups.com>

To: "transport-policy@yahoogroups.com" <transport-policy@yahoogroups.com>

Sent: Wednesday, June 12, 2019, 3:26:20 PM PDT

Subject: Re: [transport-policy] California HSR horror story, continued

This ongoing horror story SHOULD convince other venues to do better planning before starting.

Unfortunately, many venues let themselves in for similar disasters - example The Big Dig.

Regards,

Jim Walker

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

From: Phil Hayward best_intentions2@yahoo.co.nz [transport-policy] <transport-policy@yahoogroups.com>

To: Yahoogroups <urban-policy@yahoogroups.com>; Yahoogroups <transport-policy@yahoogroups.com>

Sent: Wed, Jun 12, 2019 4:58 pm

Subject: [transport-policy] California HSR horror story, continued

High-speed rail route took land from farmers.. The money they're owed hasn't arrived



**High-speed rail route took land from farmers.
The money they're owed has...**

Ralph Vartabedian

Construction of California's bullet train meant farmers lost
land. Some had to pay out of pocket to adjust. The ...

Posted by: jcwconsult@aol.com

Reply via web post • Reply to sender • Reply to group • Start a New Topic • Messages in this topic (2)

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YOUR BOONDOGGLES ARE THE SAME: BAD POLICY; UNBOUND + UNSUSTAINABLE PUBLIC SECTOR TRANSPORT

High-speed rail route took land from farmers. The money they're owed hasn't arrived

By RALPH VARTABEDIAN
JUN 10, 2019 | 5:00 AM



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John Diepersloot squinted under a bright Central Valley sun, pointing to the damage to his fruit orchard that came with the California bullet train.

He lost 70 acres of prime land. Rail contractors left mounds of rubble along his neat rows. Irrigation hoses are askew. A sophisticated canopy system for a kiwi field, supported by massive steel cables, was torn down.

inRead invented by Teads



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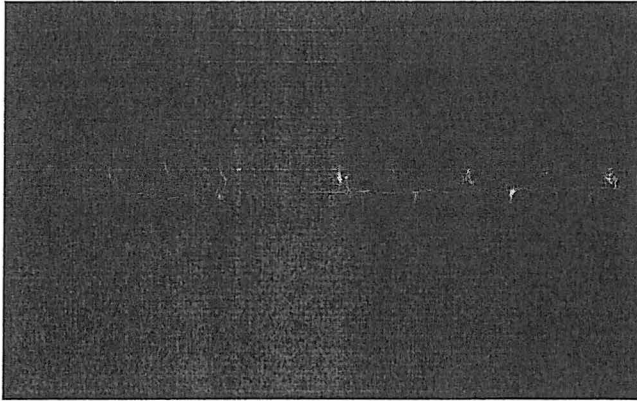
"I am out a quarter-million bucks on infrastructure, and they haven't paid a dime for a year," he said. "I don't have that kind of money."

PAID CONTENT

What Is This?

Genesis G70 [↗](#)

2019 North American Car of the Year

[SEE MORE](#)

By Genesis

Up and down the San Joaquin Valley, farmers have similar stories. The state can take land with a so-called order of possession by the Superior Court while it haggles over the price.

But farmers often face out-of-pocket costs for lost production, road replacement, repositioning of irrigation systems and other expenses, which the state agrees to pay before the final settlement.

Those payments and even some payments for land have stretched out to three years. State officials have offered endless excuses for not paying, the farmers say.

Eminent domain, the legal process by which government takes private land, is complicated enough, particularly in Californ

But the rail authority's constantly changing]

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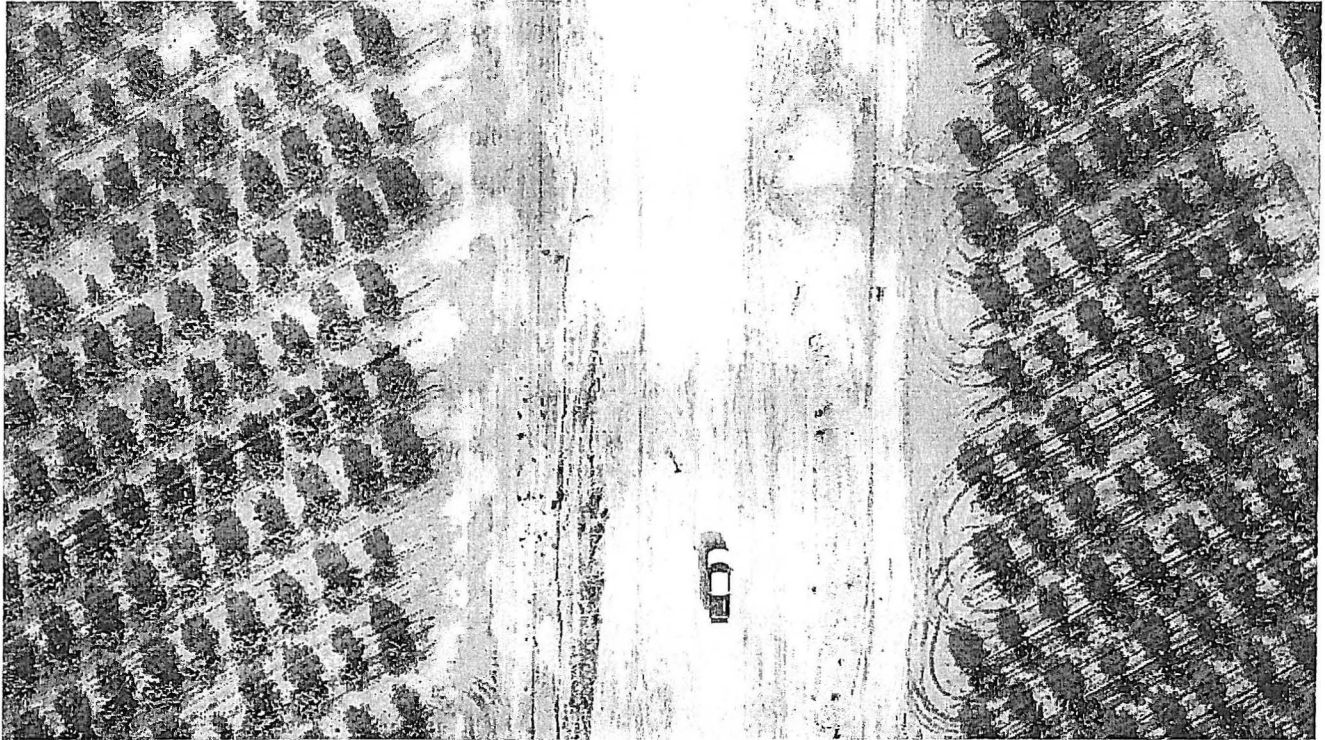
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"They are bogged down," said Mark Wasser, an eminent domain attorney in Sacramento who has represented more than 70 farmers and other businesses losing land to the rail project. "I would draw an analogy to Napoleon's invasion of Russia."

Many government highway and rail projects end up seizing private land for the greater good, leaving owners angry about the disruption to their lives and the loss of something they worked hard to build. In California, the slow payments are adding to the farmers' frustration.



John Diepersloot's truck is parked on a swath of land cleared for the bullet train project. (Tomas Ovalle / For The Times)

Tim Raven, a walnut and almond grower, is owed \$500,000, he told The Times. John Tos, a big grower who has waged a legal battle against the project, says the state owes him \$150,000. Wasser says Brenda Church, a former client, has been owed \$1.9 million for three years. Ray Carter, who voluntarily sold his farmland, says he has been owed \$630,000 for three years.

Carter's brother-in-law, Vince Carter, also co

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Asked about the allegations of nonpayment, the rail authority issued a statement, though it did not explain why the problem existed.

"We understand the concerns of private property owners affected during the acquisition of their property ... and construction of the high-speed rail system," wrote Don Odell, the agency's director of real property. He added that the authority tried to minimize effects on farmers, cover their expenses and ensure they got fair-market value for land.

One problem was the agency's decision to issue construction contracts with only 15% of the rail design completed, a so-called design-build approach. With only preliminary designs of highway bridges, rail structures and utility relocations, it was difficult to know how much land would be needed and the degree to which farms would be hit.

In fact, the rail authority has had to go back to landowners hundreds of times for additional land or to discuss unforeseen effects on farms. In Diepersloot's case, the authority is building two perpendicular highway bridges to go over its rails along his property. That has created a 70-acre triangle that is inaccessible. And it had to pay in perpetuity a walnut farmer next door to allow Diepersloot to use his private farm road for access.

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ALL Council MEMBERS

Fw: Secretary Chao: Fuel Tax a 'Topic of Discussion' During Infrastructure Policy Talks: TT Express

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; donpatloe@att.net; gary@custom-1.com; ehoward1965@gmail.com; president@gilroyedc.org; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; onemorejones@yahoo.com; sallybettencourt@gmail.com; mary@sanbenitocog.org; allcouncilmembers@ci.gilroy.ca.us; mgr42@charter.net; rich.constantine@morganhill.ca.gov; john.lang@morganhill.ca.gov; roland.velasco@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; carl@reformcalifornia.org; dion.bracco@ci.gilroy.ca.us; jon@hjata.org; peter.leroe-munoz@ci.gilroy.ca.us; carol.marques@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us

Date: Wednesday, July 3, 2019, 09:41 AM PDT

Dear Barry,

For you next transportation Article, please report the calls from all levels of government for additional increases in gas & diesel taxes, at a time when motorists are already paying 102+% of the cost of our transport, and 99% of the cost of transit systems' riders' costs, too. It is bad public policy. It's not only unfair to motorists, it is unsound and unsustainable transport policy. Both California State and federal experts have concluded that we ought to fund transport with "user fees." The California Transportation Commission and the President's (Bush II) Blue Ribbon Commission on transport funding arrived at the same conclusion, but our leaders ignore their own experts' advice. Taxing people out of their cars is unwise. Government transport is a failure in radical socialist policy, and will take us down the same Road to Serfdom taken by the USSR. Our leaders should follow their experts' advice and raise transit fares. They ought to pay the same for their transport as motorists pay for our transport. We ought to end the double standard we currently have with our transport policy. Please report to truth about the losses being sustained at the transit agencies, Caltrain, Amtrak, ACE Train, BART, and the rest of the politicians transit boondoggles. Who in government is calling for truth in transportation? Anyone?

Caveat viator.

Joe Thompson

Past-President 1999-2001, 2006, Gilroy - Morgan Hill Bar Assn.

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

e-Mail: TransLaw@PacBell.Net

408-848-5506

cc: Public Comment: Next Meeting, Regular, Special, Study Session, Private Retreat, Public Workshop, and/or non-Brown Act compliant meeting of the so-called "Mobility Partnership" VTA&COG, another unconstitutional governing body, governing without the consent of the governed.

PS:-

"a long train of abuses and usurpations" - Thomas Jefferson, Declaration of Independence.

jpt

----- Forwarded Message -----

From: Transport Topics <noreply@ttnews.com>

To: "translaw@pacbell.net" <translaw@pacbell.net>

Sent: Wednesday, July 3, 2019, 09:20:42 AM PDT

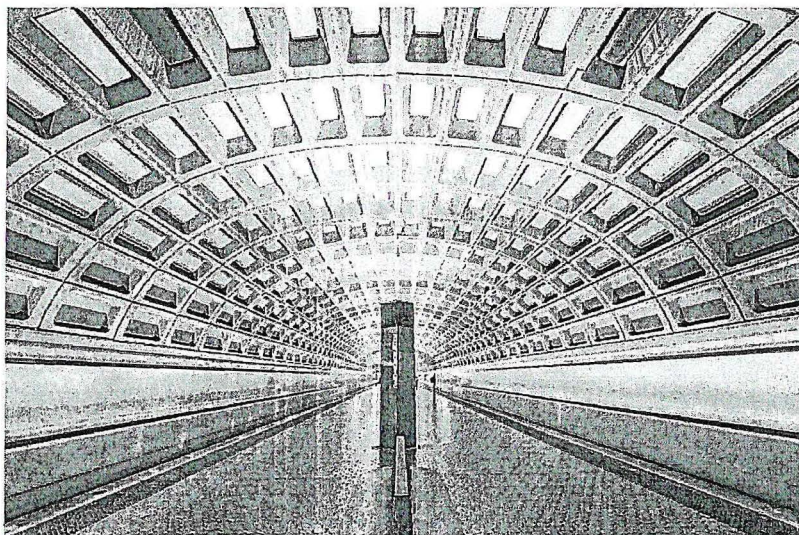
Subject: Secretary Chao: Fuel Tax a 'Topic of Discussion' During Infrastructure Policy Talks: TT Express

To view this e-mail as a web page, [click here](#). | To listen to today's top stories, [click here](#).

July 3, 2019

BAD PUBLIC POLICY =

May 7, 2018 AT 6:15 AM



GOVERNMENT TRANSPORT



VTA + COG = GOVERNANCE ABUSE

By Randal O'Toole | Contributor

A senior fellow with the Cato Institute

Public transit cost federal, state and local taxpayers more than \$50 billion in 2016 -- nearly \$5 in subsidies every time someone boarded a transit vehicle. Yet transit ridership has been declining since 2014, and although some might attribute this to telework or a general decline in the reliability of transit services, it's thanks in large part to the success of competitors such as Uber, Lyft and Chariot.

➔ This has led many to wring their hands over the future of public transit. In fact, we should be happy to see it go as it is obsolete, needlessly expensive and provides no significant environmental or social benefits. ←

A little over 50 years ago, urban transit was mostly private and mostly profitable. But in 1964, in the face of declining ridership and concerns about the industry's long-term financial viability, Congress offered federal subsidies to cities and states that took over private transit companies. Within a decade, all but a handful of transit companies had been "municipalized."

Those subsidies, along with those provided by states and local governments, failed to boost ridership or stabilize the industry. What followed instead was a dramatic decline in transit's productivity by any measure. The number of annual riders carried per transit employee has dropped by more than 50 percent, according to data from the American Public Transit Association. Operating and capital costs have grown more than twice as fast as fare revenues. ←

Adjusted for inflation, the same data show that subsidies to transit by all levels of government have totaled well over \$1.1 trillion since 1964, but these subsidies haven't benefitted either cities ←

or transit riders. In 1964, the average urban resident took more than 60 transit trips a year. Preliminary data for 2017 indicate that this has fallen to 37 trips per year, the lowest level in recorded history.

Subsidy supporters say transit helps low-income people get to work, but census data show that only about 4 percent of American workers live in households that lack cars, and a majority of them don't commute by transit. Nor are claims that transit saves energy and reduces pollution true. In 2016, transit used about 10 percent more energy per passenger mile than the average car and only slightly less than the average light truck. Both transit and cars emit about the same amount of greenhouse gases per passenger mile. People who care about energy or climate change would do better to drive a plug-in hybrid than to take transit.

The latest argument for transit is that it promotes economic development. While some studies have found that heavily used transit lines can influence property values, research published by the Federal Transit Administration has shown that this is a zero-sum game: Higher property values in one part of a city are balanced by lower values elsewhere. Not only does transit not promote overall economic growth, the high taxes required to subsidize transit may actually slow growth down. Data from more than 300 urban areas show that the regions that grew fastest in the 2000s were ones that had spent the least on transit in the 1990s, while the regions that spent the most on transit in the 1990s were among those that grew the slowest in the 2000s.

Now that ride hailing companies such as Uber and Lyft and private bus companies such as Chariot are providing increasingly affordable alternatives to public transit, it is time to think about phasing out the subsidies. That means, first, that transit agencies should stop spending money on new rail transit lines that few people will ride.

Rail transit was rendered obsolete more than 80 years ago when manufacturers had perfected buses that were less expensive to buy, operate and maintain than rail cars. Contrary to claims that light rail is "high-capacity transit," buses have much higher potential capacities: The New York-New Jersey Lincoln Tunnel Exclusive Bus Lane, for example, moves more people per hour than almost any rail line in the world, and far more than any light-rail line.

Next, transit agencies should pay down the debts they incurred building previous rail lines, as well as their unfunded pension and retiree health-care obligations. Finally, they should offer transit franchises to private companies, as the United Kingdom has done. At least until driverless cars make buses obsolete, private companies can provide bus services at a profit in many urban areas. A private company might also be able to operate the New York subway at a profit, but most other rail lines should be scrapped.

To be fair, we should end subsidies to highways as well, though those subsidies are much smaller -- 1.5 cents per passenger mile vs. nearly 90 cents for transit. Subsidies make transportation providers, whether public or private, more responsive to politicians than to transportation users. Politicians are likely to build bridges to nowhere or expensive, low-capacity rail lines, while user-fee-driven agencies will focus on maintenance and cost-effective congestion relief to keep customers happy.

The great experiment of socializing public transit has failed. Instead of trying to rescue transit, we should stop subsidizing it, saving taxpayers' tens of billions of dollars a year. There are better ways to improve urban transportation.



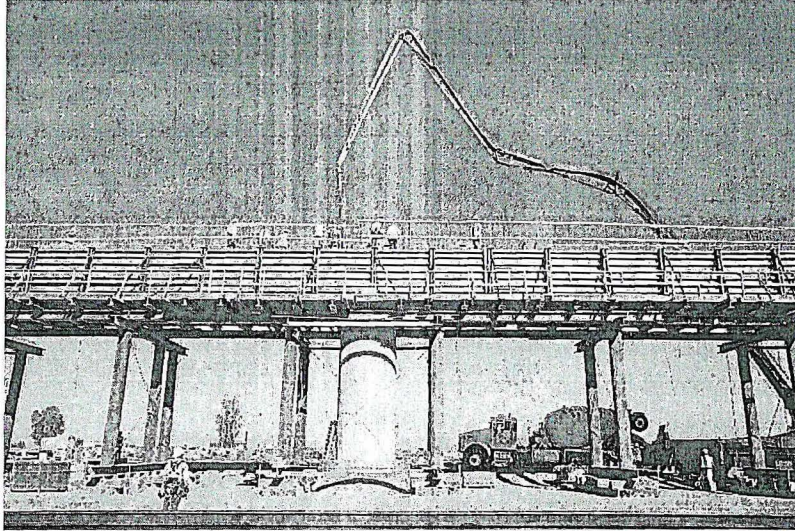
→ SO WHY DOES LOCAL GOVERNMENT CONTINUE THE ABUSE, WASTE AND FRAUD?

R. Horn

It's Never Too Late to Stop a Transportation Megafolly

California's governor was right to put the brakes on a high-speed-rail boondoggle. That doesn't mean that the state should have to return the federal funds it received.

March 5, 2019 AT 6:15 AM



SHAFTING
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BAD PUBLIC POLICY

Construction workers on one of the elevated sections of California's high-speed rail. (AP/Rich Pedroncelli)



By [Randal O'Toole](#) | Contributor

A senior fellow with the Cato Institute

California should never have begun building its high-speed rail project, and Gov. Gavin Newsom's announcement last month that construction will be limited -- at least for now -- to a segment already under construction is one of the best decisions he could have made.

But President Donald Trump's demand that the state return federal contributions to the project is wrong, both because it was federal funding that enabled the project in the first place and because that demand creates perverse incentives for other states and localities to waste money on similarly useless projects.

Back in 1997, researchers at the University of California at Berkeley compared the cost of travel by auto, air and high-speed rail between San Francisco and Los Angeles. The state had not yet estimated the cost of constructing a high-speed rail line connecting the two cities, so the researchers assumed it would be about \$10 billion. At that cost, they found, both air and auto travel were less expensive than high-speed rail.

Then, in 2000, California estimated that the actual cost would be \$20 billion. That made it a megafolly: a hugely expensive project with negligible benefits. The state should have stopped right there. Instead, in 2008, it asked voters to approve the sale of \$9 billion worth of high-speed rail bonds. The bond sale, the state promised, would be conditional on getting matching funds from the federal government and other sources. By that time, cost estimates had risen to \$33

billion, but if the state could find \$9 billion in matching funds, it would have enough to complete about half of the line.

Voters agreed, but nothing would have happened without federal matching funds. The following year, President Barack Obama persuaded Congress to make \$8 billion available for high-speed rail projects around the country; later, Congress added a couple more billion. California's share was less than \$3.5 billion, allowing the state to sell a similar amount of bonds.

The state began construction in the Central Valley. However, projected costs quickly escalated to \$77 billion, with indications that they might exceed \$100 billion. Obviously, the state had less than 10 percent of what it might end up needing.

This wasn't a surprise to anyone. California was up front from the very beginning that it only would provide matching funds for whatever the federal government gave it and that the total cost would be much more than that. The Obama administration gave it the money anyway, so it would be hypocritical for the federal government to demand it back now -- especially since the alternative is to have federal taxpayers eventually pay half of the remaining cost of completing the project, which Trump does not want to do.

Moreover, this creates perverse incentives for other states and local governments that are reconsidering their own megafollies. Oregon and Washington state, for example, spent \$135 million in federal dollars studying whether to spend \$3.5 billion replacing a bridge across the Columbia River with one that would move both highway vehicles and light-rail trains. The Washington legislature backed out of the project, concluding that it was too expensive. But now, even some Republicans are saying they have to revive the project so the states won't have to return the \$135 million to the federal government.

Honolulu, which has one of the best bus systems in America, made the foolish mistake of planning a rail transit line that will carry few people but divert resources away from the city's buses. It was far too expensive at its originally projected cost of around \$3 billion, but since then that megafolly's costs have ballooned to more than \$9 billion. The city probably has enough money to finish 16 miles of the planned 20-mile route. But some will argue that it will have to come up with several billion dollars more to finish the last four miles -- the most expensive ones - or the federal government will demand the return of its share.

These projects are obvious megafollies and never should have been considered. Yet sometimes common sense wins out only after construction of a megafolly has begun. As Gov. Newsom apparently concluded, the best thing to do is stop construction as soon as possible, run the incomplete megafolly until it wears out, and then, perhaps, replace it with something that makes more sense.

States and cities shouldn't have to complete projects that they never should have started just to avoid returning federal money they've already spent. The Trump administration should reverse its position on the California high-speed-rail funds. The only thing worse than a megafolly is doubling down on one.



Randal O'Toole | Contributor | rot@cato.org | [@antiplanner](https://twitter.com/antiplanner)

Trump Cancels High-Speed Rail Funding for California and Demands Back Billions

by [Tribune News Service](#) | February 20, 2019 AT 8:15 AM

By Kurtis Alexander and Alexei Koseff

The Trump administration said Tuesday that it's canceling \$929 million of federal funding for California's high-speed rail project and demanding the return of \$2.6 billion that's already been spent.

Gov. Gavin Newsom quickly denounced the move as political retribution for the state's resistance to a southern border wall and said California will fight for the money.

The administration made its move a week after Newsom suggested that the state was refocusing its \$77 billion plan to run 220-mph trains between Los Angeles and San Francisco. Because of cost overruns and delays, he said, the state would concentrate on starting service in the Central Valley between Merced and Bakersfield.

President Trump seized on the governor's statement in a tweet, calling California's rail plan a "disaster" and saying he wanted the state to return federal money that has been invested in the project. House Minority Leader Kevin McCarthy, a Bakersfield Republican and close Trump ally who has long opposed the high-speed rail project, also celebrated its "extinction."

In a letter sent Tuesday to the California High-Speed Rail Authority, Ronald Batory, head of the Federal Railroad Administration, noted Newsom's "significant retreat" from the state's original plan. He wrote that the reduced project wasn't what the federal government had committed to help fund.

The letter also cited California's failure to meet its construction schedule, provide sufficient financial contributions and demonstrate that it was "effectively managing" the project.

Batory wrote that the high-speed rail authority reported spending only \$48 million in December, far short of the \$142 million officials committed to design and construction activities, and that "other months show the same shortfall of expenditures as compared to the state contribution commitment."

He said the Federal Railroad Administration had determined that California would be unable to meet its 2022 deadline to complete the first section of track from Madera, north of Fresno, to Shafter, near Bakersfield. The agency is "exploring all available legal options," Batory wrote, to recover more than \$2 billion of stimulus money that it awarded in 2010 for the project.

Newsom made his comments about limiting high-speed rail during his State of the State address Feb. 12. He quickly backpedaled, insisting he still wanted to extend the Central Valley line to the Bay Area and Southern California. The governor said he just wanted to get the Central Valley segment, which is under construction, up and running first.

The rail project, which broke ground in 2015, remains tens of billions of dollars short of full funding.

In a statement Tuesday, Newsom said, "It's no coincidence that the administration's threat comes 24 hours after California led 16 states in challenging the president's farcical 'national emergency.' The president even tied the two issues together in a tweet this morning."

The reference was to a tweet in which Trump asserted that with cost overruns that "are becoming world record setting," California's project "is hundreds of times more expensive than the desperately needed Wall!"

California joined 15 other states to file suit against the Trump administration on Monday for declaring a national emergency to secure funding for his proposed wall along the U.S.-Mexico border without going through Congress.

"This is clear political retribution by President Trump, and we won't sit idly by," Newsom said. "This is California's money, and we are going to fight for it."

Federal and state Republican lawmakers, including McCarthy, applauded the Trump administration's letter and called for Newsom to scrap the high-speed train entirely.

"The funds should be redirected to Central Valley infrastructure projects that will benefit the entire state," Assemblyman Vince Fong, R-Bakersfield, said in a statement.

(c)2019 the San Francisco Chronicle

[Tribune News Service](#) | [@TribuneAgency](#)

Fw: Join Us at our Community Open House Meetings

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; donpatloe@att.net; allcouncilmembers@ci.gilroy.ca.us; roland.velasco@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; peter.leroe-munoz@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; carol.marques@ci.gilroy.ca.us; dion.bracco@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us; rich.constantine@morganhill.ca.gov; john.lang@morganhill.ca.gov; ehoward1965@gmail.com; gary@custom-1.com; president@gilroyedc.org; sbcsuper@supervisor.co.sanbenito.ca.us; mgr42@charter.net; info@sanbenitocog.org; mary@sanbenitocog.org; carl@reformcalifornia.org; jon@hjt.org

Date: Friday, July 5, 2019, 12:11 PM PDT

Editor,

There's no route for the Bullet-in-the-Brain Train that CAHSRA can propose that is acceptable to taxpayers, who are already taxed to smithereens to pay the subsidies for existing politician transport like VTA, COG, TAMC, SCCRTC, Etc., County Transit, Dial-A-Ride, Paratransit, Lite Rail, BART, Caltrain, SMART Train, Ace Train, Amtrak, etc.

Why don't you republish my Guest Editorial about CAHSRA's insanity as Tourists Panacea-Taxpayers Hell?

California voted for self-sufficient HSR, not what CAHSRA's berserk unelected leaders are cramming down our throats.

The better route would be to drive a stake thru this Frankenstein.

Losses are estimated at \$1B/year, which they will pay with increased gas & diesel taxes, taxing motorists out of our cars, just like VTA does, COG does, TAMC, SCCRTC, and all the rest of the alphabet soup of transit agencies, where they govern without the consent of the governed.

As I said to the HRS Commission, back before it became an "Authority," if we put enough UPS, FEDEX, and Postal Service tonnage on the Bullet Train, then we would not need to ask the taxpayers for a dime.

Where is an elected official who will join with taxpayers and stopping this monstrosity before it ruins us more than the radical socialist transit agencies have already done?

We don't want, cannot afford, and didn't vote for a hugemongous Amtrak, guzzling our tax subsidies faster than a SuperMassive Black Hole.

We ought to learn from history, and do as Florida did: repeal Prop. 1A and privatize HSR, and all the rest of the politicians' boondoggles that we presently subsidize with our gas taxes. Caveat viator.

Joseph P. Thompson, Esq.
Past-President, 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn
Past-Chair, Legislation Committee, Transportation Lawyers Assn.
(408) 848-5506
e-Mail: TransLaw@PacBell.Net

cc: Public Comment-Next Meeting: Regular, Special, Study Session, Private Retreat, Public Workshop, and/or non-Brown Act compliant meeting of the "Mobility Partnership" unconstitutional governance at its worst.

jpt

----- Forwarded Message -----

From: California High-Speed Rail <info@hsr-email.com>
To: "translaw@pacbell.net" <translaw@pacbell.net>
Sent: Wednesday, July 3, 2019, 03:08:48 PM PDT
Subject: Join Us at our Community Open House Meetings

JOSEPH P. THOMPSON

Attorney at Law

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Fax (408) 842-2206

August 24, 2007

Editor

Email: editor@garlic.com, editor@gilroydispatch.com

The ***Dispatch***

6400 Monterey Road

Gilroy, CA 95020

Re: Bullet Train: Tourists' Panacea, Taxpayers' Hell

Dear Editor,

The proposal to build the Bullet Train in California is proof that socialists have taken-over our government. Based on past cost overruns, the price tag on this extreme boondoggle is about \$75-\$80 billion in today's dollars. Paid back interest on these bonds will also burden our children and grandchildren and great-grandchildren will billions more. Annual operating losses will exceed those of all Lite Rails combined. Fares won't cover 1% of operating expenses, estimated at \$1 billion/year. Bond debt will bury us.

Technology exists to build it, but how do we pay the construction costs, and operating costs? It's technologically incompatible with existing railroads, so it will need BART-like right-of-way. Eminent domain power, included in the legislation creating it, ensures that it will plow through Gilroy and Morgan Hill and any other place, regardless of opposition. But it cannot cross the UPRR's tracks because the Class I railroads' eminent domain trumps Bullet Train's eminent domain power, according to UP's top commerce counsel on the West Coast. Tourists will ride it, but enjoy a 99% taxpayer subsidy for rides that will cost more than those on the Concorde Supersonic Jets. Local small business owners will pick-up the tab, maybe getting 10% back from tourist dollars if we're lucky.

In 1970 Congressmen stood up in Congress and proclaimed that Amtrak would be "self-sufficient in three years." Yeh. By 9/11/01 taxpayers had thrown about \$30 billion in subsidies down that black hole, but did we have adequate airport security?

In 1863 General Granville Dodge, who was later UPRR's top civil engineer, and who discovered the Sherman Pass over the Continental Divide, was summoned to the White House. He later said that he told the President that the government should own and operate the transcontinental railroad. Lincoln, who as a young member of the Illinois Legislature had seen government owned railroads in Eastern and Midwestern States go bust and shutdown operations in the 1830's and

When will we ever learn?

development incentives (my words, not his). They did it. And what did taxpayers receive in the deal? They got about \$460 million (measured in 1940 dollars) more than the value of the land granted to the railroad corporations because of Section 22 in the original Interstate Commerce Act (lower freight rates for government shipments).

A hundred years ago the Progressive Movement, led by William Jennings Bryan, sought nationalization of the railroads and other industries, but their passion was rejected by voters.

When the railroads were nationalized in 1917 during the Administration of Woodrow Wilson, government genius so botched-up shipping that rail traffic came to a standstill. That experiment failed, just as Lincoln predicted it would. In the Transportation Act of 1920 the railroads were de-nationalized, and came to be the envy of the world's nations today; the backbone of our nation's commerce.

Instead of making taxpayers pay for Bullet Train, like we pay for County Transit, Caltrain, Amtrak, Lite Rail, etc., etc., while motorists are paying 100% of their own transport costs, seeing our politicians rewarding transit wastefulness, why not use the unlimited power of capitalism? Have you been on I-5 lately to see the uninterrupted 24-7 tonnage flowing North-South in California? I appeared before the Bullet Train commission five times over the last decade and told them that if they put enough UPS, Fedex and Postal Service tonnage on their trains, then they would not need to ask the taxpayers for a dime. Did they listen?

Like Amtrak's promoters, their pie-in-the-sky predictions show that they did not listen, nor did they learn from history, either United States or world history in the last century and one-half. So, hold on for the ride, and warn your children and grandchildren, our leaders will strap taxpayers to the rocket to Hell. We'll be paying unimaginable sums to attempt what Lenin, Trotsky, Stalin and the USSR failed to achieve, despite all their promises to their citizens that socialism could bring utopia. If they fund it with gas taxes, be prepared to see \$10/gallon for gas at the pumps. They'll tax motorists out of their cars, leaving them to ride our Trojan Horses, and bike or walk the rest of the way.

Caveat Viator!

Respectfully yours,
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February 18, 2010

Editor and Editorial Board

Email: editor@garlic.com, editor@gilroydispatch.com

The **Dispatch**

6400 Monterey Road

Gilroy, CA 95020

Re: MyBulletTrain: Profitable for who?

Dear Editor,

Bullet Train blitzkrieg, multi-million dollar campaign, using taxpayers' money to sell them on the boondoggle claims that it will be profitable. Yeh, but for whom? The planners, consultants, ad men, bond salesmen, foreign equipment manufacturers. The bankruptcy of all State-owned railroads in the USA in 1830's ought to tell us something about the right way to build a railroad. The American experience with nationalization of the railroads in 1918, the collapse of the USSR, and the world-wide privatization revolution of the 1990's should teach us a valuable lesson in railroad building. The insolvency of Amtrak, Caltrain. The bankruptcy last month of the Las Vegas Monorail, etc.—lessons abound from our history, but will we learn from them?

Sustainable rail transport hinges on the bottom line on the balance sheet; do revenues exceed costs? If we use VTA government-style accounting methods, we won't see a sustainable Bullet Train. We have to use the same accounting used by the world's most successful railroads, UP, BNSF, CSX, etc., America's Class One Railroads. If you lose money moving passengers, then you have to make-up your losses by moving freight. Intermodal tonnage on Bullet Trains, moved on separate trains during non-peak commute hours is how I've told the California High Speed Rail Commission, now High Speed Rail Authority, to do it. If the taxpayers purchase the infrastructure for the Bullet Train's owners, it will be like financing the Interstate Highway System, and the State Highways, for the trucking industry.

Transport me as a tourist, and I'll need a 99% fare subsidy. But transport me as a deceased traveller, and my estate, or relatives, have to pay 100% of the cost of moving the dead freight. So, to create a sustainable Bullet Train, you have to think like railroaders, not horizontal elevators in communist nations.

Why do our leaders want to grow bigger government, when common sense people, e.g., Editorial Board of Gilroy Dispatch, say we should be doing just the opposite? Do we have leaders who give a damn about the harm their decisions inflict? Why do we tolerate such hypocrites?

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August 24, 2007

Editor

Email: editor@garlic.com, editor@gilroydispatch.com

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When will we ever learn?

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Fax (408) 842-2206

January 1, 2005

Editor

The *Dispatch*

6400 Monterey Road

Gilroy, CA 95020

Re: Social and Economic Consequences of Nationalized Transportation

Dear Editor,

Your tribute to increased nationalized transport makes me question your sanity, our leaders' sanity, and the voters', too. Where will such policy lead us? What will we nationalize next?

I think that you would serve your readers well to give an in-depth analysis to the scope of the social and economic consequences of our current government-owned transport policy. Having chosen to reject private-sector transport in all modes except pipelines, airlines and marine carriers, why not give a careful examination to the prospects facing our children if we continue this trend. For example, the use of eminent domain by VTA, Bullet Train and other government transport operations, and the rise of uncompensated taking by means of exclusionary zoning and impossible regulations. The decision of Attorney General Bill Lockyer, the pending seminal case at the U.S. Supreme Court (*Kelo v. City of New London*), and the eminent domain strategy of the VTA, all furthering the erosion of our constitutional rights, have not been the subject of your publications. It seems to me that it very well could be. Take a look at the VTA case summary ("Eminent Domain-Unlimited"), which seems to me to say it all. Once we started down the nationalization course, we unleashed a Frankenstein upon ourselves and future generations. Will you please report these social and economic consequences of nationalized transport? Happy New Year it certainly will be for socialists and VTA subsidy recipients, but not for taxpayers and small business owners and property owners.

Very truly yours,

JOSEPH P. THOMPSON

Candidate: American Society of Transportation & Logistics

Member: Legislation Committee, Transportation Lawyers Assn.

Member: Association of Transportation Law, Logistics and Policy

Past-President: Gilroy-Morgan Hill Bar Assn.

Eminent Domain & Nationalized Transport: Unleashing the Sovietization of America by Radical Socialists

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February 18, 2010

Editor and Editorial Board

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The ***Dispatch***

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Re: MyBulletTrain: Profitable for who?

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October 5, 2011

FAX (831) 636-4160

Honorable Margie Barrios, Chairwoman
San Benito County Board of Supervisors
Hollister, CA 95023

FAX (831) 636-4310

Hon. Jaime DelaCruz, Chairman
San Benito County Council of Government
Hollister, CA 95023

Re: Public Comment BOS Oct. 2011 & COG Meeting Agendas - Volunteering Once Again
to Assist Local Government to Establish Sound, Sustainable Transport Policy to Replace the Failure
of Your Current Regime COG-VTA Insanity

Dear Madam and Sir,

Thank you for inviting public comment on the miasma, mess and Hell Hole that you've dug for the citizens and taxpayers of our County, you lovers of VTA ultra-radical socialism (see why I told you not to go to bed with VTA?)?! You've fallen into VTA's "BART-to-San Jose Boondoggle Trap" with your illegal, unconstitutional "Mobility Partnership," by doing just what that 800-Pound Gorilla tells you to do. You've earned the condemnation of the taxpayers, again. I warned you time and again, but you refuse to listen, and we suffer for your arrogance and ignorance in transport policy.

Please add this to the "public comment" for your next meeting agenda.

1. Author: See previous letters, legal memoranda, lawsuits, emails, etc. I have 48 years of transport industry (rail and highway) experience on the Central California Coast Region, 31 years of practice of transportation law, 35 years of doctoral and post-doctoral study of transportation law and policy, at Santa Clara University School of Law, Norman Y. Mineta International Institute for Surface Transportation Policy Studies, San Jose State University; Transportation Research Board, Georgetown University; and at the Library of Congress. I'm a member of the Association for Transportation Law & Logistics (formerly the Association of Interstate Commerce Commission Practitioners (charter member of the Santa Clara Valley Chapter), Transportation Lawyers Association (committees on Legislation (Past-Chair), Freight Claims, Bankruptcy, and Intermodal Transport), and a candidate for the American Society of Transportation & Logistics. I am licensed to practice before the California Supreme Court, the United States Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, and all U.S. District Courts in California.

2. Background Materials: See my hundreds of letters, faxes, legal memoranda and three

Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF 1

lawsuits I filed on behalf of the taxpayers of our County, all given *pro bono* to you, and to Rail Advisory Committee, Transit Task Force, Technical Advisory Committee, SBCBOS, etc., all of which you've totally ignored to the damage and betrayal of the citizens and taxpayers of our County. Give yourselves another "A" in arrogance and stupidity and ignorance. I respectfully request that you direct your staff to add this application, too, to the formal record of these proceedings. I ask that you adhere to your oath of office, and democratic principles of the Founders.¹

3. One Condition to My Application. I have one condition to this application. You must agree that you will not terminate me from the Policy Committee, as you did from the Citizens Transit Task Force, for voicing my opinion, falsely calling it "harassing." You brought everlasting shame on the government of this County by acting in direct violation of the principle of Freedom of Speech, and showed just how much you've betrayed the citizens of our County by selling us out to your special interests "friends," who are really our enemies. By terminating my membership on the Transit Task Force for having the unacceptable courage to speak truth-in-transportation, which you called "harassment," you showed the people of our County that COG is exacting like the Communist Party was in the Soviet Union, where, as Mr. Justice Douglas said in *The Right of the People* (1953), they had "freedom of speech" so long as nobody questioned communism. On the Citizens Rail Advisory Committee I was out-voted 8-1 on the RAC's final report to COG, but the COG Directors voted 5-0 against RAC's conclusion to extend Caltrain from Gilroy to Hollister. So, hypocrisy reared its ugly head in our County's government: RAC allowed dissent (which became the majority view), while TTF would not tolerate dissent, and we suffer the economic damage here ever since deriving from

1

John Stuart Mill*

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

*Cited in appreciation to your former Chairwoman, Honorable Pat Loe, for defending SBC's residents' First Amendment rights at the COG Meeting when I was terminated from the Transit Task Force. Joseph P. Thompson, Esq., December 8, 2006

Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF 2

their unconstitutional conduct. I won't serve hypocrites in local government, so if you cannot abide this condition, then do not accept my application, and do not appoint me to hypocrisy-filled government. Worse than any other thing, Lincoln held "base hypocrisy" intolerable. I agree with that transportation attorney, our 16th President. Its your base hypocrisy that has brought us to the ruinous position, i.e., 5th worst County (economically) in the USA. Perhaps, if you had listened to me, rather than muzzle me, opened your ears when I brought you the UP's Industrial Development Department's "open check book" for local rail-oriented economic development on the Hollister Branch Line, our County's citizens and taxpayers would not be prostrate, broke, busted, and bankrupt today. But you'll never turn around our local economy if you cling to your Sovietization, VTA-poster child mentality of statist, socialist, communist, Marxist, Stalinist policy of screwing the taxpayers so you can reward your special interest monopolists and public-sector union employees. If you have the same closed-minded hypocrisy today as you did then, I won't waste my time and be subjected to more of your "base hypocrisy." So, if you're still hypocrites, please disregard my application. If you've got an open mind to alternative, pro-business, free enterprise, private-sector transport solutions, like you did when you adopted my dissent on your Caltrain extension vote ten years ago, then please consider my application. There's no middle ground: you either are hypocrites still, or you reject your "base hypocrisy."

4. Abolish COG: With motorists paying 102+% of their transport costs, including all highway and street construction and maintenance, and our elected leaders stealing from those gas tax revenues to give our money away to special interests at COG, VTA, TAMC, etc., to keep their bankrupt transit operations moving, the time is "high noon" to abolish COG. Gas taxes from motorists and truckers are used by COG to subsidize COG's unconstitutional, unsound and unsustainable transit boondoggles, yet COG's Directors refuse to protect the taxpayers from this disrespect, this abuse, and this unconstitutional violation of our rights. In COG's long history of abuse, the level of the damage being inflicted on local motorists and truckers has never been so high is it is now. Like the Bell, California City Council, we need to turn the COG rascals out of office ASAP. The longer we delay, the greater the harm that they will inflict on us, our economy, our lives, our families and our community. The only possible conclusion for the Policy Advisory Committee is to demand real social justice: immediately abolish COG. If appointed, I will work tirelessly, as God grants me the strength, to accomplish the goal of returning us to our American roots in transport policy, as I have tried, unsuccessfully, for ten years of COG, RAC, TAC, & TTF meetings, special meetings, workshops, etc., to convince the unconstitutional COG Directors, kingdom-makers, waste-rewarders, Marxist, Leninist, Stalinist betrayers in our local government. *Caveat viator.*

Very truly yours,
JOSEPH P. THOMPSON

cc: COG Board of Directors
cc: SBCBOS

Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF 3

PUBLIC COMMENT: CAHSRA PUBLIC MEETINGS; ROUTE FOR BULLET TRAIN; UPRR PROHIBITION TO USE OF ITS RIGHT-OF-WAY; PREEMPTION ANALYSIS--SUPREMACY CLAUSE

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: john.lang@morganhill.ca.gov; bholtzclaw@newsvmmedia.com; nmixer@newsvmmedia.com;
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askmike@garlic.com; peter.leroe-munoz@ci.gilroy.ca.us; mgr42@charter.net; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; gary@custom-1.com; ehoward1965@gmail.com;
president@gilroyedc.org; donpatloe@att.net; carl@reformcalifornia.org; jon@hjta.org

Date: Sunday, July 7, 2019, 10:33 AM PDT

Mr. John Lang, City of Morgan Hill, Economic Development: Upcoming Public Meetings re: Bullet Train Route

Thank you for your notice and invitation for public comment regarding the CAHSRA's route selected for its Bullet Train though this Region.

I repeat what I've said before to the HSR Commission, HSR Authority, and various elected officials at federal, State and local levels.

Their route, and their concept, are bad public policy, unsound and unsustainable transport policy, sure to condemn taxpayers (motorists) to paying higher gas & diesel taxes to subsidize their Supermassive Black Hole, even worse than the taxpayer subsidies that we are forced to pay for existing public sector transit.

UPRR's eminent domain authority granted during the Lincoln Administration trumps inferior State eminent domain authority under the Supremacy Clause in the U.S. Constitution. So, we must conclude that the Bullet Train route will not trespass on UPRR's right-of-way without their consent, which they have refused to give to CAHSRA.

Please include my comment in the official record of these proceedings so that future generations know that our leaders were warned of their insanity.

Caveat viator.

Joseph P. Thompson, Esq.
(408) 848-5506

Past-President, 1999-2001, 2006, Gilroy - Morgan Hill Bar Assn.

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

Post-Doctoral Student, Transportation Law & Policy, Norman Y. Mineta International Institute for Surface Transportation Policy Studies, SJSU; Transportation Research Board, Georgetown U; and Library of Congress

Member, Transportation Lawyers Assn.

E-Mail: TransLaw@PacBell.Net



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TrojanHorseCAHSR090809.pdf

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Opinion

"A free lance is a knight in the service of no monarch, answering only to the call of justice."

Hollister Free Lance: Serving San Benito County for 134 years.



A4 THURSDAY, SEPTEMBER 6, 2007 HOLLISTER FREE LANCE

NEW WEB POLL

Were you pleased with local schools' API test results?

A

Yes

B

No

Cast your vote at www.free-lancenews.com. The poll will close at 1pm Monday.

Results from last poll:

What do you hope to see at the former Leatherback site?

A

More industrial 63.87%

B

Commercial 26.88%

B

Housing/mixed use 9.25%

Total votes: 346

Editor's note: Web polls are unscientific. They are collective views of readers who choose to take part.

GUEST COLUMN

Do you have something to say about local issues? Contact Editor Kollin Kosmicki to discuss your idea for a guest column. Columns are limited to 750 words.

Bullet Train in Region – Then Get Ready for \$10 per Gallon

The proposal to build the Bullet Train in California is proof that socialists have taken over our government. Based on past cost overruns, the price tag on this extreme



boondoggle is about \$75 billion to \$80 billion in today's dollars. Paid back interest on these bonds will also burden our children and grandchildren with billions, more. Annual operating losses will exceed those of all Lite Rails combined. Fares won't cover 1 percent of operating expenses, estimated at \$1 billion per year. Bond debt will bury us.

Technology exists to build it, but how do we pay the construction costs, and operating costs? It's technologically incompatible with existing railroads, so it will need BART-like right-of-way. Eminent domain power, included in the legislation creating it, ensures that it will plow through Gilroy and Morgan Hill and any other place, regardless of opposition. But it cannot cross the UPRR's tracks because with the Class I railroads, eminent domain trumps the Bullet Train's eminent domain power, according to UP's top commerce counsel on the West Coast.

Tourists will ride it, but

Joe Thompson

enjoy a 99 percent taxpayer subsidy for rides that will cost more than those on the Concorde Supersonic Jets. Local small business owners will pick up the tab, maybe getting 10 percent back from tourist dollars if we're lucky.

We've seen this issue in our nation's history more than once. In 1995 future Transportation Secretary Norm Mineta said that the "crucial question" in transportation is: "What should government do? And what should it leave to others?"

In 1970 congressmen stood up in Congress and proclaimed that Amtrak would be "self-sufficient in three years." Yeah. By 9/11/01 taxpayers had thrown about \$30 billion in subsidies down that black hole, but did we have adequate airport security?

In 1863 General Grenville Dodge, who was later UPRR's top civil engineer, and who discovered the Sherman Pass over the Continental Divide, was summoned to the White House. He later said that he told the president that the government should own and operate the Transcontinental Railroad. Lincoln, who as a young member of the Illinois Legislature had seen government owned railroads in Eastern and Midwestern

Tourists will ride it, but enjoy a 99 percent taxpayer subsidy for rides that will cost more than those on the Concorde Supersonic Jets. Local small business owners will pick up the tab, maybe getting 10 percent back from tourist dollars if we're lucky.

We've seen this issue in our nation's history more than once. In 1995 future Transportation Secretary Norm Mineta said that the "crucial question" in transportation is: "What should government do?

states go bust and shutdown operations in the 1830s and 1840s, said no. He said that private enterprise must do it, although the government would assist with development incentives (my words, not his).

Well, they did it. And what did taxpayers receive in the deal? They got about \$460

million (measured in 1940 dollars) more than the value of the land granted to the railroad corporations because of Section 22 in the original Interstate Commerce Act (lower freight rates for government shipments).

A hundred years ago the Progressive Movement, led by William Jennings Bryan, sought nationalization of the railroads and other industries, but their passion was rejected by voters.

When the railroads were nationalized in 1917 during WWI by the administration of Woodrow Wilson, government "genius" so badly botched-up the nation's rail shipping that rail traffic came to a standstill. That experiment failed, just as Lincoln predicted it would. In the Transportation Act of 1920 the railroads were denationalized, and came to be the envy of the world's nations today, the backbone of our nation's commerce.

Instead of making taxpayers pay for the Bullet Train, like we pay for County Transit, Caltrain, Amtrak, Lite Rail, etc., etc., while motorists are paying 100 percent of their own transport costs, seeing our politicians rewarding transit wastefulness, why not use the unlimited power of capitalism? Have you been on I-5 lately to see the uninterrupted 24-7 tonnage flow-

ing North-South in California?

I appeared before the Bullet Train commission five times over the last decade and told them that if they put enough UPS, Fedex and Postal Service tonnage on their trains, then they would not need to ask the taxpayers for a dime. Did they listen?

Like Amtrak's promoters, their pie-in-the-sky predictions show that they did not listen, nor did they learn from history, either United States or world history in the last century-and-a-half.

So, hold on for the ride, and warn your children and grandchildren, our leaders will strap taxpayers to the rocket to Hell. We'll be paying unimaginable sums to attempt what Lenin, Trotsky, Stalin and the USSR failed to achieve, despite all their promises to their citizens that socialism could bring utopia. If they fund it with gas taxes, be prepared to see \$10 per gallon for gas at the pumps.

They'll tax motorists out of their cars, leaving them to ride our Trojan Horses, and bike or walk the rest of the way. Instead of harnessing the unlimited capability of capitalism, our leaders will tie a dead-weight albatross around taxpayers' necks. Caveat Viator!

Joe Thompson is a Tres Pinos resident.

VTA: CONCEIVED IN...
GET GOVERNMENT OUT OF THE TRANSPORT BUSINESS

Joe

GILROY THE DISPATCH

WEEKEND
4-11-03

www.gilroydispatch.com

VTA on the brink of bankruptcy

► Committee explores a range of solutions, including taxes, to fund struggling transit agency

By JONATHAN JEISEL

Staff Writer

GILROY - The county's transit agency is at a financial crossroads, and Santa Clara County citizens and businesses could potentially face decisions about new taxes - or whether to borrow against existing taxes in the short-term for a new purpose - to help remedy the financial quagmire.



County Supervisor Don Gage

"What it will really boil down to is, 'Do people in the valley really want a transit system, and what do they want it to look like?'"

Officials with the Santa Clara Valley Transportation Authority say they face an estimated \$160 million annual deficit over the next 20 years and warned that the agency will run out of money within two years' time

unless dramatic steps are taken.

That budget hole is forcing officials to consider major changes to how the agency's buses and light-rail trains are funded - and a centerpiece question at the moment is a search

for new revenues.

Nearly 85 percent of the VTA's operating budget is comprised of sales-tax revenues, which tend to be volatile and fluctuate dramatically along with the economy.

With the current downturn, agency revenues have dropped 33 percent in two years after seven consecutive quarters of declining sales taxes. That's a bad drop, stressed VTA spokeswoman Dina Braun.

"It's tough for any organization," she said.

So far, in response the agency has

Please turn to VTA, A10

SOVIET SOLUTIONS DON'T WORK!
COG'S BANKRUPTCY TOO. Joe

A4 WEDNESDAY, MAY 2, 2007 GILROY DISPATCH

COG, Too?

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■ Transportation Agency

VTa Stuck in Spending Gear

It's time for the decade-old Valley Transportation Authority to learn to live within its means. And that means those leading it, its board of directors, its general manager, chief administrative officer and chief financial officer, need to take responsibility for the financial mess the agency is in.

How? By taking a realistic look at its \$340 million annual budget, the very few passengers - 135,000 riders each day - and its projected \$2.8 billion deficit for the next three decades. VTA leaders need to immediately draft a budget that makes sense. It will take real leadership, leadership that has been nonexistent.

The VTA needs to spend only what it has on real transit needs and not wants, like proposed expensive light-rail extensions around the county and the buffoonish \$4.7 billion BART-to-San Jose project.

The critical March independent audit by the Philadelphia-based HayGroup, at a cost of \$500,000, makes the same points. VTA General Manager Michael Burns took the proactive step to get the review. Now what? Will the VTA behave like a private sector company in trouble and cut costs and adopt a realistic budget?

Remember, some of the same concerns raised by the latest audit were pointed out in 2004, when the Santa Clara County's Civil Grand Jury recommended suspending the BART-to-San Jose project and disbanding the VTA's board of directors. The board thumbed their noses at all of the grand jury's recommendations.

Most damaging in the HayGroup audit are the findings related to how the agency has forecasted its 30-

OUR VIEW

year economic outlook, erroneously relying on money generated from the 2000 passage of a half-cent sales tax. The audit found that in light of last year's failed half-cent sales tax proposal and no other incoming revenues, the VTA cannot build and operate the promised transit improvements.

When the agency last year again asked voters for more money - a half-cent instead of a quarter-cent sales tax increase - it failed.

Now Burns has welcomed a transportation-only tax measure in the November 2008 ballot.

Yet even with rising gas prices, ridership is down.

So, while it's a good thing that the agency is questioning the logic behind its bus service, eliminating some routes and consolidating others, the truth is that what's needed is a magnitude 8.0 shake-up that would essentially re-invent the VTA. And despite all the super critical audits and obvious flaws, it's just not happening. Voters should remember that whenever VTA asks you for more money out of your paycheck.

■ HOW TO REACH THE VTA

■ Santa Clara County Supervisor Don Gage, 299-5010, don.gage@bos.co.santa-clara.ca.us

■ Morgan Hill City Councilman Greg Sellers, 779-7259, greg.sellers@morgan-hill.ca.gov

■ VTA General Manager Michael Burns, 321-5559 or michael.burns@vta.org.

CALIFORNIA HIGH-SPEED RAIL NORTHERN CALIFORNIA REGION

Staff-Recommended State's Preferred Alternative
City of Morgan Hill City Council Presentation
Wednesday, July 17, 2019



OBJECTIVE

Share **staff-recommended State's Preferred Alternative** and process for identifying the State's Preferred Alternative.

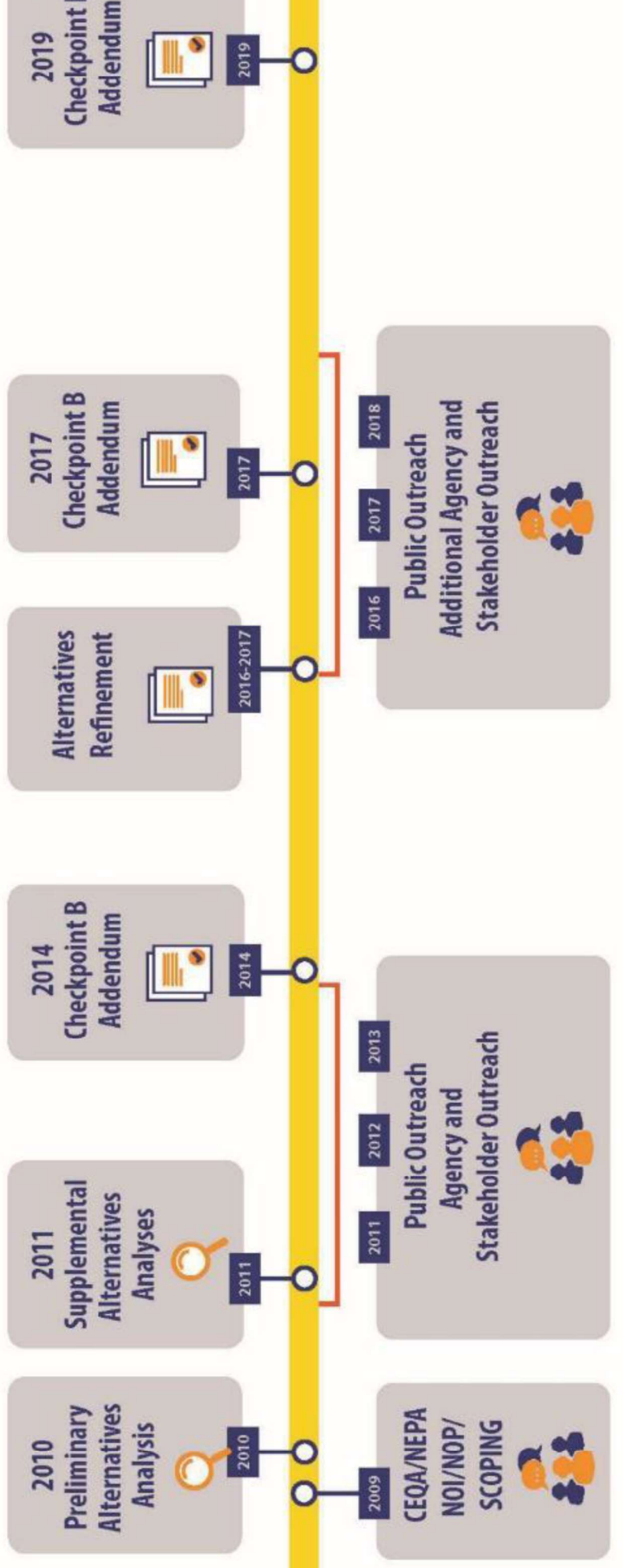
- The staff-recommended State's Preferred Alternative is based on stakeholder input and analyses completed to date.
- All alternatives will be analyzed at an equal level of detail and described in the published Draft EIR/EIS.
- Staff will summarize the comments received during planned outreach and report to the Authority Board for consideration with the recommended State's Preferred Alternative on September 17, 2019.
- Identifying the State's Preferred Alternative does not approve or adopt a preferred alternative for final design or construction.

SAN JOSE TO MERCED PROJECT SECTION

REFINING THE ALTERNATIVES:
Collaboration with Partner Agencies,
Stakeholders, and Members of the Public



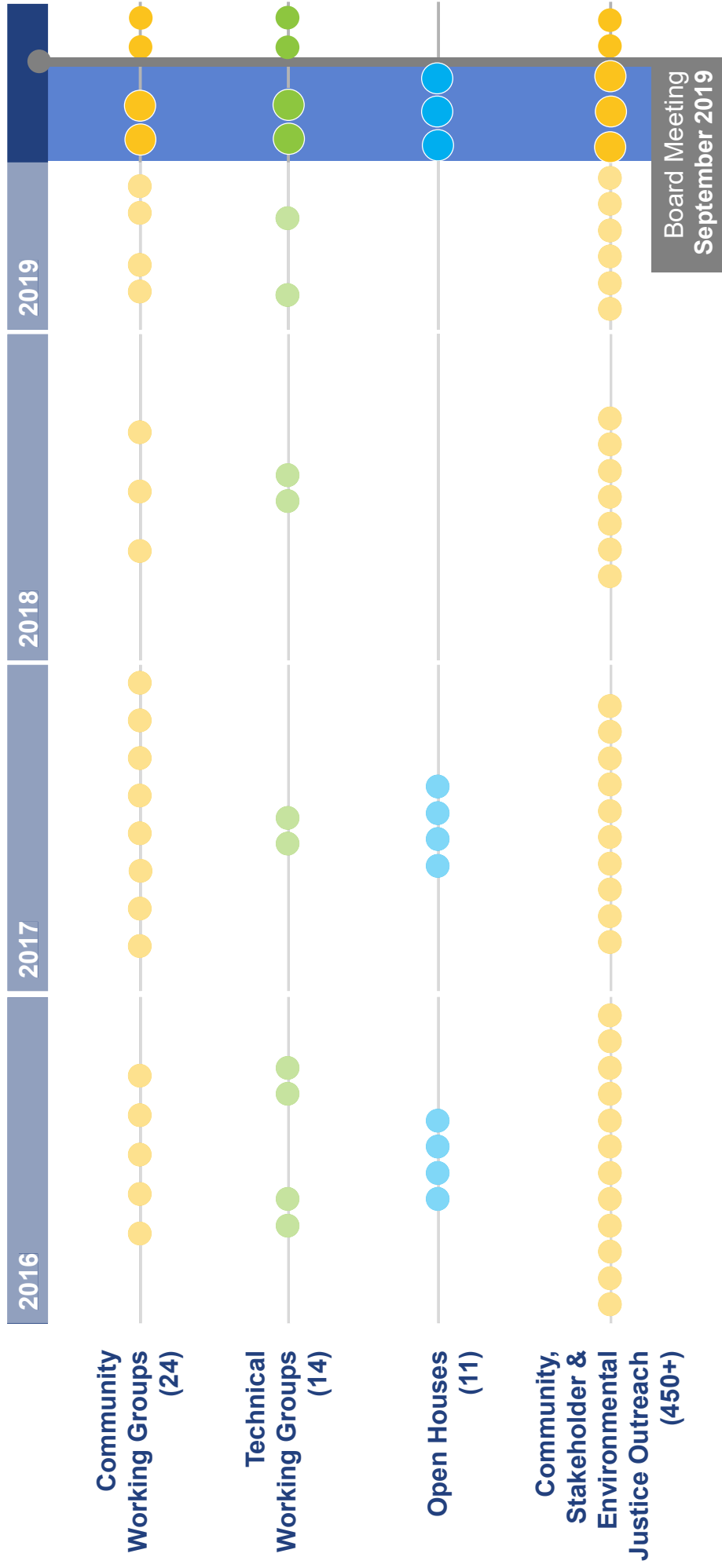
ALTERNATIVES DEVELOPMENT PROCESS



Communication: Presentation and handouts (WORKSHOP)

SAN JOSE TO MERCED COMMUNITY OUTREACH

2016 – 2019



Communication: Presentation and handouts (WORKSHOP)

INTERFACING WITH NORTHERN CALIFORNIA AGENCIES

2018 – 2019

AGENCY	ALIGNMENTS	WATER MANAGEMENT	WILDLIFE CROSSINGS	TRANSPORTATION/ ROADS	ENGINEERING/ DESIGN	LAND USE	JOINT OUTREACH	2018 BUSINESS PLAN
California Highway Patrol	●			●				●
California Strategic Growth Council	●		●		●	●		●
Caltrain	●			●	●		●	●
Caltrans Districts 4, 5, and 10	●			●	●			●
City of Gilroy	●	●		●	●	●	●	●
City of Morgan Hill	●	●		●	●	●	●	●
City of San Jose	●	●		●	●	●	●	●
Floodplain Administrators and Managers	●	●			●			●
Metropolitan Transportation Commission	●			●		●		●
Mineta San Jose International Airport	●				●			●
Pathways for Wildlife	●		●					●
Peninsula Open Space Trust	●		●					●
Santa Clara County Parks	●	●	●			●		●
Santa Clara County Planning Department	●	●			●			●
Santa Clara County Roads & Airports	●			●				●
Santa Clara Valley Habitat Agency	●		●		●	●		●
Santa Clara Valley Open Space Authority	●	●	●					●
Santa Clara Valley Transportation Authority	●			●	●	●	●	●
Santa Clara Valley Water District	●	●			●			●
The Nature Conservancy	●		●			●		●

Communication: Presentation and handouts (WORKSHOP)

STATE'S PREFERRED ALTERNATIVE



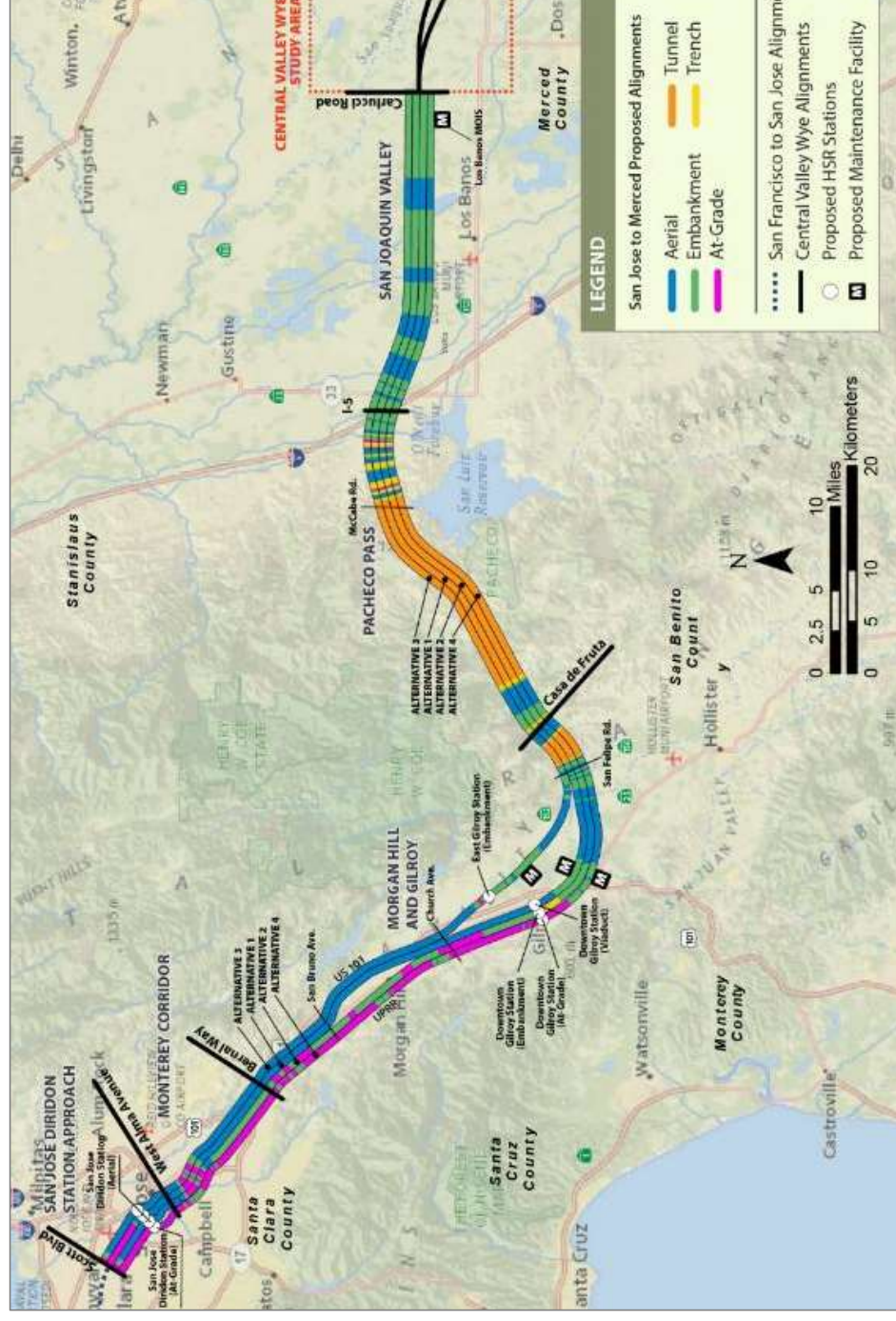
SAN JOSE TO MERCED PROJECT SECTION

ALTERNATIVES OVERVIEW



SAN JOSE TO MERCED RANGE OF ALTERNATIVES

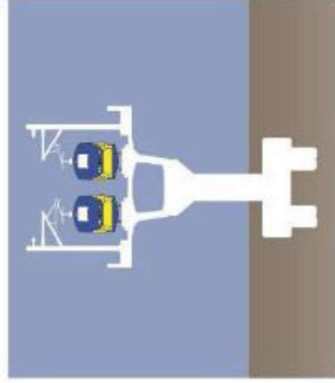
- **San Jose to Merced Project Section**
- **4 end-to-end alternatives**
- **Some alternatives are the same for a part of the route**



CROSS SECTIONS IN MORGAN HILL

MAIN AVE TO TENNANT AVE

Viaduct

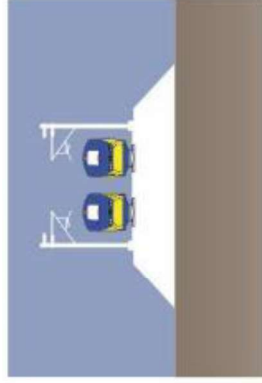


Two high-speed rail tracks on an aerial structure

Height: 50' to 63'
ROW Width: 50' to 193'

Alternative 1 & 3

Embankment

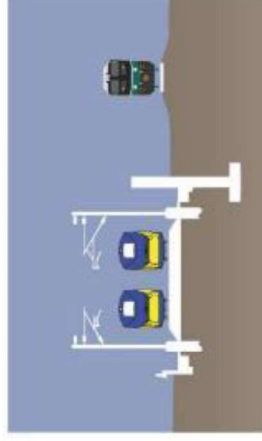


Two high-speed rail tracks on an earthen embankment

Height: 5' to 18'
ROW Width: ~92'

Alternative 2

Dedicated At-Grade

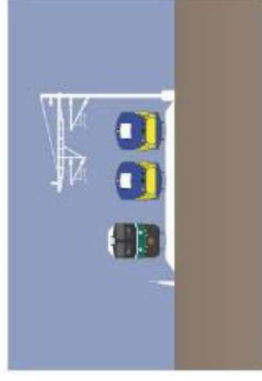


Two high-speed rail tracks at ground level adjacent to existing freight tracks

Height: 3' to 5'
ROW Width: ~86'

Alternative 4

Blended At-Grade

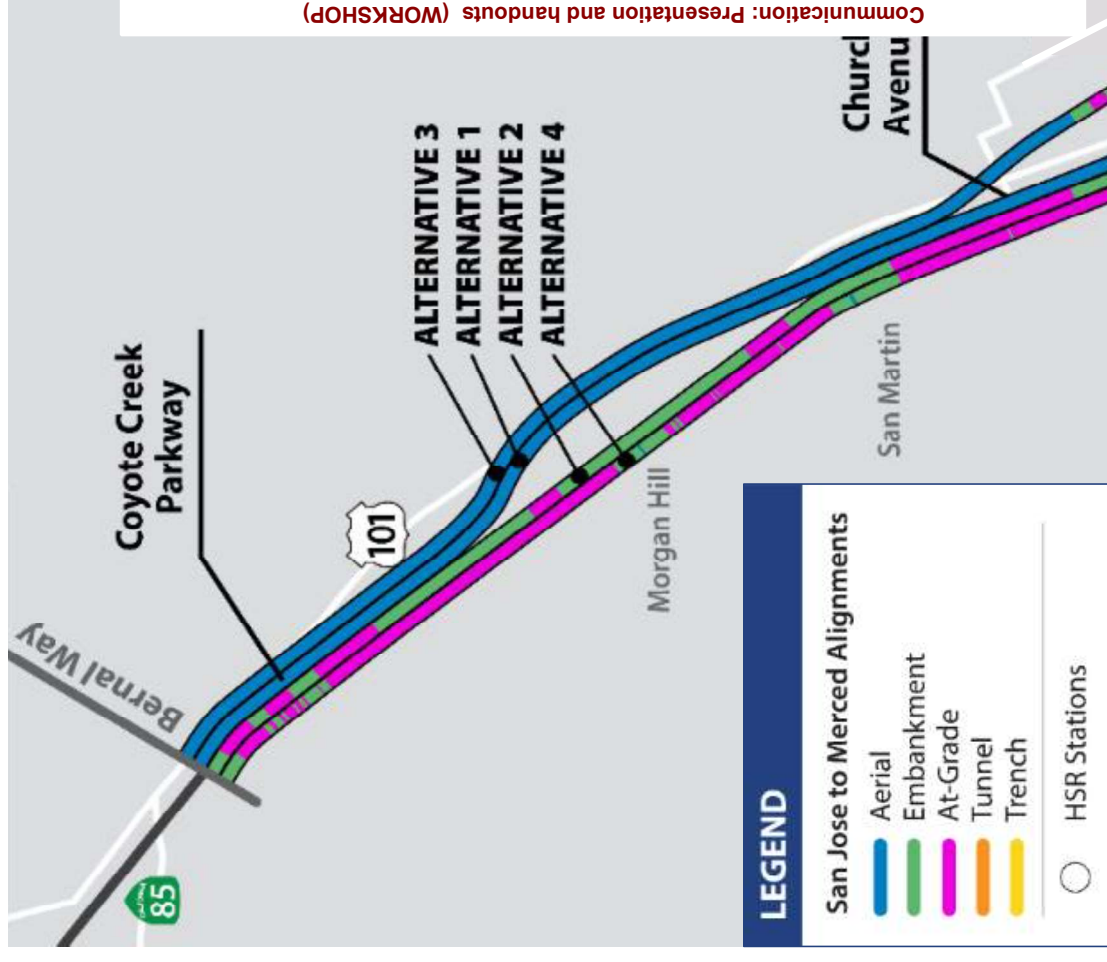


Two electrified, blended passenger tracks (with Caltrain) and one non-electrified freight track at ground level

Height: 0' to 5'
ROW Width: ~57' to 60'
ROW at Caltrain Station: 114'

MORGAN HILL TO SAN MARTIN

- **Alternatives 1 and 3**
 - » Viaduct
 - » Bypass downtown Morgan Hill
- **Alternative 2**
 - » Grade-separated embankment
 - » Through downtown Morgan Hill
- **Alternative 4**
 - » At-grade
 - » Predominantly in existing UPRR right-of-way



SAN JOSE TO MERCED PROJECT SECTION

IDENTIFYING A PREFERRED ALTERNATIVE



STATE'S PREFERRED ALTERNATIVE CRITERIA

Environmental Factors

- Biological Resources and Wetlands and Other Waters of the U.S.
- Parks and Recreation Areas
- Built Environment Historic Resources

System Performance, Operations, & Costs

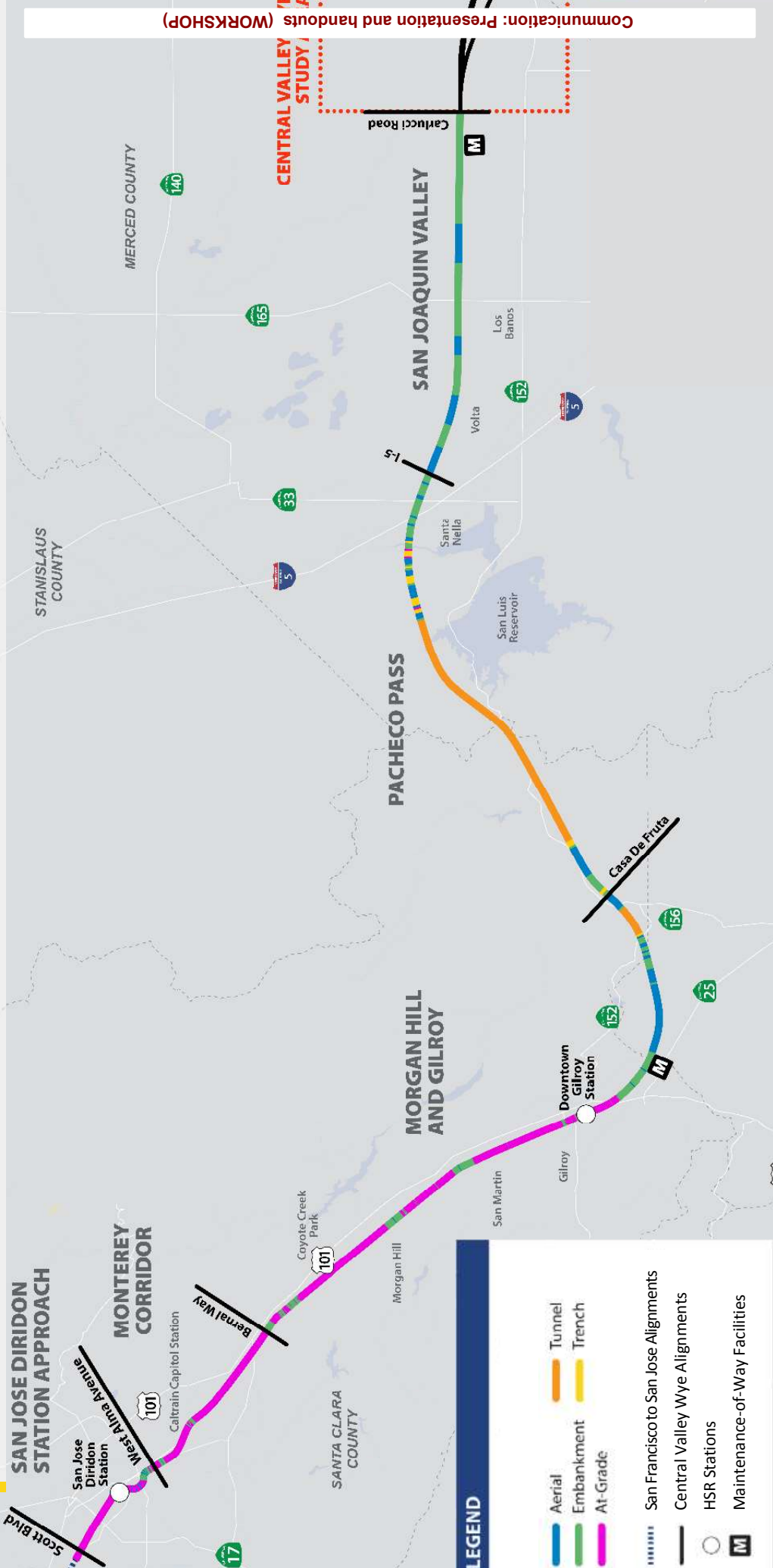
- Alignment Length
- Operational Speed
- Proximity to Transit Corridors
- Travel Time
- Capital Costs
- Operations & Maintenance Costs

Preferred Alternative Criteria

Community Factors

- Displacements
- Agricultural Lands
- Aesthetics and Visual Quality
- Land Use and Development
- Noise
- Traffic
- Emergency Vehicle Access/Response Time

ALTERNATIVE 4 – Staff-Recommended State’s Preferred Alternative



Communication: Presentation and handouts (WORKSHOP)

SUMMARY OF ALTERNATIVES EVALUATION – SYSTEM PERFORMANCE, OPERATIONS, & COSTS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length			●	
Operational Speed — San Jose to Gilroy		●		
Operational Speed — Gilroy to Central Valley Wye	No difference			
Proximity to existing transit corridors		●		●
Travel time — San Jose and Gilroy			●	
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs				●
Estimated annual operations and maintenance costs	No difference			

Communication: Presentation and handouts (WORKSHOP)

● Best-performing alternative

SUMMARY OF ALTERNATIVES EVALUATION – COMMUNITY FACTORS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements				●
Commercial displacements (#)				●
Agricultural displacements (#)				●
Community or public facilities displacements				●
Commercial displacements (square footage)	●			
Agricultural structure displacements (square footage)	●			
Permanent conversion of important farmland				●
Visual quality effects				●
Consistency with Gilroy General Plan	●	●		●
Noise impacts with noise barrier mitigation			●	

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Increase in 2040 peak travel time on Monterey Road (NB — AM/PM, SB — AM/PM)				●
Permanent road closures			●	●
Amount of mitigation needed to minimize emergency vehicle delays	●	●	●	
EJ proportion of total impacts on local views		●		●
EJ proportion of total residential displacements			●	●
EJ proportion of total business displacements			●	
Amount of mitigation required to address effects on emergency vehicle response times (EJ)	●		●	
EJ proportion of total noise impacts			●	

Communication: Presentation and handouts (WORKSHOP)

● Best-performing alternative (fewest environmental impacts)

IDENTIFYING A PREFERRED ALTERNATIVE

SUMMARY OF ALTERNATIVES EVALUATION – ENVIRONMENTAL FACTORS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Waters and wetlands				●
Habitat for listed plant species				●
Habitat for listed wildlife species (California tiger salamander)				●
Wildlife corridor impacts	●	●		●
Conservation areas	●			●
Permanent use of 4(f)/6(f) park resources				●
Permanent adverse effects on NRHP-listed/eligible resources				●
Permanent significant impacts on CEQA-only historic resources			●	●

● Best-performing alternative (fewest environmental impacts)

IDENTIFYING A PREFERRED ALTERNATIVE

CALTRAIN BUSINESS PLAN

Growth Scenarios

2040 Baseline Growth Scenario (6 Caltrain + 4 HSR)



Features

- Blended service with up to 10 TPH north of Tamien (6 Caltrain + 4 HSR) and up to 10 TPH south of Tamien (2 Caltrain + 8 HSR)
- Three stop patterns with 2 TPH – most stations are served by 2 or 4 TPH, with a few receiving 6 TPH
- Some origin-destination pairs are not served at all

Passing Track Needs

- Less than 1 mile of new passing tracks at Millbrae associated with HSR station plus use of existing passing tracks at Bayshore and Lawrence

Options & Considerations

- Service approach is consistent with Business Plan
- Opportunity to consider later in Business Plan

Moderate Growth Scenario (8 Caltrain + 4 HSR)



Features

- A majority of stations served by 4 TPH local stop line, but Mid-Peninsula stations are served with 2 TPH stop pattern
- Express line serving major markets – some stations receive 8 TPH
- Timed local/express transfer at Redwood City

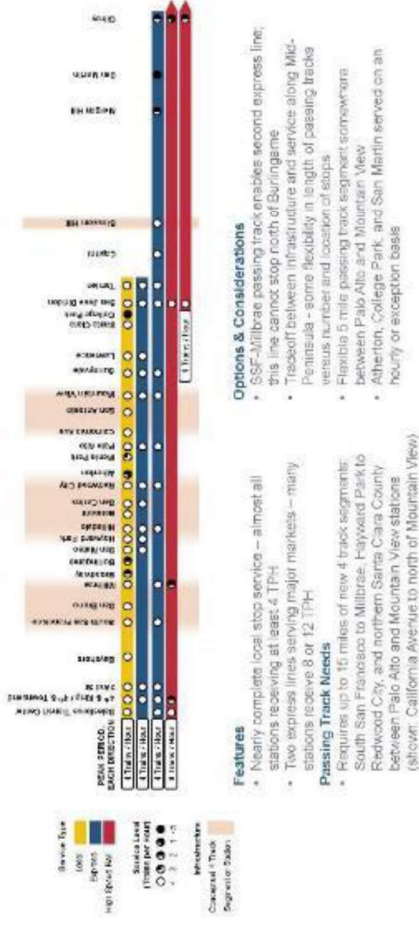
Passing Track Needs

- Up to 4 miles of new 4 track segments and stations: Hayward Park to Hilldale, at Redwood City, and a 4-track station in northern Santa Clara county (Palo Alto, California Ave, San Antonio or

Options & Considerations

- To minimize passing track requirements, each local pattern can only stop twice between San Bruno and Hillside
- Each local pattern can only stop once between Hillside and Redwood City
- Alhertton, College Park, and San Martin served on an hourly or exception basis

High Growth Scenarios (12 Caltrain + 4 HSR)



Features

- Nearly complete local stop service – almost all stations receiving at least 4 TPH
- Two express lines serving major markets – many stations receive 8 or 12 TPH

Passing Track Needs

- Requires up to 16 miles of new 4 track segments: South San Francisco to Millbrae, Hayward Park to Redwood City, and northern Santa Clara County between Palo Alto and Mountain View stations (shown: California Avenue to north of Mountain View)

Options & Considerations

- SSF-Millbrae passing track enables second express line; this line cannot stop north of Burlingame
- Tradeoff between infrastructure and services along Mid-Peninsula – some flexibility in length of passing tracks versus number and location of stops
- Flexible 5 mile passing track segment somewhere between Palo Alto and Mountain View
- Alhertton, College Park, and San Martin served on an hourly or exception basis

MORGAN HILL/GILROY SUBSECTION – KEY DIFFERENTIATORS

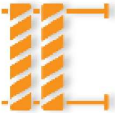
- **Displacements**
- **Agricultural Farmland**
- **Aesthetics and Visual Quality**
- **Land Use and Development**
- **Noise**
- **Environmental Justice**
- **Biological Resources**
- **Build Environment Historic Resources**
- **Emergency Vehicle Access/Response Time**

IDENTIFYING A PREFERRED ALTERNATIVE

[illegible]

ALTERNATIVE 4 – Staff-Recommended State’s Preferred Alternative

Conclusions of Technical Analysis

	Fewest displacements		Fewest visual impacts
	Fewest road closures		Marginal increase in system travel time
	Fewest impacts on wetlands and habitats		More noise (if no quiet zones)
	Good access to transit systems and services		Lowest capital cost
	Fewest impacts on natural resources		Allows for extension of electrified Caltrain service to Gilroy

Communication: Presentation and handouts (WORKSHOP)

FACT SHEETS: TECHNICAL ANALYSIS

ALTERNATIVES EVALUATION FOR SAN FRANCISCO TO SAN JOSE PROJECT SECTION



WHY IS STAFF RECOMMENDING ALTERNATIVE A AS THE STATE'S PREFERRED ALTERNATIVE?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the two alternatives. The results indicate that each alternative has tradeoffs – advantages and disadvantages. Nevertheless, Alternative A was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community and environmental factors. The factors that differentiate the two alternatives are presented in the tables below.



HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives A & B were evaluated by comparing the alternatives across three criteria:

System Performance, Operations, and Costs. The best-performing alternative is **bold**.

CRITERIA	ALT A	ALT B
Alignment length (miles)	42.9	
Speed Capacity (mph)	Up to 110	
HSR Peak Hour Average Representative Travel Time San Francisco to San Jose (minutes)	47	45
Proposition 1A Service Travel Time Compliance	✓	✓
Estimated Capital Costs (2017\$)	\$2.6 billion	\$3.5 billion
Estimated Annual Operations and Maintenance Costs (2017\$)	\$78 million	
Caltrans Peak Hour Average Representative Travel Time (minutes)	63	65

OVERVIEW

San Francisco to San Jose Project Section

San Francisco to San Jose Project Section

San Francisco to San Jose Project Section

WHAT IS THE PUBLIC'S ROLE IN DEVELOPING ALTERNATIVES?

The public's role in developing alternatives is to provide input on the project's location, alignment, and other factors. The public can provide input through public meetings, public comment periods, and other opportunities. The public's input is used by the project team to develop and refine the project's alternatives.

WHAT IS A PREFERRED ALTERNATIVE?

A preferred alternative is the alternative that the project team believes is the best overall balance between system performance, community and environmental factors. The preferred alternative is identified by the project team through a complex analysis of the project's alternatives.

HOW TO PROVIDE FEEDBACK

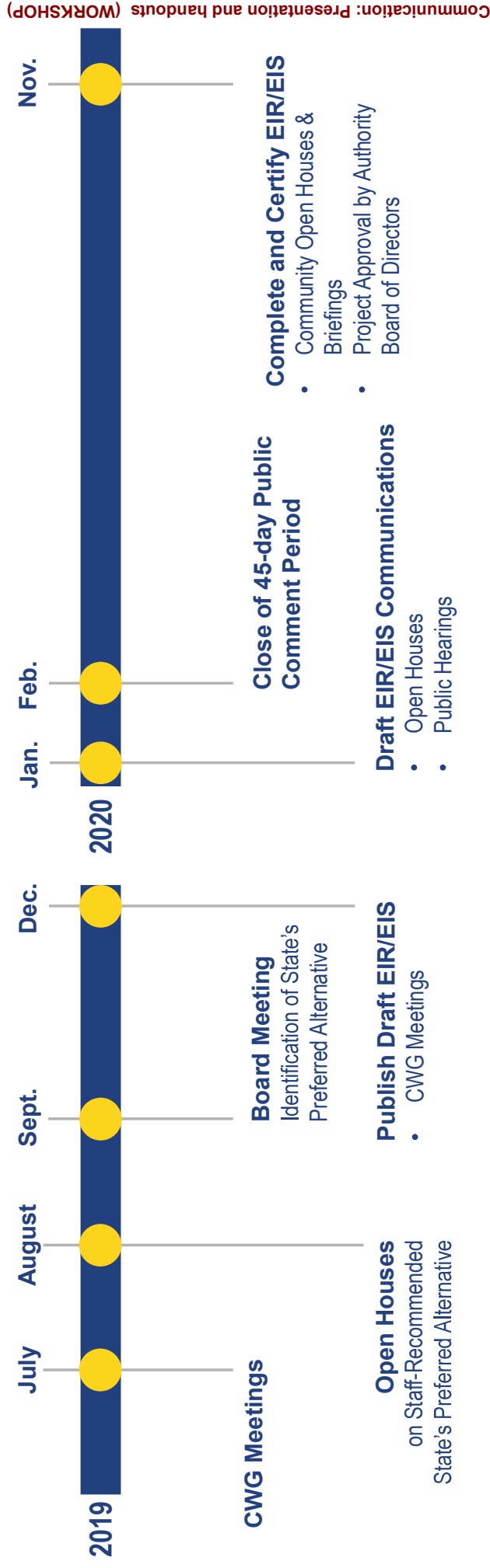
To provide feedback on the project's alternatives, the public can contact the project team through the following methods:

- Public meetings
- Public comment periods
- Other opportunities

NEXT STEPS & OUTREACH UPDATE



NEXT STEPS



Communication: Presentation and handouts (WORKSHOP)

COMMUNITY WORKING GROUP MEETINGS

Morgan Hill-Gilroy CWG

July 10, 6:00 – 8:00 pm

Morgan Hill Community and Cultural Center
Morgan Hill, CA

San Francisco CWG

July 22, 6:00 – 8:00 pm

Bay Area Metro Center
San Francisco, CA

San Jose CWG

July 16, 6:00 – 8:00 pm

Leininger Center
San Jose, CA

San Mateo County CWG

July 24, 6:00 – 8:00 pm

Burlingame Library
Burlingame, CA

*One-on-one briefings will be scheduled by request
with South Peninsula CWG members*

OPEN HOUSES

South Peninsula Open House
August 6, 5:00 to 8:00 p.m.
Adrian Wilcox High School
Santa Clara, CA

San Francisco Open House
August 12, 5:00 to 8:00 p.m.
Bay Area Metro Center
San Francisco, CA

San Mateo Open House
August 19, 5:00 to 8:00 p.m.
Sequoia High School
Redwood City, CA

Gilroy Open House
August 8, 5:00 to 8:00 p.m.
Gilroy Portuguese Hall
Gilroy, CA

San Jose Open House
August 15, 5:00 to 8:00 p.m.
City Hall Council Chambers
San Jose, CA

Los Banos Open House
August 21, 5:00 to 8:00 p.m.
Los Banos Community Center
Los Banos, CA



REQUEST FOR COMMUNITY FEEDBACK

CALIFORNIA HIGH-SPEED RAIL

Please share the information presented today with your communities and give us your feedback.

- Comments will be accepted through **August 22, 2019** to be included in the staff report to the Authority Board.
- Comments can be submitted via email to San.Jose_Merced@hsr.ca.gov or via mail to: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

OR

- Share feedback in person at an upcoming Open House or at the Authority Board meeting on **September 17 in San Jose, CA.**



Headquarters
California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814
www.hsr.ca.gov



Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

APPENDIX A – MORGAN HILL DETAIL

SAN JOSE TO MERCED PROJECT SECTION



DISPLACEMENTS



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# structural improvements)	49	53	49	40
Community or public facilities displacement (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000

Communication: Presentation and handouts (WORKSHOP)



Example: overlay of footprint in rural area

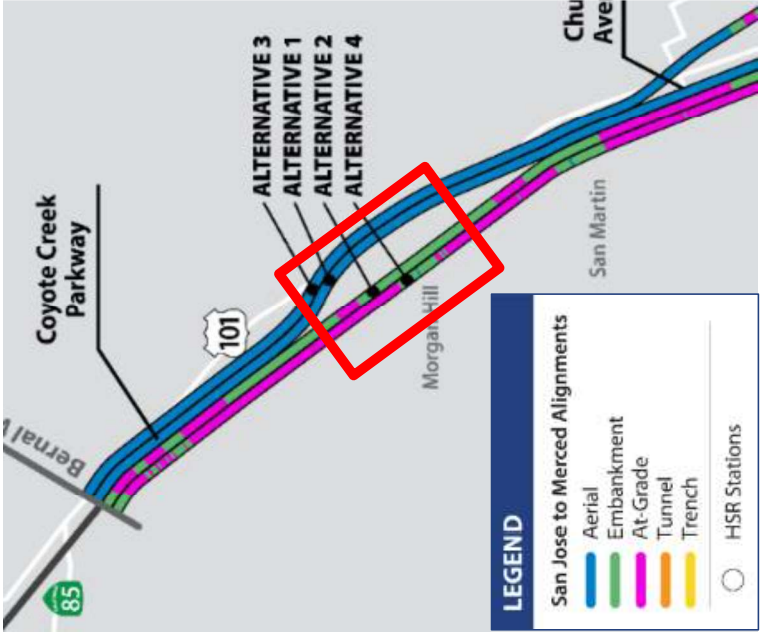
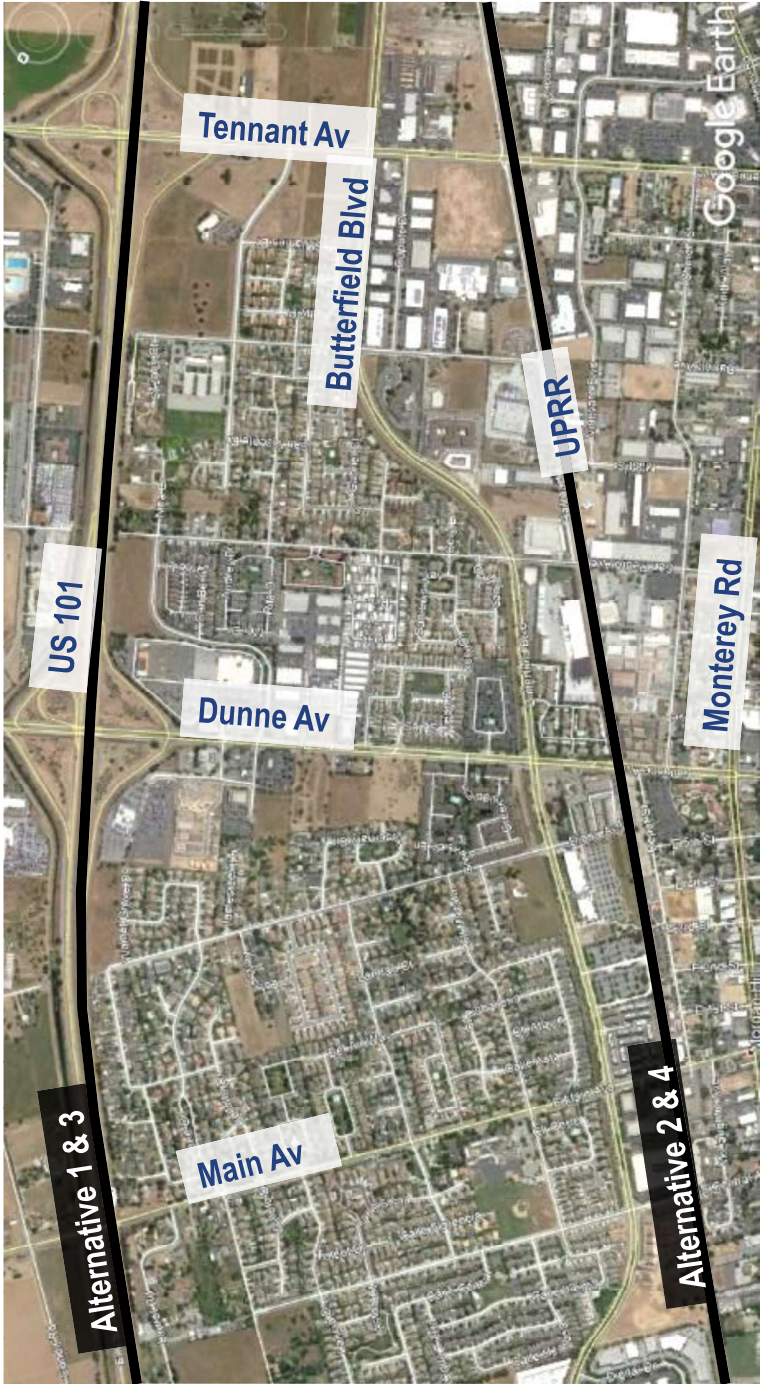


Example: overlay of footprint in urban area

MORGAN HILL OVERVIEW

MAIN AVE TO TENNANT AVE

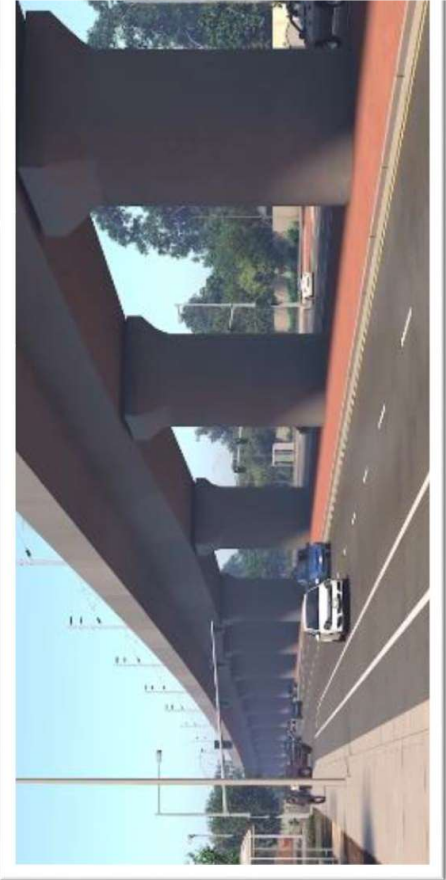
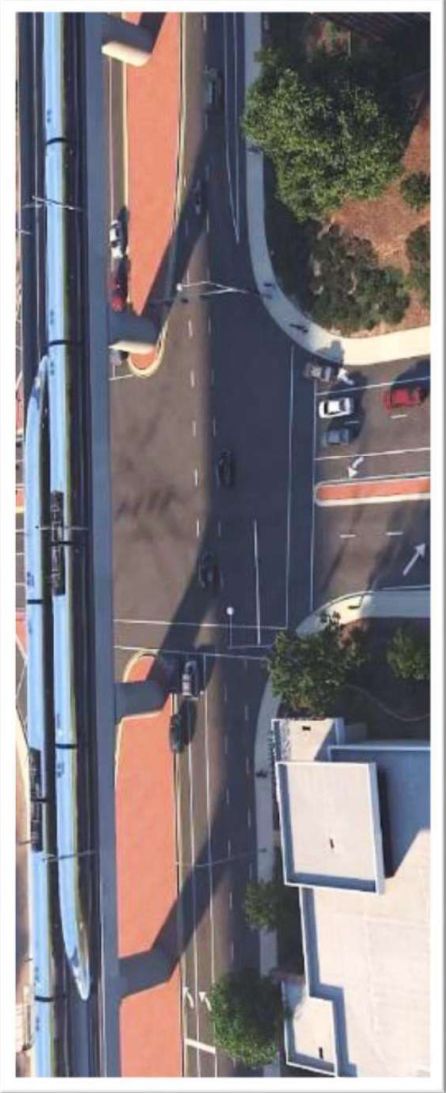
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
		Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



MORGAN HILL

MAIN AVE TO TENNANT AVE

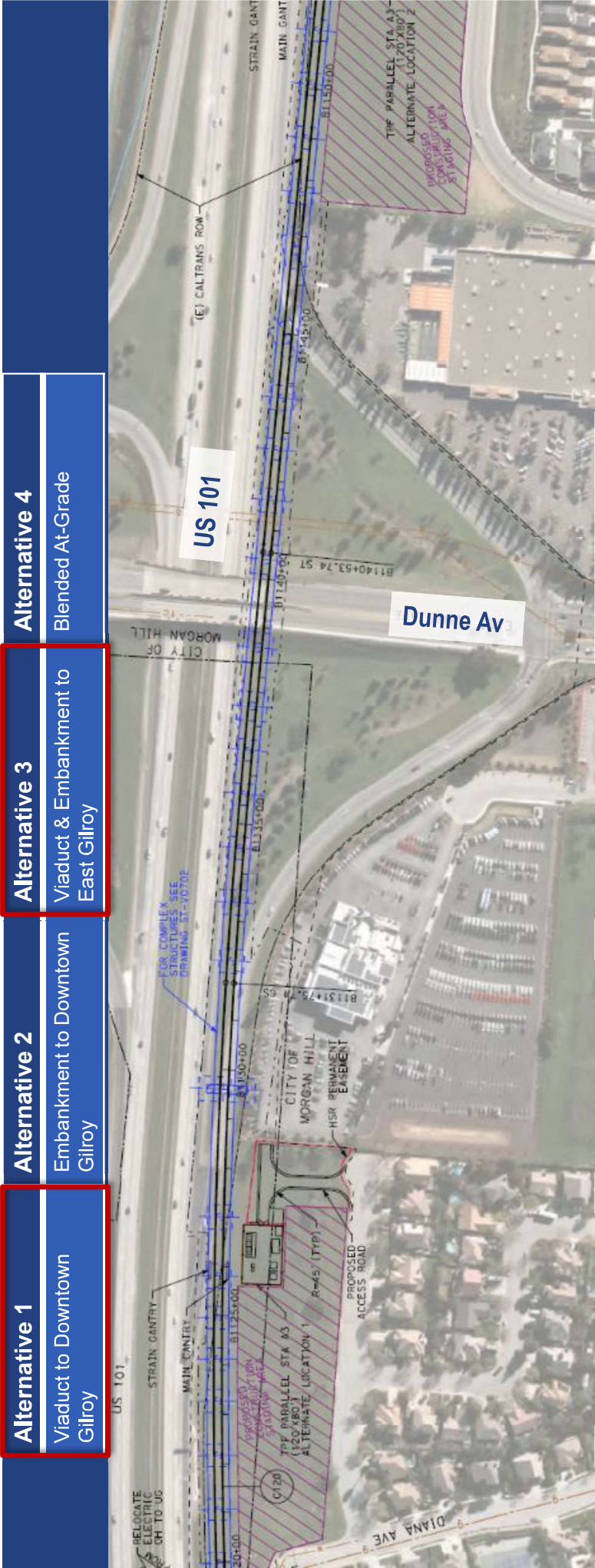
Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade
			



IDENTIFYING A PREFERRED ALTERNATIVE

MORGAN HILL

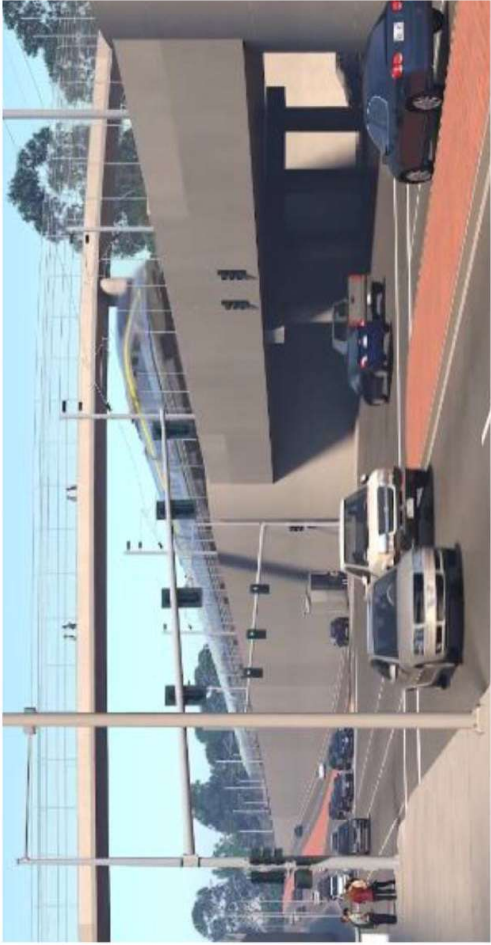
DUNNE AVE



MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade

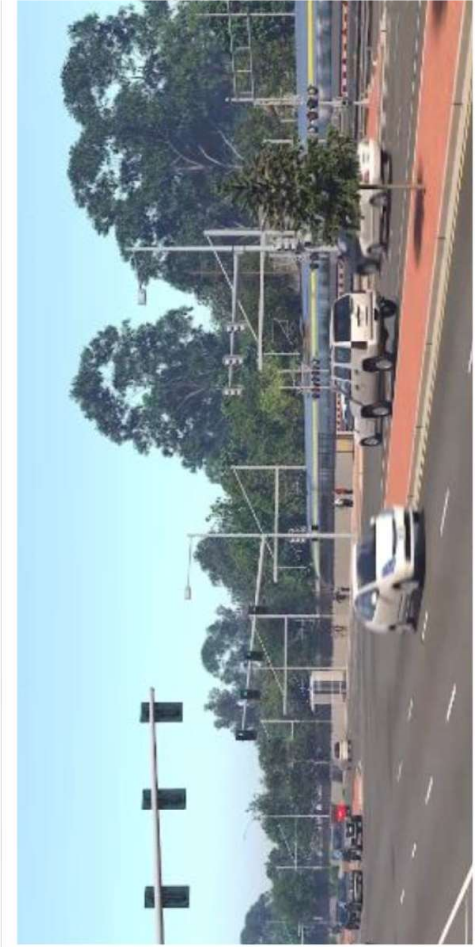
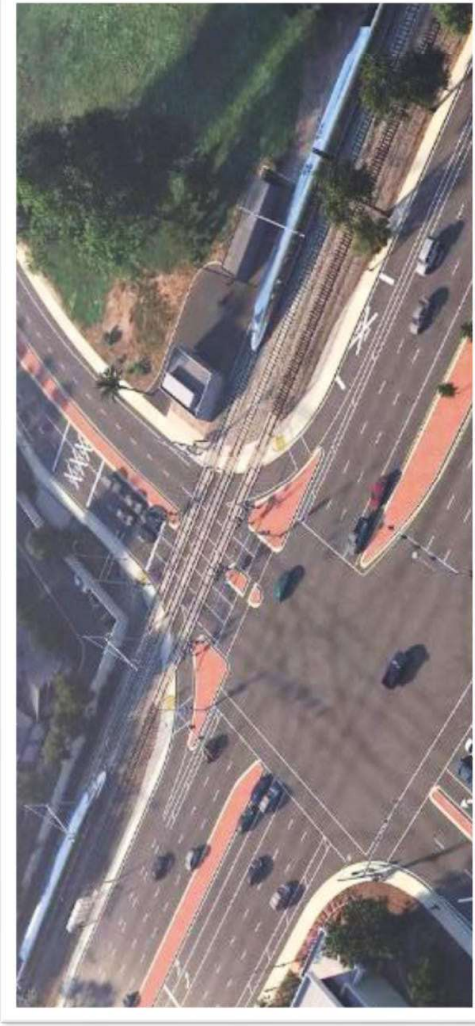


IDENTIFYING A PREFERRED ALTERNATIVE

MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade

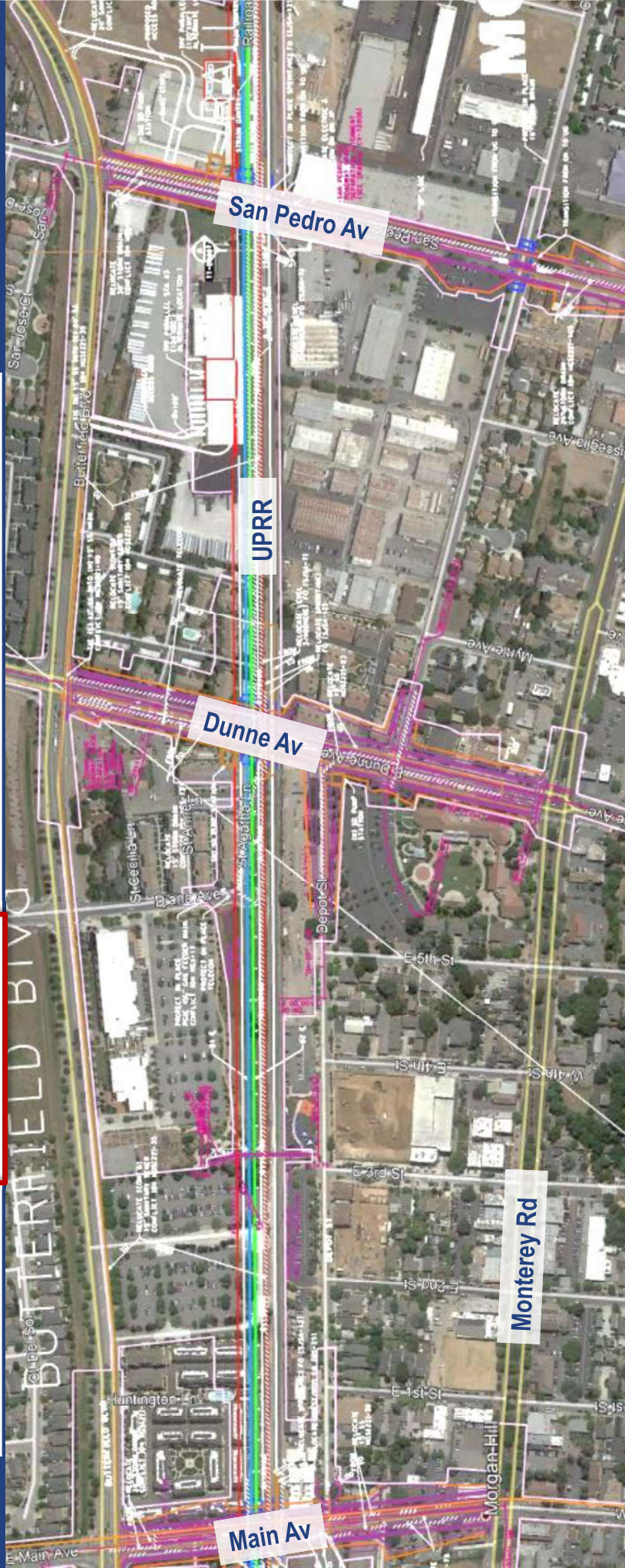


IDENTIFYING A PREFERRED ALTERNATIVE

MORGAN HILL

DUNNE AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



IDENTIFYING A PREFERRED ALTERNATIVE

MORGAN HILL

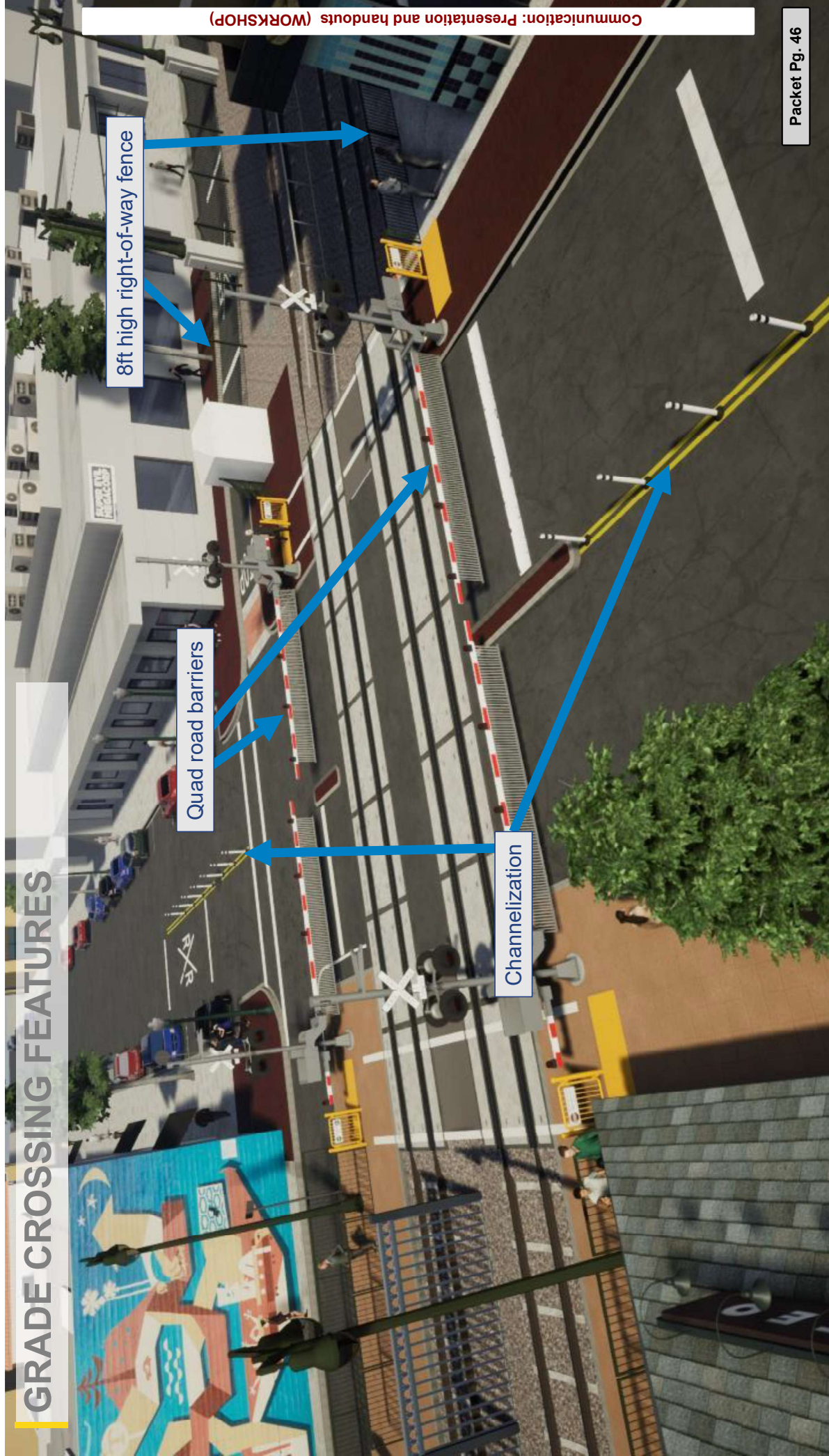
DUNNE AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



IDENTIFYING A PREFERRED ALTERNATIVE

GRADE CROSSING FEATURES



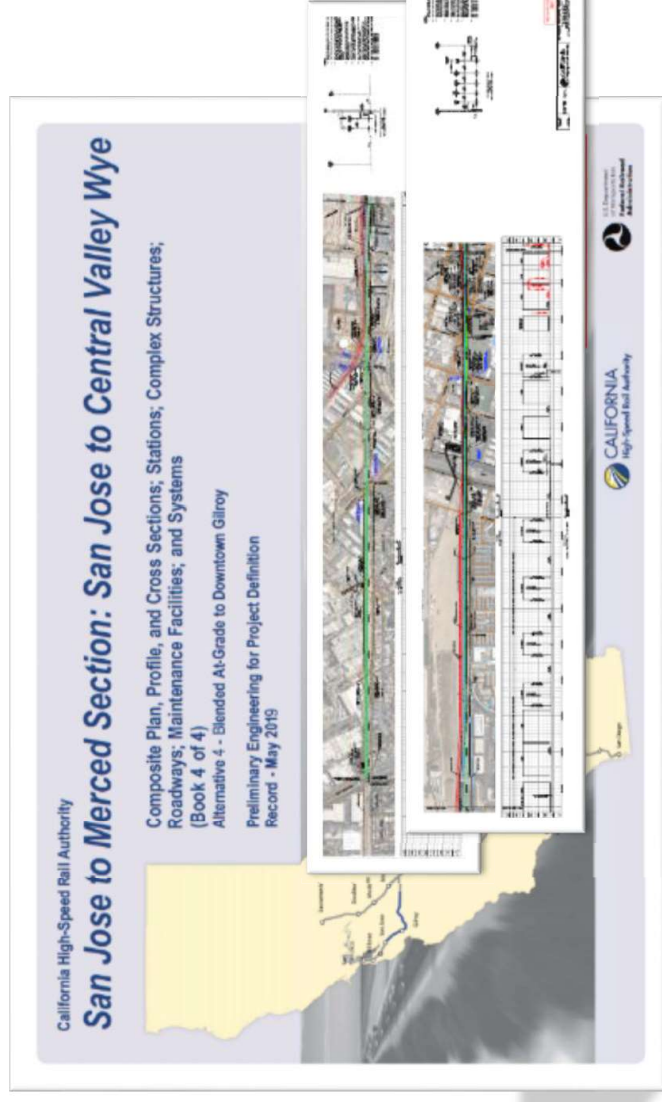
ACCESS TO PEPD

Contact Edith Ramirez or Tiffany Brown to view Preliminary Engineering Project Definition design files of all four alternatives, including:

Google Earth KMZ

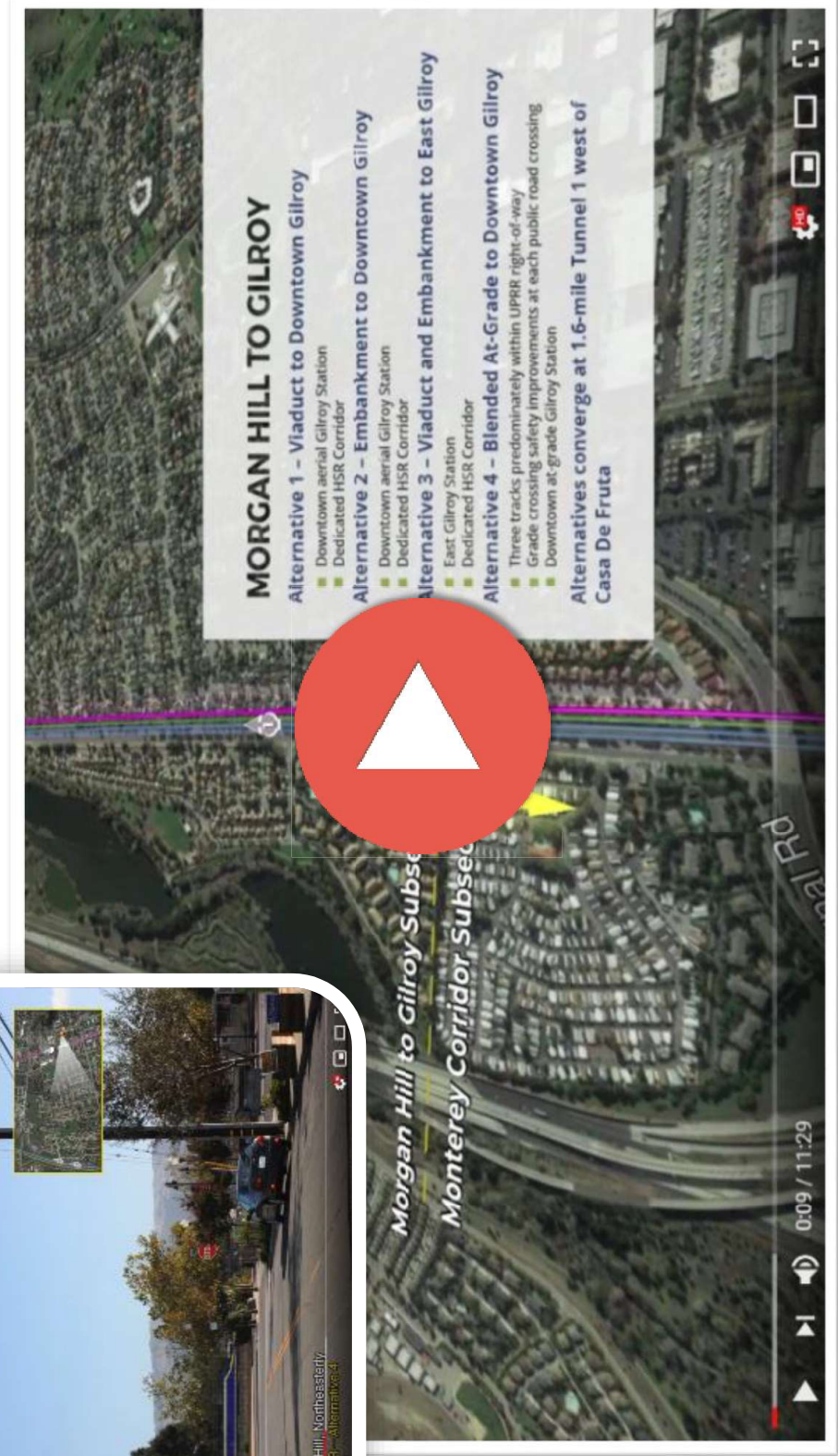
GIS Shapefiles

Plan sets



IDENTIFYING A PREFERRED ALTERNATIVE

FLYOVER VIDEO & KEY VIEW POINTS



IDENTIFYING A PREFERRED ALTERNATIVE

APPENDIX B – EVALUATION FACTORS

SAN JOSE TO MERCED PROJECT SECTION



SYSTEM PERFORMANCE, OPERATIONS, AND COSTS



Bold text in tables indicates best-performing alternative(s).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles)	43	50	35	50
Peak hour average representative travel time between San Jose and Gilroy (minutes) ¹	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs (2017\$ billions) ²	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs (2017\$ millions) ³	\$162			

¹Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

²Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

³Based on level of design sufficient to analyze potential environmental impacts.

AGRICULTURAL LANDS



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Permanent conversion of Important Farmland (i.e. Prime Farmland, Farmland of State Importance, and Farmland of Local Importance (acres))	1,036	1,181	1,193	1,033



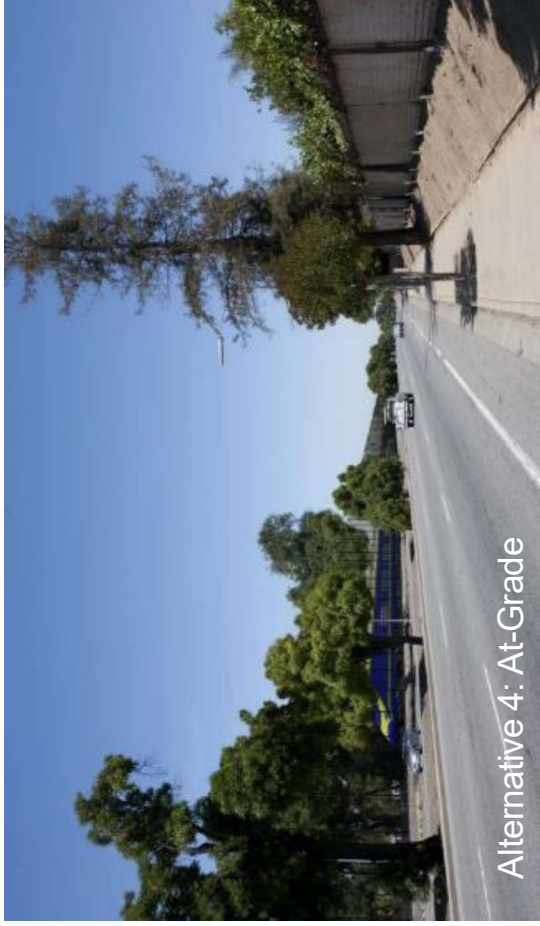
Alternatives 1 and 3 traction power facility on agricultural land

AESTHETICS AND VISUAL QUALITY



Bold text in tables indicates best-performing alternative(s) (least community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Visual Quality Effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way



LAND USE AND DEVELOPMENT



Bold text in tables indicates best-performing alternative(s) (least community impacts).

CRITERION				
	ALT 1	ALT 2	ALT 3	ALT 4
Consistency with City of Gilroy General Plan policy to encourage transit-oriented development (TOD) in downtown	Yes	Yes	No	Yes



- Low/ Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Parks/ Recreation/ Open Space
- Public Facilities
- Agriculture

Planned Land Use (Current Zoning)

Downtown
Gilroy Station

East Gilroy
Station



IDENTIFYING A PREFERRED ALTERNATIVE

NOISE

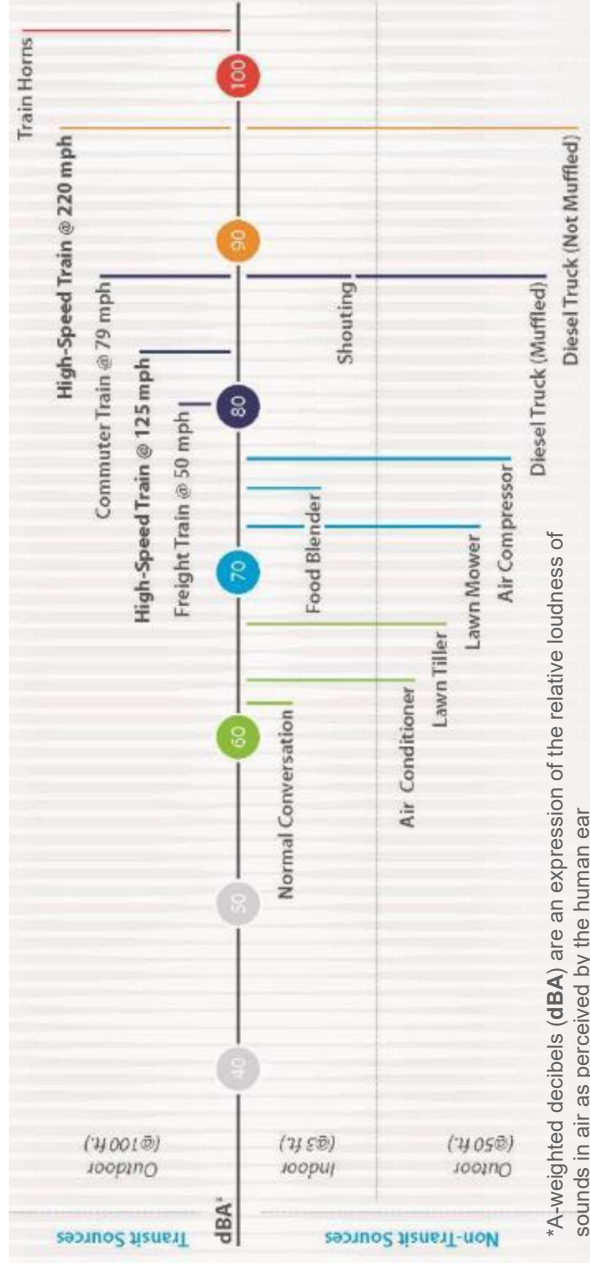


Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Severe noise impacts with noise barrier mitigation (# of sensitive receptors)	231	194	173	275
Severe noise impacts with noise barrier mitigation and if local municipalities implement quiet zones (# of sensitive receptors)	223	194	173	179

The Sound of High-Speed Train Travel

Typical Maximum Noise Levels Before Mitigation



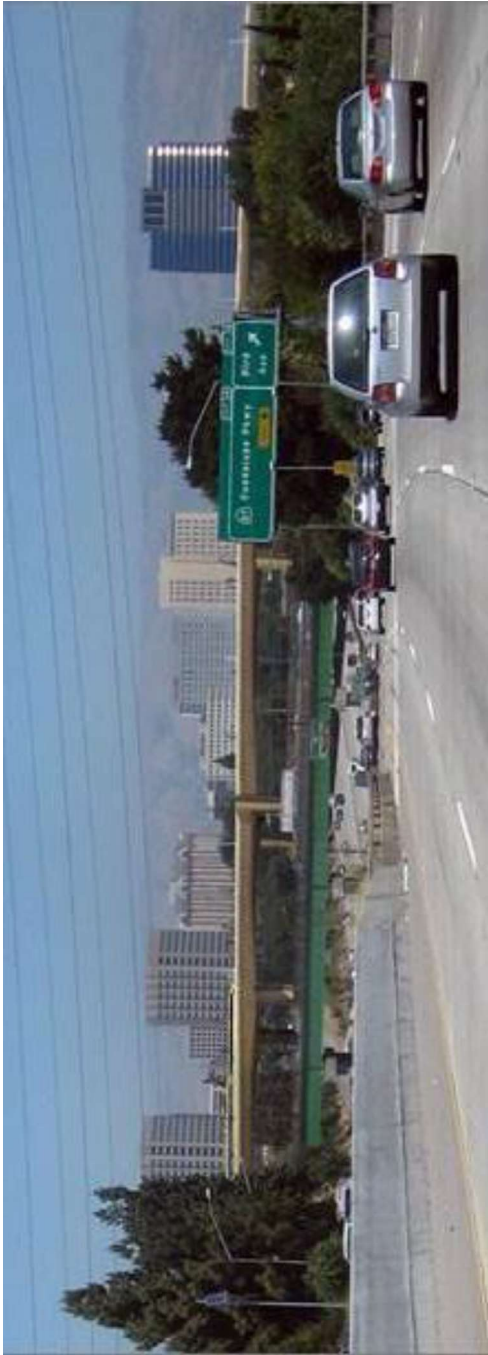
TRANSPORTATION



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent road closures — San Jose to Gilroy	10	19	8	8
Permanent road closures — Gilroy to Carlucci Rd	7			

Alternatives 1, 2, and 3:
Simulated view of I-280 in San Jose



EMERGENCY VEHICLE ACCESS/RESPONSE TIME



Bold text in tables indicates best-performing alternative(s) (lowest level of mitigation required).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Increase in 2040 peak travel time on Monterey Road (northbound AM/PM, southbound AM/PM, minutes)	NB 8/20 SB 6/12	NB 27/5 SB 16/17	NB 8/20 SB 6/12	NB 0/5 SB 1/8
Areas of potential delay to emergency vehicle response times	Monterey Corridor due to Monterey Road narrowing			Monterey Corridor, Morgan Hill, Gilroy due to gate-down time
Types of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, additional emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services



Communication: Presentation and handouts (WORKSHOP)

ENVIRONMENTAL JUSTICE



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA (within low-income or minority communities)	ALT 1	ALT 2	ALT 3	ALT 4
EJ proportion of total significant and unavoidable impacts on local views ¹	50%	N/A²	67%	N/A²
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ³	49%	65%	45%	76%

¹As indicated by impacts on visual landscape units.

²These alternatives have no significant and unavoidable impacts on visual landscape units.

³Noise impacts after noise barrier mitigation.

BIOLOGICAL RESOURCES AND WETLANDS AND OTHER WATERS OF THE U.S.



Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species with the most impacts overall (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Permanent impacts on conservation areas (acres)	427	432	481	427

Communication: Presentation and handouts (WORKSHOP)

PARKS AND RECREATION AREAS



Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent use of 4(f)/6(f) park resources (#)	4	6	5	3
(acres)	4.8	7.4	5.0	1.4



BUILT ENVIRONMENT HISTORIC RESOURCES



Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Number of permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Number of permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1



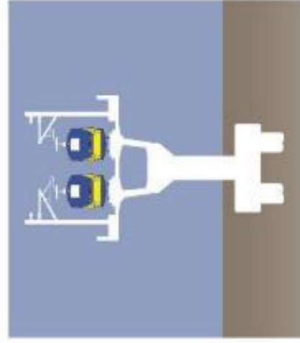
APPENDIX C – SUPPLEMENTAL

SAN JOSE TO MERCED PROJECT SECTION



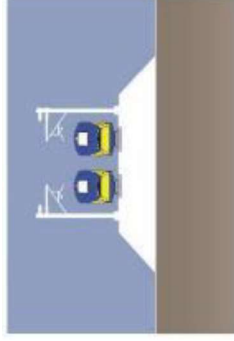
TYPICAL CROSS SECTIONS

Viaduct



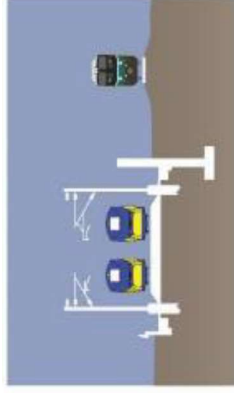
Two high-speed rail tracks on an aerial structure

Embankment



Two high-speed rail tracks on an earthen embankment

Dedicated At-Grade



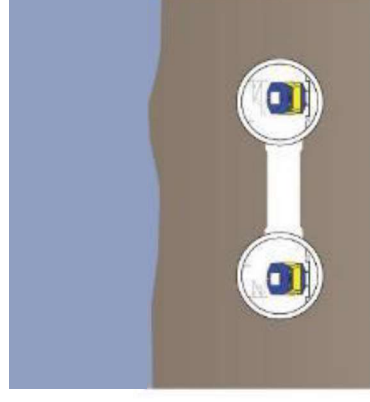
Two high-speed rail tracks at ground level adjacent to existing freight tracks

Blended At-Grade



Two electrified, blended passenger tracks (with Caltrain) and one non-electrified freight track at ground level

Tunnel

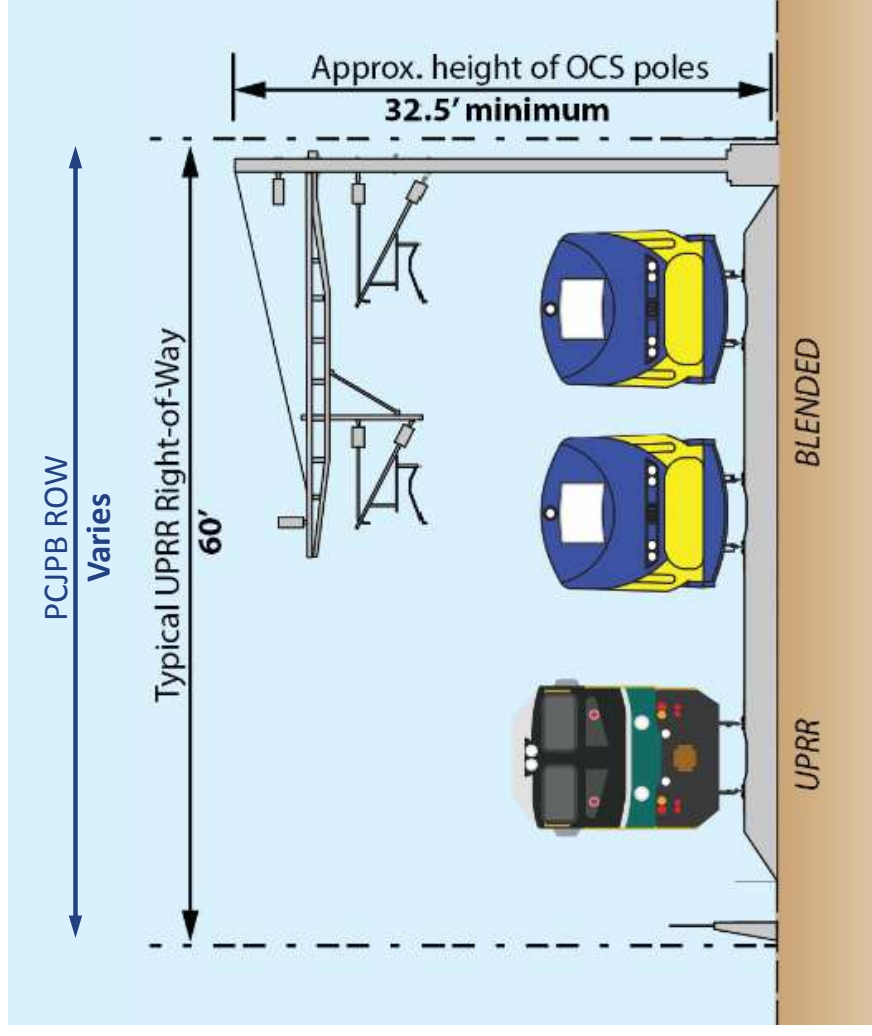


Twin bore tunnel through the Pacheco Pass

TYPICAL CROSS SECTION BLENDED AT-GRADE

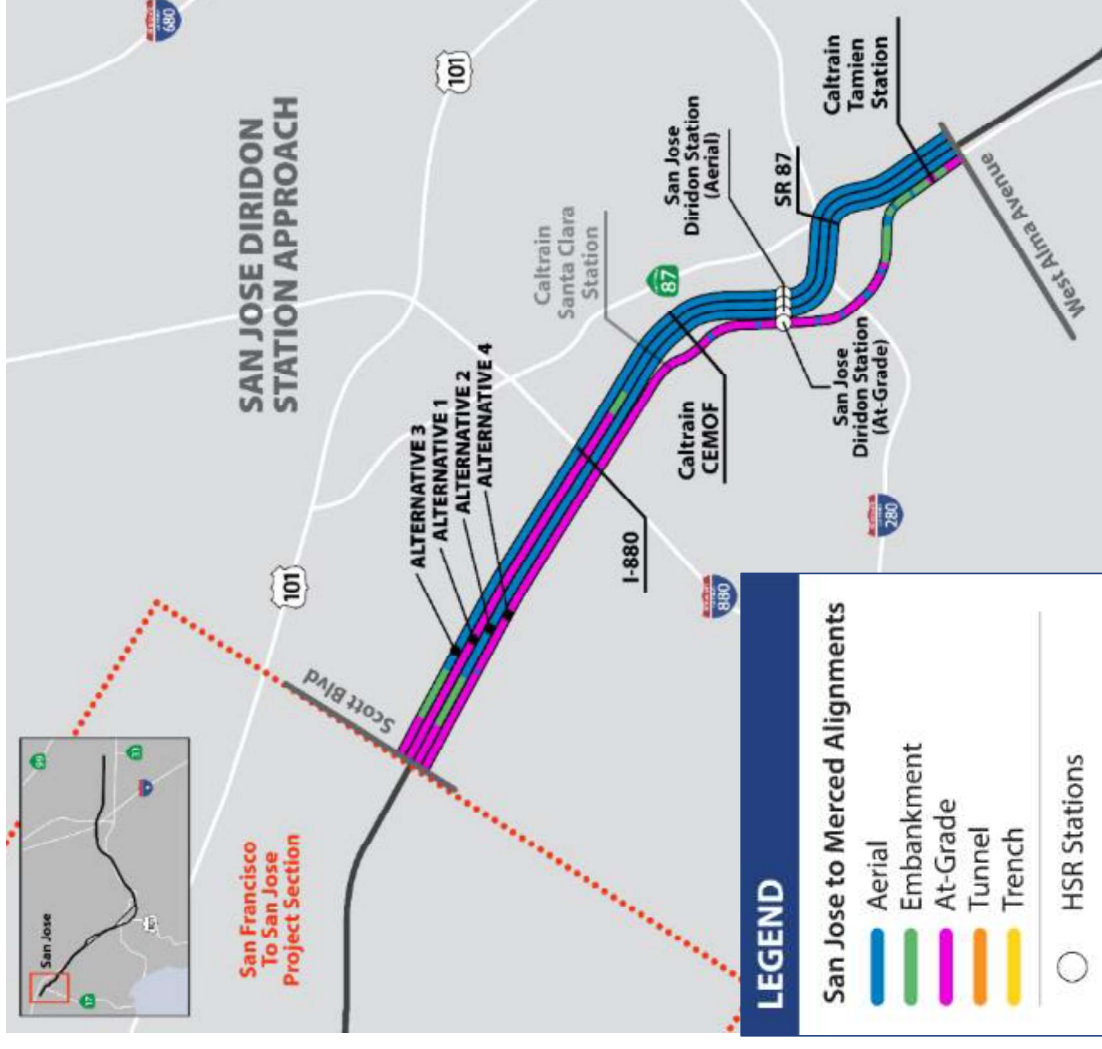
Features:

- Two electrified tracks and one conventional track
- Predominantly within the existing railroad ROW
- At-grade tracks with quad gates at each road crossing



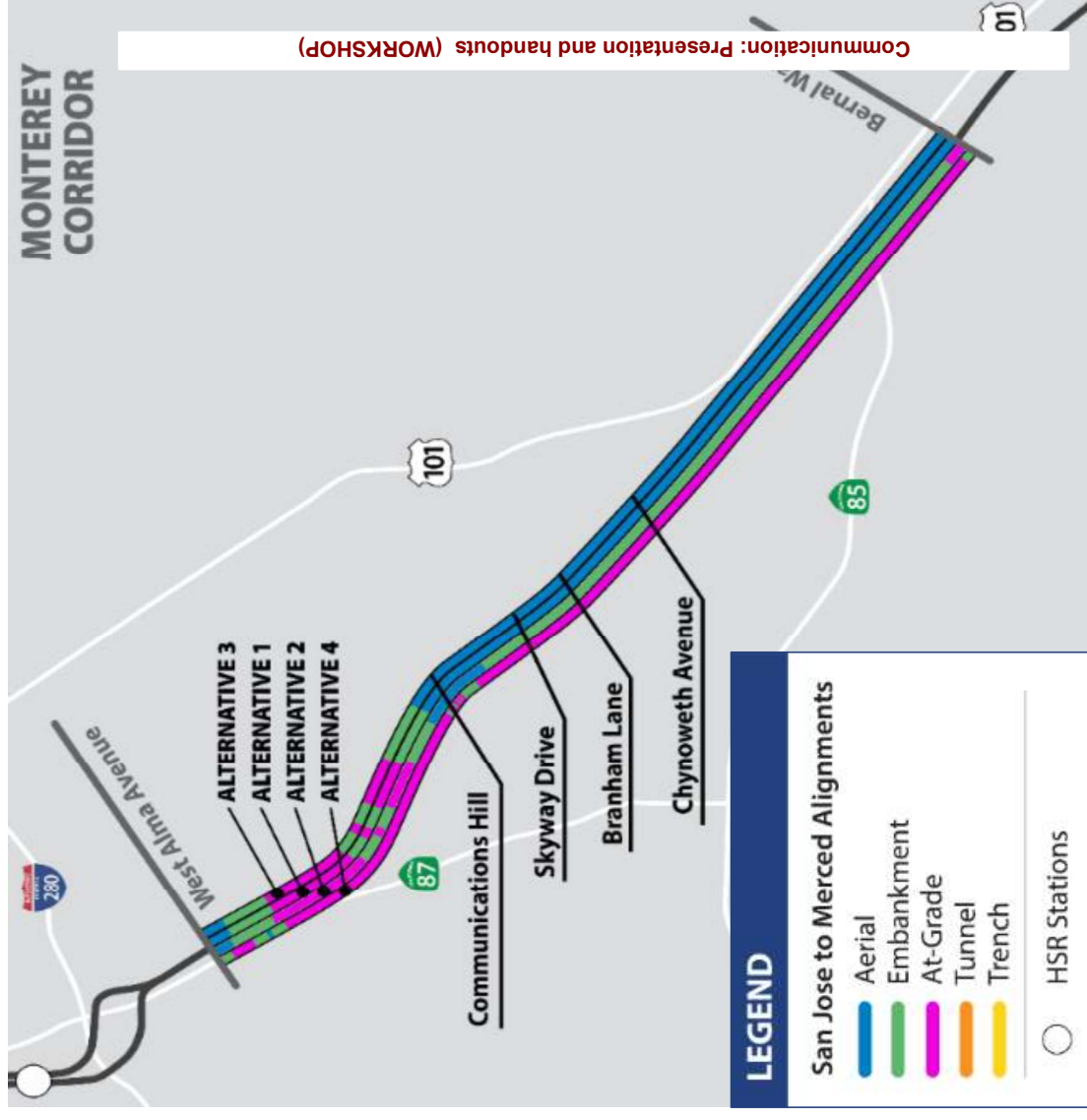
SAN JOSE DIRIDON STATION APPROACH

- **Alternative 1**
 - » Short Viaduct to I-880
 - » Aerial Diridon Station
- **Alternatives 2 and 3**
 - » Long Viaduct to Scott Blvd.
 - » Aerial Diridon Station
- **Alternative 4**
 - » At-grade alignment predominantly in existing railroad right-of-way
 - » At-grade Diridon Station



MONTEREY CORRIDOR

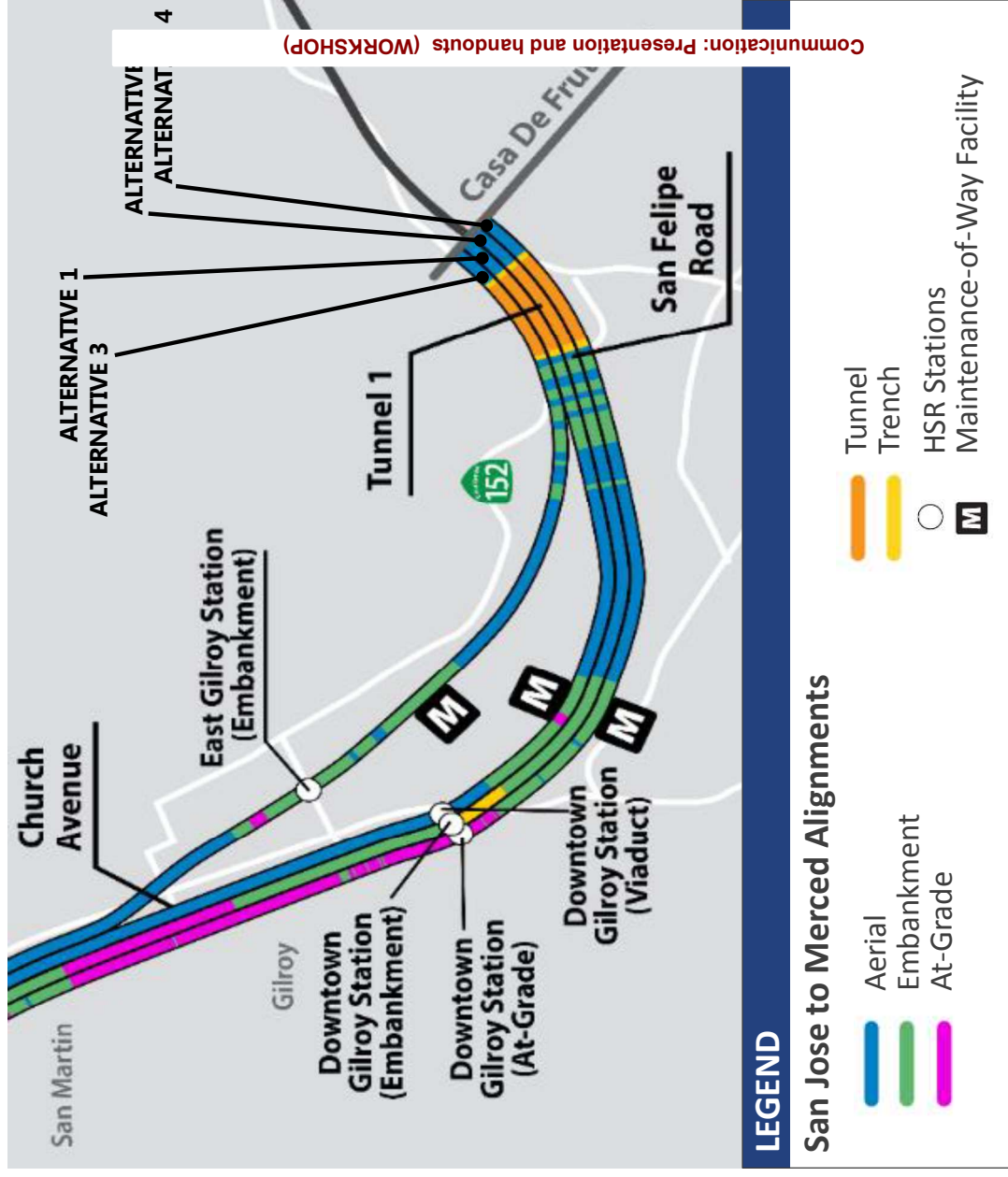
- **Alternatives 1 and 3**
 - » Viaduct in median of Monterey Road
 - » Narrowing of Monterey Road
- **Alternative 2**
 - » Grade-separated embankment between UPRR and Monterey Road
 - » Narrowing of Monterey Road
- **Alternative 4**
 - » At-grade predominantly in existing railroad right-of-way



SAN MARTIN TO GILROY

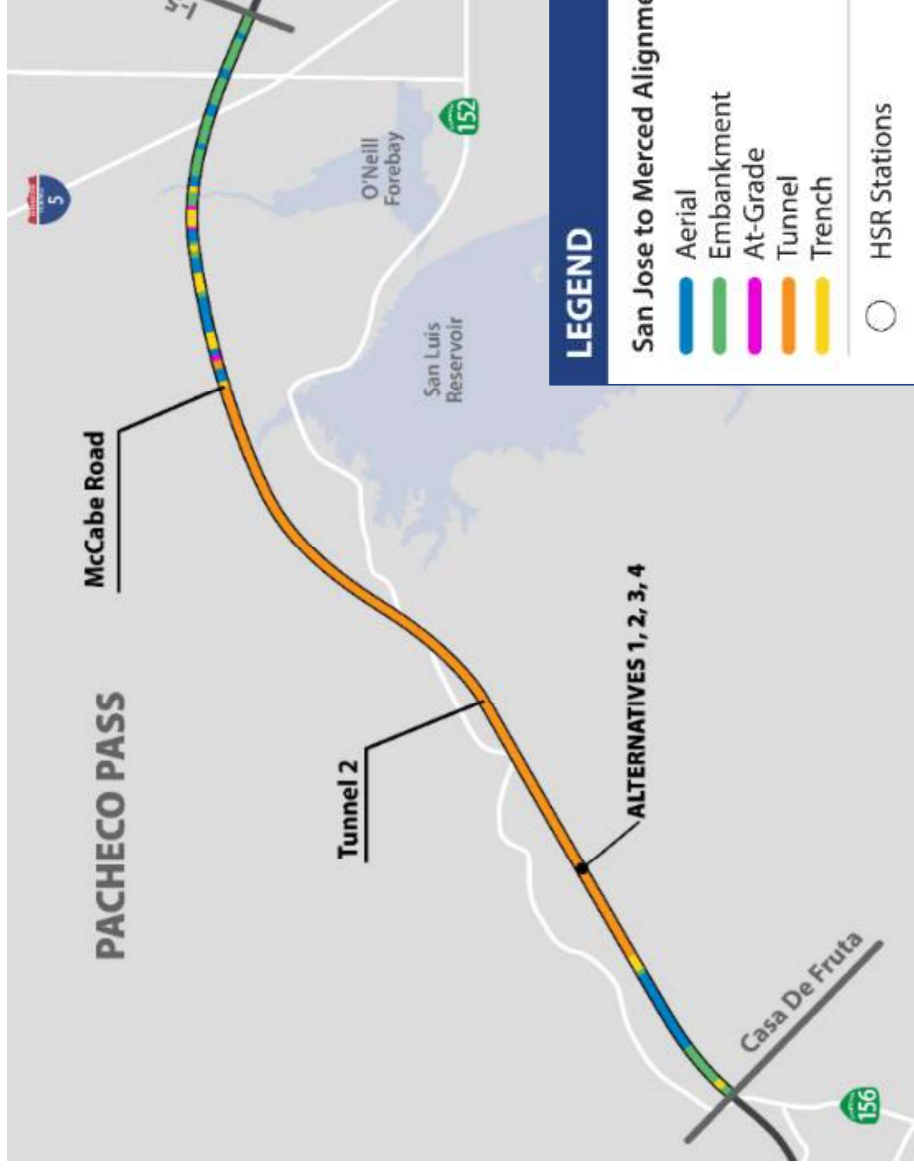
- **Alternative 1 – Downtown Gilroy**
 - » Viaduct
- **Alternative 2 – Downtown Gilroy**
 - » Grade-separated embankment
- **Alternative 3 – East Gilroy**
 - » Viaduct to grade-separated embankment
- **Alternative 4 – Downtown Gilroy**
 - » At-grade
 - » Predominantly in existing UPRR right-of-way

Alternatives converge at 1.6-mile Tunnel 1 west of Casa De Fruta



PACHECO PASS

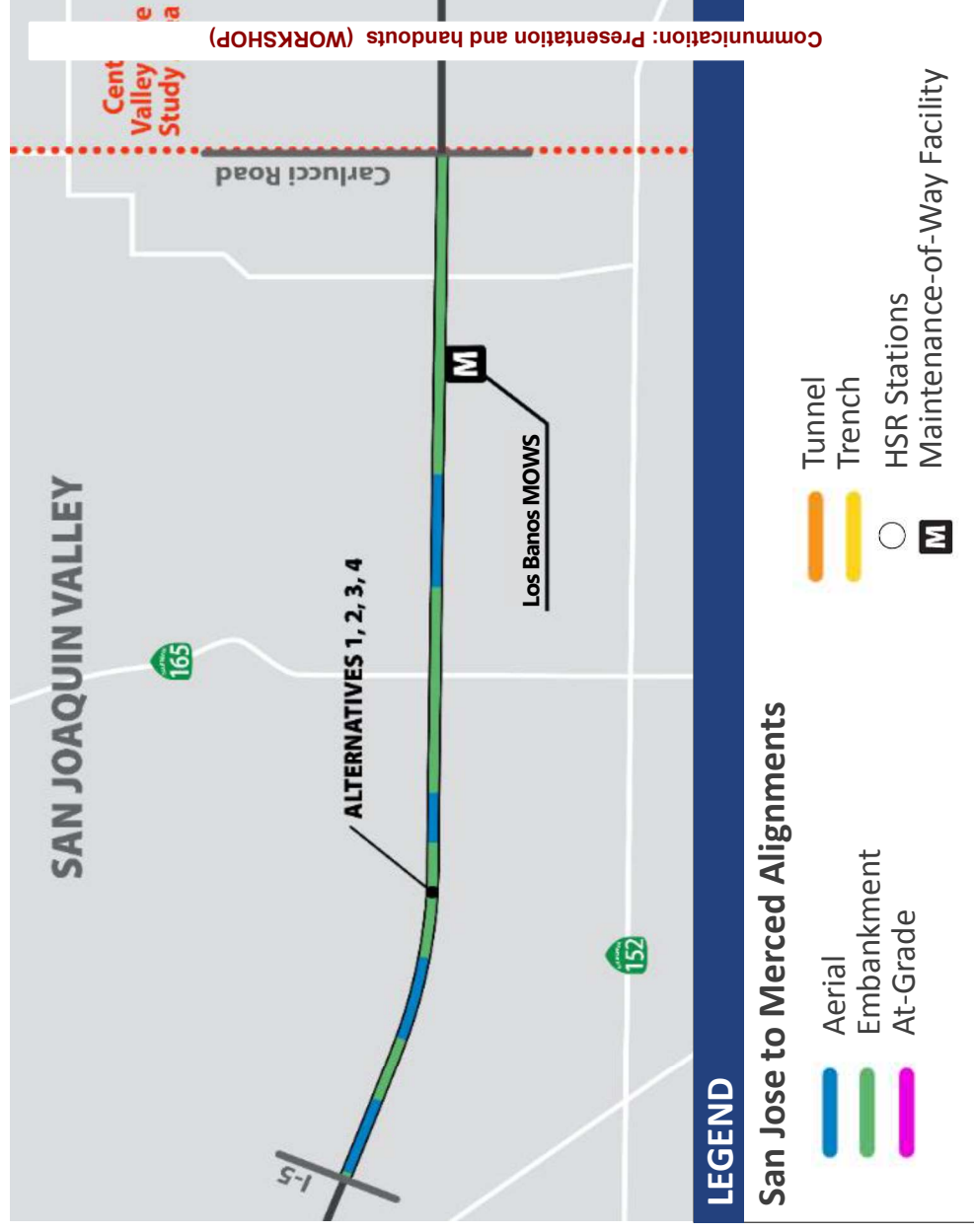
- All alternatives have the same alignment
 - » 13.5-mile Tunnel
 - » Embankment
 - » Viaduct



Communication: Presentation and handouts (WORKSHOP)

SAN JOAQUIN VALLEY

- All alternatives have the same alignment
 - » Embankment
 - » Viaduct



Communication: Presentation and handouts (WORKSHOP)



SAN JOSE TO MERCED PROJECT SECTION

Review of Key Differentiators by Subsection

This section describes key community and environmental factors that differentiate the alternatives within each subsection of the project extent. Alternatives 1, 2, 3, and 4 vary in the San Jose Diridon Station Approach, Monterey Corridor, and Morgan Hill and Gilroy Subsections. Because the alternatives are identical in the Pacheco Pass and San Joaquin Valley Subsections, those subsections are not discussed. Community and environmental factors that do not substantially differentiate alternatives in a given subsection are not included in the discussion. For example, because there are no agricultural lands in the San Jose Diridon Station Approach Subsection, that resource is not discussed for that subsection.

San Jose Diridon Station Subsection

- **Displacements**—Alternative 4 would have the lowest number of displacements (24) because of the alignment's primary location within the Caltrain right-of-way and its at-grade profile, whereas Alternatives 2 and 3 would have the most displacements (142 and 141 respectively for each Alternative) because of the viaduct design outside of the existing rail right-of-way. Alternative 1 would have more displacements (89) than Alternative 4 but less than Alternatives 2 and 3 because the viaduct section would end at I-880 instead of Scott Boulevard.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest operational impact on aesthetics and visual quality because it would be located at grade mostly within the Caltrain right-of-way. Alternative 1 would have more impacts on visual quality than Alternative 4 because it would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternatives 2 and 3 would have the highest impacts on visual quality because they would be on elevated viaduct outside existing rail rights-of-way through Santa Clara and downtown San Jose (approximately 2 more miles of viaduct than Alternative 1).
- **Noise**—Alternative 4 would have higher operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade crossings south of the San Jose Diridon Station, while the other project alternatives would not. Alternative 4 and Alternative 1 would also result in sounding of HSR train horns when passing through the Santa Clara Station while Alternatives 2 and 3 would not.
- **Environmental justice**—Alternative 4 and Alternative 1 would have the lowest operational aesthetics and visual quality, community cohesion, and displacement impacts on minority and low-income populations in Santa Clara because they would be at grade, mostly within the Caltrain right-of-way. Alternatives 2 and 3 would have the highest impacts on aesthetics and visual quality because they would be on an elevated viaduct from Tamien to Scott Boulevard. Alternative 4 and Alternative 1 would result in HSR sounding horns when going through the Santa Clara Caltrain station, while Alternatives 2 and 3 would not.

Alternative 4 would have lowest impacts relative to aesthetics and visual quality and displacement on minority and low-income populations in and south of downtown San Jose because it would be located at grade, mostly within the Caltrain right-of-way. Alternatives 1, 2 and 3 would have more aesthetic and visual quality and displacement impacts than Alternative 4 because they would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade roadway crossings south of the San Jose Diridon Station while the other project alternatives would not. Alternative 4 would have greater effects on community cohesion in the North Willow Glen and Gardner neighborhood of the alternatives, while Alternatives 1, 2 and 3 would have greater effects than Alternative 4 on community cohesion of the neighborhood east of the Caltrain right of way along Auzeras Avenue.

- **Section 4(f)/6(f) resources**—Alternative 1, 2, and 3 would have permanent effects on portions of Los Gatos Creek Trail and Park (0.55 acres each) and the Guadalupe River Trail (0.8 acres each). Alternatives 2 and 3 would also affect a portion of Reed Street Park (0.18 acres each). Alternative 4 would affect portions of Los Gatos Creek Trail and Park (1.03 acres) as well as a small (0.03-acre) portion of Fuller Park.
- **Built environment historic resources**—All four project alternatives would have a permanent significant and unavoidable impact on the San Jose Diridon Station and 75 South Autumn Street. Alternatives 1, 2, and 3 would also have a permanent significant and unavoidable impact on the Sunlite Baking Company and 415 Illinois Ave.

Monterey Corridor Subsection

- **Displacements**—Alternative 4 would have the lowest number of permanent displacements (3) due to the alignment's location within the Caltrain right-of-way as much as feasible and its at-grade profile, whereas Alternative 2 would have the highest number of displacements (73) because of the embankment design outside of the existing rail right-of-way and the displacements associated with roadway grade separations. Alternatives 1 and 3 would have more displacements (46 for each Alternative) than Alternative 4 but less than Alternative 2 because they would have a viaduct design and not require as many roadway grade separations.
- **Aesthetics and visual quality**—Alternative 4 would have the least operational impact associated with aesthetics and visual quality because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on elevated viaduct outside existing rail rights-of-way. Alternative 2 would have less impacts than Alternatives 1 and 3 because it would be on an embankment outside existing rail rights-of-way.
- **Noise**—Alternative 4 would have more operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Traffic**—The Preferred Alternative 4 would result in substantially lower additional peak hour travel time delay on Monterey Road because it would not permanently reduce travel lanes from six lanes as would Alternatives 1, 2, and 3.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have more impacts than Alternative 4 because they would be on elevated viaduct located outside existing rail rights-of-way. Alternative 2 would have the most impacts on aesthetics and visual quality because it would be located on embankment outside existing rail rights-of-way and would include large grade separation structures. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Section 4(f)/6(f) resources**—All alternatives would affect a portion of the Coyote Creek Parkway. Alternative 4 would have the least effect (0.31 acres) and Alternative 2 would have the most effect (3.34 acres), with Alternatives 1 and 3 in between (2.42 acres each). Alternatives 1, 2, and 3 would affect a portion of the Coyote Creek Trail (Alternatives 1 and 3 – 1.03 acres; Alternative 2 – 1.2 acres), but Alternative 4 would not.
- **Emergency vehicle access/response time**—Alternatives 1, 2, and 3 would result in increased travel times along Monterey Road during morning and evening peak periods due to the narrowing of Monterey Road from six lanes to four, but vehicle detection mitigation would reduce effects on emergency vehicle response times to a less-than-significant level. Alternative 4 would increase emergency response times by more than 30 seconds in a portion of the service area for one fire station (4430 Monterey Road) and for the Kaiser Permanente San Jose Medical Center as a result of

increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the City of San Jose chooses to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the City does not undertake these actions.

Morgan Hill and Gilroy Subsection

- **Displacements**— Alternative 4 would have the lowest number of displacements (81) due to its location within the Caltrain corridor right-of-way as much as feasible and the at-grade alignment, whereas Alternative 2 would have the most displacements (730) due to the embankment design outside the existing rail right-of-way and due to the displacements associated with roadway grade separations which would also result in the most effects on community cohesion, particularly in downtown Gilroy. Alternative 1 would have more displacements (218) than Alternative 4 because it would be located outside the existing rail right-of-way. Alternative 3 would have the second lowest number of displacements (114) because it would avoid downtown Gilroy compared to Alternatives 1 and 2.
- **Agricultural farmland**—The project alternatives would differ in the acreage of permanent conversion of agricultural land only in this subsection. Alternative 4 would permanently convert the smallest amount of agricultural farmland because this alternative would minimize land use displacement and conversion by staying predominantly within the existing transportation corridor right-of-way. Alternative 3 would permanently convert the largest area of agricultural farmland because it would pass through the eastern portion of Santa Clara County and bypass the urban area of Gilroy. Alternative 4 and Alternatives 1 and 2 would pass through downtown Gilroy and would thus avoid some agricultural farmland. However, Alternative 2 would require relocation of the UPRR tracks, resulting in impacts on agricultural farmland. Alternative 1 would be built on viaduct in the median of Monterey Road for a portion of its length and would pass through downtown Gilroy, thus avoiding some of the agricultural farmland in the subsection.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest impact on aesthetics and visual quality because of its location at grade mostly within the UPRR right-of-way. Alternative 1 would have higher impacts than Alternative 4 because it would be on an elevated viaduct outside rail rights-of-way through Gilroy and would have an elevated HSR station. Alternative 2 would have the highest visual impacts in Gilroy because it would be on an elevated embankment, would have an elevated station, and would require construction of roadway grade separations. While Alternative 3 would avoid aesthetic and visual quality impacts in downtown Gilroy, it would affect visual quality in east Gilroy with a guideway on viaduct and embankment and an HSR station at a greenfield site. The effects of Alternative 3 would be experienced by fewer community members than those affected by project alternatives in downtown Gilroy.
- **Land Use and development** - The Authority has adopted a station area policy to locate stations in downtown, multi-modal transportation hubs and not greenfield sites in order to promote connections to transit, to support transit-oriented development, and to avoid conversion of agricultural and open space lands to urban or transportation uses. Alternative 3 includes the East Gilroy Station which is located outside of Gilroy in an agricultural area and is not consistent with Authority policy. Alternatives 1, 2, and 4 would result in conversion of commercial and mixed land uses to transportation uses in downtown Gilroy due to their location, whereas Alternative 3 would not. However, Alternative 3 would convert more agricultural lands to transportation uses due to its alignment in East Gilroy and East Gilroy station.
- **Noise**—Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Morgan Hill, San Martin, and Gilroy Caltrain Stations, whereas the other project alternatives would not.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations in Morgan Hill associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on an

elevated viaduct outside existing rail rights-of-way through Morgan Hill, although these alternatives would not pass through downtown Morgan Hill. Alternative 2 would have the most impacts on minority and low-income populations in Morgan Hill because it would be on an elevated embankment outside existing rail rights-of-way through Morgan Hill and would require displacements because of construction of roadway grade separations. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and the Morgan Hill Caltrain station while the other project alternatives would not.

Downtown Gilroy has the highest rates of minority and low-income populations in the resource study area identified for environmental justice (more than 85 percent minority and 60 percent low-income). Alternative 3 would avoid downtown Gilroy and would have no effect on minority populations and low-income populations there, whereas Alternative 1, Alternative 2, and Alternative 4 would result in higher impacts on minority and low-income populations. Of the project alternatives that pass through downtown Gilroy, Alternative 4 would result in the least impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacement due to its location at grade mostly within the UPRR right-of-way. Alternative 2 would have the most displacement impacts of the downtown Gilroy alternatives because it would be on embankment, would include an elevated station, and would require construction of roadway grade separations which would also have the most effect on community cohesion of the alternatives. Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Gilroy Caltrain Station, whereas the other project alternatives would not. While Alternative 3 would avoid impacts in downtown Gilroy, it would affect visual quality and community cohesion in east Gilroy, although these impacts would be experienced by fewer community members with a lower percentage of minority and low-income populations than those affected by the project alternatives in downtown Gilroy. Alternative 3 would result in more conversion of agricultural farmland and have higher impacts on agricultural employment than the other project alternatives.

- **Biological resources**—Alternative 4 would have the least impacts on natural resources because it has a narrow footprint that is primarily within an existing railroad right-of-way and it travels through downtown Morgan Hill and Gilroy instead of east Gilroy. Alternative 1 would have higher impacts than Alternative 4 for most natural resources because it would not use an existing railroad right-of-way and would have a longer alignment outside of an existing transportation corridor (due to the Morgan Hill bypass). Alternative 2 would have higher impacts than Alternative 4 for most natural resources because it has a wider footprint (using an embankment) and more extensive roadway modifications than Alternative 4. Alternative 3 would have higher impacts on biological and aquatic resources than Alternative 4 because it would not use an existing railroad right-of-way and because of its routing via the Morgan Hill bypass and through the agricultural and less developed areas in east Gilroy, contrasted with the more urban routing of Alternative 4 through downtown Morgan Hill and downtown Gilroy.
- **Section 4(f)/6(f) resources**—Alternative 2 would affect a portion of the Morgan Hill Community and Cultural Center (1.31 acres).
- **Built environment historic resources**—Alternative 4 would have a significant and unavoidable impact on the Madrone Underpass and the Live Oak Creamery. Alternative 3 would have a significant and unavoidable impact on the Stevens/Fisher House and the San Martin Winery. Alternative 1 would have a significant and unavoidable impact on the Stevens/Fisher House, the San Martin Winery, the Live Oak Creamery, and the St. Stephens School. Alternative 2 would have a significant and unavoidable impact on the Coyote Depot Complex, the Stevens/Fisher House, the Cribari Winery, the St. Martin Winery, the Live Oak Creamery, the St. Stephens School, and the IOOF Orphanage Home.
- **Emergency vehicle access/response time**—Alternative 4 would result in increased emergency response times of more than 30 seconds in a portion of the service areas for five fire stations (15670 Monterey Road, 10810 No Name Uno, 880 Sunrise Drive, 8383 Wren, and 7070 Chestnut Street) as well as response times for the Kaiser Permanent San Jose Medical Center and the St. Louise Regional Hospital due to increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the Cities of San Jose

and Gilroy and Santa Clara County choose to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the cities and county do not undertake such actions. The other alternatives would not result in this impact.

Additional Considerations

In addition to the operational performance, community factors, and environmental factors, the Authority also considered the compatibility of the alternatives with directly relevant transportation projects or plans between Santa Clara and Gilroy.

- **Caltrain Peninsula Corridor Electrification Project**—All of the alternatives are designed to be compatible with the Caltrain electrification project.
- **Caltrain Business Plan and Service Vision** —Caltrain is currently developing a Business Plan to address forecasted increases in travel demand and ridership, and the long-term goal of southern Santa Clara County communities for more regular rail service. One of the concepts in the Caltrain Business Plan is to extend electrification and increase service to Gilroy. Alternative 4 is the only alternative that would provide for an extension of electrification and other infrastructure to support increased regional passenger rail service to Gilroy.
- **BART Silicon Valley Extension**—All of the alternatives would accommodate the planned extension of BART to San Jose, including BART stations at Diridon Station and in Santa Clara.
- **State Rail Plan and Other Passenger Rail Service Planning**—The Authority has consulted with the State Rail Plan and other passenger rail providers so that the alternatives would not impede plans for expansion of ACE, Capitol Corridor, and TAMC (Monterey County Rail Extension) passenger rail service. All of the alternatives would provide adequate capacity at the San Jose Diridon Station and the Gilroy Station for the planned expansions of other passenger rail services.

Overall Assessment

Implementing the four project alternatives in the subsections between Santa Clara and Gilroy would lead to four relatively different sets of environmental impacts and costs. In summary:

- Alternative 1 would have the lowest impacts relative to commercial and agricultural structural displacements in terms of area (square feet). It would have the most number of residual noise impacts (with noise barrier mitigation and local quiet zone implementation). The predominant factors contributing to the impacts of Alternative 1 are its use of elevated viaduct between San Jose and Gilroy, its alignment bypassing downtown Morgan Hill, and its alignment through downtown Gilroy. It has the second highest capital cost. It would have less alignment in proximity to existing transit corridors compared to Alternatives 2 and 4, but more than Alternative 3.
- Alternative 2 would not be the single best performing alternative relative to any community or environmental factors. It would have the most impacts on Section 4(f)/6(f) resources, built environment historic resources, displacements, roadway travel times on Monterey Road, road closures, aesthetics and visual quality, and minority and low-income populations. The predominant factors contributing to the impacts of Alternative 2 relative to the other alternatives are its use of elevated embankment between San Jose and Gilroy, its alignment through downtown Morgan Hill and Gilroy, and the construction of roadway grade separations. Alternative 2 would have the second lowest capital cost. Along with Alternative 4, it would have the most alignment in proximity to existing transit corridors.
- Alternative 3 would have the lowest impact on CEQA-only built environment historic resources (along with Alternative 4) and operational noise severe impacts. It would have the highest impacts on waters and wetlands, habitat for special-status plant and wildlife species, wildlife movement corridors, conservation areas, and agricultural farmland. The predominant factors contributing to the impacts of

Alternative 3 are its use of elevated viaduct between San Jose and East Gilroy, its alignment bypassing downtown Morgan Hill and Gilroy, and its alignment through east Gilroy. Alternative 3 would have the highest capital cost. It would have the least amount of alignment in proximity to existing transit corridors.

- Alternative 4 would have the lowest impacts on number of displacements, biological resources, Section 4(f)/6(f) resources, aesthetics and visual quality, agricultural farmland, and built environment resources. It would have the most noise impacts from project operation if local jurisdictions choose not to implement quiet zones, but the second lowest noise impacts of the alternatives if noise barrier mitigation and quiet zones are implemented. It would have the lowest impact on travel times along Monterey Road in San Jose. It would have the highest impact on emergency vehicle response times due to increased gate-down time at the at-grade crossings, but only if local jurisdictions do not construct and operate new fire stations and install new response equipment for which HSR would provide funding. The predominant factors contributing to the impacts of Alternative 4 relative to the other alternatives are alignment at grade mostly within existing rail rights-of-way between San Jose and Gilroy and its alignment through downtown San Jose, downtown Morgan Hill, and downtown Gilroy. It is the alternative with the lowest capital cost. It, along with Alternative 2, would have the most alignment in proximity to existing transit corridors. Alternative 4 would also provide the opportunity to extend electrified Caltrain service to Gilroy.

SUMMER 2019



SAN JOSE TO MERCED PROJECT SECTION **STATE'S PREFERRED ALTERNATIVE**

OVERVIEW

High-speed rail offers an unprecedented opportunity to modernize California's transportation system and tie together the state's economies. The San Jose to Merced Project Section will be the crucial connection between the Bay Area and the Central Valley. This fact sheet discusses the staff recommendation for the State's Preferred Alternative to be considered by the California High-Speed Rail Authority (Authority) Board of Directors.

WHAT IS A PREFERRED ALTERNATIVE?

Since 2008, numerous alternatives have been considered for the high-speed rail alignment traveling within and outside of the Bay Area. Ultimately, four alternatives are being analyzed for the Draft Environmental Impact Report/Statement (EIR/EIS). The alternative determined to best balance tradeoffs between environmental; community; and performance, operations, and cost factors will be identified as the State's Preferred Alternative.

Planning, design, and analysis of the four alternatives, collaboration with landowners and agencies, and input from the public and stakeholders has led Authority staff to recommend Alternative 4 as the State's Preferred

Alternative. Authority staff is seeking feedback on this recommendation before it is presented to the Authority Board of Directors in September 2019.

Alternative 4 will be referred to as the staff-recommended State's Preferred Alternative until the Authority Board of Directors concurs with the staff recommendation or requests that a different alternative be identified as the State's Preferred Alternative. The identification of the State's Preferred Alternative for the Draft EIR/EIS does not express or imply approval or adoption of a preferred alternative for final design or construction.

WHAT IS THE PUBLIC'S ROLE IN DEVELOPING AND RECOMMENDING ALTERNATIVES?

The Authority coordinates closely with individuals, local governments, tribes, public agencies, and organizations to gather local knowledge and input on project alternatives. Over the last three years, the Authority participated in nearly 500 meetings with stakeholders and members of the public.

Now the Authority is seeking public feedback on the staff-recommended State's Preferred Alternative. A summary of feedback provided at community meetings and open houses – as well as via telephone or written correspondence – will be presented to the Authority Board of Directors in September 2019.



HOW TO **PROVIDE FEEDBACK**

By email: san.jose_merced@hsr.ca.gov

By phone: 800-455-8166

By mail: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

In person: Attend a Community Open House

- August 8 in Gilroy
 - August 15 in San Jose
 - August 21 in Los Banos
 - September 17 in San Jose
- Attend the Board Meeting

Communication: Presentation and handouts (WORKSHOP)



@cahsra



facebook.com/CaliforniaHighSpeedRail



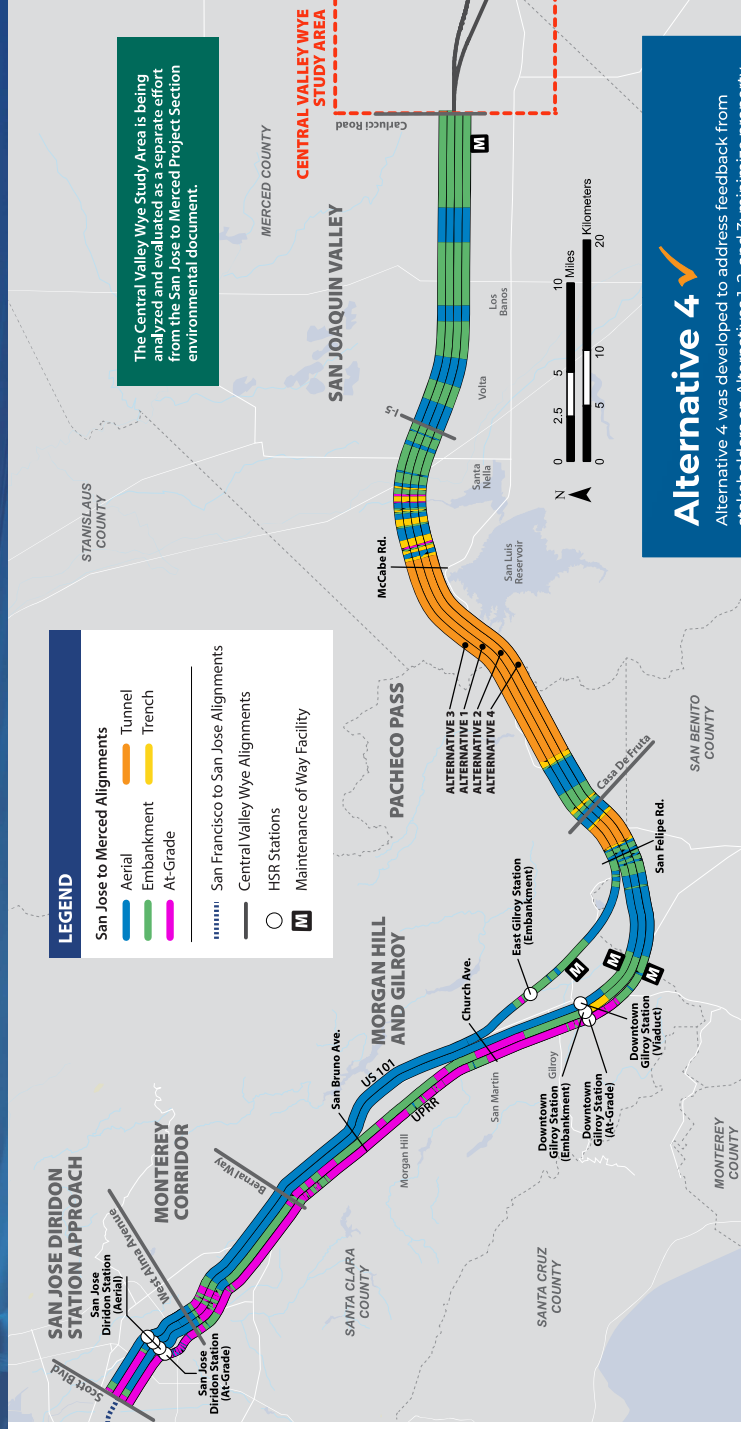
@cahsra



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Packet Pg. 75

WHAT ARE THE FOUR ALTERNATIVES CONSIDERED?



Alternative 4

Alternative 4 was developed to address feedback from stakeholders on Alternatives 1, 2, and 3: minimize property displacements, limit natural resource impacts, retain local community development patterns, improve the efficiency and safety of the existing railroad corridor, and set the stage for extending regional electrified passenger rail service to Southern Santa Clara County.

Alternative 4 is different from the others because it would enable both Caltrain and High-Speed Rail to operate on the same alignment (this is called a blended system). The service would operate on two electrified passenger tracks alongside one conventional freight track predominantly within the existing Caltrain and UPRR rights-of-way.

The maximum train speed would be 110 mph where operations would be blended between San Jose and Gilroy. South and east of Gilroy, speeds would increase up to 220 mph in the dedicated High-Speed Rail portion of the alignment. Alternative 4 will require the successful completion of negotiations with UPRR for the use of their rail corridor between San Jose and Gilroy.

Alternative 3

Alternative 3 was also designed to minimize the project footprint by operating on viaducts and going around downtown Morgan Hill. The objective of Alternative 3 is to minimize the needed right-of-way in downtown Gilroy by bypassing downtown and instead serving an east Gilroy Station. Like Alternative 2, Alternative 3 features a long viaduct between Scott Boulevard and Diridon Station, but is the same as Alternative 1 from the Monterey Corridor Subsection to Church Avenue in San Martin.

Alternative 2

Alternative 2 features a dedicated high-speed rail alignment located between the existing Union Pacific Railroad (UPRR) corridor and Monterey Road. This alternative would have the highest number of property displacements (taking private or public land for rail), but would provide grade separations between the rail corridor and city streets in San Jose, Morgan Hill, San Martin, and Gilroy.

Alternative 1

The objective of Alternative 1 is to minimize land required for the project, minimize impacts on the ground, and reduce the need to purchase right-of-way to build and operate dedicated, fully grade-separated high-speed rail. This would be accomplished by extensive use of viaduct (raised "aerial") structures and bypassing downtown Morgan Hill. By travelling where existing transportation infrastructure – like rail or highways – exist, Alternative 1 makes use of existing rights-of-way whenever feasible.

Alternatives at a Glance

SUBSECTION/ DESIGN OPTIONS	ALT 1	ALT 2	ALT 3	ALT 4
San Jose Diridon Station Approach				
Viaduct to Scott Blvd (Long Viaduct)		●	●	
Viaduct to I-880 (Short Viaduct)	●			
Blended, at-grade				●
Monterey Corridor				
Viaduct	●		●	
Dedicated, at-grade		●		
Blended, at-grade				●
Morgan Hill and Gilroy				
Embankment to downtown Gilroy		●		
Viaduct to downtown Gilroy	●			
Viaduct & embankment to east Gilroy			●	
Blended, at-grade to downtown Gilroy				●
Pacheco Pass				
Tunnel, viaduct, and other structures	●	●	●	●
San Joaquin Valley				
Embankment and viaduct along Henry Miller Rd	●	●	●	●

Pacheco Pass and San Joaquin Valley Subsections

All alternatives have the same alignment after Gilroy (starting near Casa De Fruta). Through the Pacheco Pass Subsection, there would be a long tunnel around the northern arm of the San Luis Reservoir and viaducts over the California Aqueduct, Delta-Mendota Canal, and I-5.

Acronyms, Abbreviations, and Key Terms

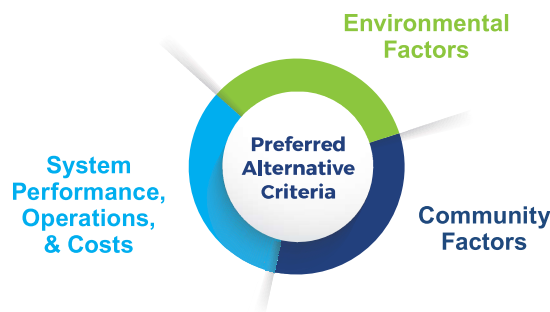
At-grade	An alignment at ground level	MOWF	Maintenance of way facility: A facility where equipment for nightly maintenance of right-of-way and tracks is stored
Aerial	An alignment with tracks raised in the air (e.g. on a bridge or viaduct)	mph	Miles per hour
Authority	California High-Speed Rail Authority: State agency responsible for planning, designing, building, and operating the first high-speed rail system in the US	NEPA	National Environmental Policy Act: A Federal law that requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions
Blended	A rail system shared between two or more operators (e.g. high-speed rail and Caltrain)	NOI	Notice of intent: A formal announcement of intent to prepare an EIS; the first step of the NEPA process
CEQA	California Environmental Quality Act: A California law that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible	NOP	Notice of preparation: A document stating that an EIR will be prepared for a particular project; the first step in the CEQA process
Dedicated	An alignment with only high-speed trains	PAA	Preliminary Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2010, provided initial details of design options in each subsection and helps inform the environmental document
EIR	Environmental impact report: A document required by CEQA for certain actions; it describes the environmental effects of a proposed action	PTE	Permission to enter: Process through which the Authority obtains consent to access property in order to conduct environmental studies
EIS	Environmental impact statement: A document required by NEPA for certain actions that significantly affect the quality of the human environment; it describes the environmental effects of a proposed action	ROW	Right-of-way: Land reserved for use by railroads
EJ	Environmental justice: Fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies	SAA	Supplemental Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2011, considered feedback received on the PAA and presented a refined suite of alternatives
Embankment	An earth-filled structure that raises tracks above the ground	Sensitive receptor	Places where the occupants are more susceptible to the adverse effects of exposure to noise, such as residences, hospital, hotels, schools, libraries, or concert halls
Environmental document	A combined EIR/EIS document	SR	State Route
ETO	Early train operator: DB Engineering and Consulting was engaged by the Authority to assist with planning, designing, and implementing the initial operations of California's high-speed rail program	Statewide Program EIR/EIS	Final Program EIR/EIS for the Proposed California High-Speed Train System: This document, released in 2005, identified a high-speed train system as the preferred alternative for meeting future intercity travel needs and cleared the way for further analysis of alignment and station locations
FRA	Federal Railroad Administration: Federal agency that regulates passenger and freight rail travel in the US	Trench	An excavation that lowers the tracks below ground level
GEA	Grasslands Ecological Area: 160,000 acres of wetlands in the San Joaquin Valley that serve as an important habitat for many bird species, including migratory waterfowl	UPRR	Union Pacific Railroad
Grade-separated	Physical separation at the intersection between railroad tracks and a roadway (e.g. with a bridge)	US	U.S. Highway
I-	Interstate	Viaduct	An elevated structure that raises tracks above the ground; an example of an aerial alignment
		VTA	(Santa Clara) Valley Transportation Authority

WHY IS STAFF RECOMMENDING ALTERNATIVE 4 AS THE STATE'S **PREFERRED ALTERNATIVE**?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the four alternatives. The results indicate that all of the alternatives have tradeoffs – advantages and disadvantages. Nevertheless, Alternative 4 was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community, and environmental factors. The factors that differentiate the four alternatives are presented in the tables below.

HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives 1, 2, 3, and 4 were evaluated by comparing the four alternatives across three sets of criteria:¹



System Performance, Operations, and Costs. The best-performing alternative is **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational Speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational Speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles) ²	43	50	35	50
Travel time — San Jose and Gilroy ³ (minutes)	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs ⁴ (2017\$ billions)	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs ⁵ (2017\$ millions)	\$162			

¹ Resources or topics for which potential impacts do not substantially differentiate the alternatives are not included on this fact sheet, but they still remain an important part of the evaluation and may be of importance to the public, stakeholders, and agencies. These include: archaeological resources; air quality and climate change; electromagnetic fields and interference; geology, soils, and seismicity; hazardous materials and waste; hydrology and water quality; paleontological resources; socioeconomic and communities (apart from displacements); regional growth; station planning; and vibration. All of these analyses will be included in the Draft environmental documents.

² This represents the length of the proposed alignment that is in close proximity to existing transit (bus, car, train, etc.) corridors.

³ Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

⁴ Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

⁵ Based on level of design sufficient to analyze potential environmental impacts.

Community Factors. The best-performing alternative(s) (fewest/least community impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# of structural improvements)	49	53	49	40
Community or public facilities displacements (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000
Permanent conversion of important farmland ⁶ (acres)	1,036	1,181	1,193	1,033
Visual quality effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way
Consistency with Gilroy City General Plan	Yes	Yes	No	Yes
Noise impacts with noise barrier mitigation/with noise barrier mitigation and quiet zones (# of sensitive receptors)	231/223	194/194	173/173	275/179
Increase in 2040 peak travel time on Monterey Road (northbound – AM/PM, southbound – AM/PM, minutes)	NB–8/20 SB–6/12	NB–27/5 SB–16/17	NB–8/20 SB–6/12	NB–0/5 SB–1/8
Permanent road closures	17	26	15	15
Type of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, and additional mitigations ⁷
EJ proportion of total significant and unavoidable impacts on local views ⁸	50%	N/A⁹	67%	N/A⁹
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times for EJ populations (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ¹⁰	49%	65%	45%	76%

Environmental Factors. The best-performing alternative(s) (fewest/least environmental impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impact	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Conservation areas (acres)	427	432	481	427
Permanent use of 4(f)/6(f) park resources (#/acres)	4/4.8	6/7.4	5/5.0	3/1.4
Permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1

6 Important Farmland includes Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.

7 Additional mitigations include emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services.

8 As indicated by impacts on visual landscape units.

9 These alternatives have no significant and unavoidable impacts on visual landscape units.

10 Noise impacts after noise barrier mitigation.



SAN JOSE TO MERCED PROJECT SECTION

Review of Key Differentiators by Subsection

This section describes key community and environmental factors that differentiate the alternatives within each subsection of the project extent. Alternatives 1, 2, 3, and 4 vary in the San Jose Diridon Station Approach, Monterey Corridor, and Morgan Hill and Gilroy Subsections. Because the alternatives are identical in the Pacheco Pass and San Joaquin Valley Subsections, those subsections are not discussed. Community and environmental factors that do not substantially differentiate alternatives in a given subsection are not included in the discussion. For example, because there are no agricultural lands in the San Jose Diridon Station Approach Subsection, that resource is not discussed for that subsection.

San Jose Diridon Station Subsection

- **Displacements**—Alternative 4 would have the lowest number of displacements (24) because of the alignment's primary location within the Caltrain right-of-way and its at-grade profile, whereas Alternatives 2 and 3 would have the most displacements (142 and 141 respectively for each Alternative) because of the viaduct design outside of the existing rail right-of-way. Alternative 1 would have more displacements (89) than Alternative 4 but less than Alternatives 2 and 3 because the viaduct section would end at I-880 instead of Scott Boulevard.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest operational impact on aesthetics and visual quality because it would be located at grade mostly within the Caltrain right-of-way. Alternative 1 would have more impacts on visual quality than Alternative 4 because it would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternatives 2 and 3 would have the highest impacts on visual quality because they would be on elevated viaduct outside existing rail rights-of-way through Santa Clara and downtown San Jose (approximately 2 more miles of viaduct than Alternative 1).
- **Noise**—Alternative 4 would have higher operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade crossings south of the San Jose Diridon Station, while the other project alternatives would not. Alternative 4 and Alternative 1 would also result in sounding of HSR train horns when passing through the Santa Clara Station while Alternatives 2 and 3 would not.
- **Environmental justice**—Alternative 4 and Alternative 1 would have the lowest operational aesthetics and visual quality, community cohesion, and displacement impacts on minority and low-income populations in Santa Clara because they would be at grade, mostly within the Caltrain right-of-way. Alternatives 2 and 3 would have the highest impacts on aesthetics and visual quality because they would be on an elevated viaduct from Tamien to Scott Boulevard. Alternative 4 and Alternative 1 would result in HSR sounding horns when going through the Santa Clara Caltrain station, while Alternatives 2 and 3 would not.

Alternative 4 would have lowest impacts relative to aesthetics and visual quality and displacement on minority and low-income populations in and south of downtown San Jose because it would be located at grade, mostly within the Caltrain right-of-way. Alternatives 1, 2 and 3 would have more aesthetic and visual quality and displacement impacts than Alternative 4 because they would be on an elevated viaduct (to I-880) outside existing rail rights-of-way through most of San Jose. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at two at-grade roadway crossings south of the San Jose Diridon Station while the other project alternatives would not. Alternative 4 would have greater effects on community cohesion in the North Willow Glen and Gardner neighborhood of the alternatives, while Alternatives 1, 2 and 3 would have greater effects than Alternative 4 on community cohesion of the neighborhood east of the Caltrain right of way along Auzeras Avenue.

- **Section 4(f)/6(f) resources**—Alternative 1, 2, and 3 would have permanent effects on portions of Los Gatos Creek Trail and Park (0.55 acres each) and the Guadalupe River Trail (0.8 acres each). Alternatives 2 and 3 would also affect a portion of Reed Street Park (0.18 acres each). Alternative 4 would affect portions of Los Gatos Creek Trail and Park (1.03 acres) as well as a small (0.03-acre) portion of Fuller Park.
- **Built environment historic resources**—All four project alternatives would have a permanent significant and unavoidable impact on the San Jose Diridon Station and 75 South Autumn Street. Alternatives 1, 2, and 3 would also have a permanent significant and unavoidable impact on the Sunlite Baking Company and 415 Illinois Ave.

Monterey Corridor Subsection

- **Displacements**—Alternative 4 would have the lowest number of permanent displacements (3) due to the alignment's location within the Caltrain right-of-way as much as feasible and its at-grade profile, whereas Alternative 2 would have the highest number of displacements (73) because of the embankment design outside of the existing rail right-of-way and the displacements associated with roadway grade separations. Alternatives 1 and 3 would have more displacements (46 for each Alternative) than Alternative 4 but less than Alternative 2 because they would have a viaduct design and not require as many roadway grade separations.
- **Aesthetics and visual quality**—Alternative 4 would have the least operational impact associated with aesthetics and visual quality because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on elevated viaduct outside existing rail rights-of-way. Alternative 2 would have less impacts than Alternatives 1 and 3 because it would be on an embankment outside existing rail rights-of-way.
- **Noise**—Alternative 4 would have more operational noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Traffic**—The Preferred Alternative 4 would result in substantially lower additional peak hour travel time delay on Monterey Road because it would not permanently reduce travel lanes from six lanes as would Alternatives 1, 2, and 3.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have more impacts than Alternative 4 because they would be on elevated viaduct located outside existing rail rights-of-way. Alternative 2 would have the most impacts on aesthetics and visual quality because it would be located on embankment outside existing rail rights-of-way and would include large grade separation structures. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and Caltrain stations south of the San Jose Diridon Station (Blossom Hill, Capitol) while the other project alternatives would not.
- **Section 4(f)/6(f) resources**—All alternatives would affect a portion of the Coyote Creek Parkway. Alternative 4 would have the least effect (0.31 acres) and Alternative 2 would have the most effect (3.34 acres), with Alternatives 1 and 3 in between (2.42 acres each). Alternatives 1, 2, and 3 would affect a portion of the Coyote Creek Trail (Alternatives 1 and 3 – 1.03 acres; Alternative 2 – 1.2 acres), but Alternative 4 would not.
- **Emergency vehicle access/response time**—Alternatives 1, 2, and 3 would result in increased travel times along Monterey Road during morning and evening peak periods due to the narrowing of Monterey Road from six lanes to four, but vehicle detection mitigation would reduce effects on emergency vehicle response times to a less-than-significant level. Alternative 4 would increase emergency response times by more than 30 seconds in a portion of the service area for one fire station (4430 Monterey Road) and for the Kaiser Permanente San Jose Medical Center as a result of

increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the City of San Jose chooses to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the City does not undertake these actions.

Morgan Hill and Gilroy Subsection

- **Displacements**— Alternative 4 would have the lowest number of displacements (81) due to its location within the Caltrain corridor right-of-way as much as feasible and the at-grade alignment, whereas Alternative 2 would have the most displacements (730) due to the embankment design outside the existing rail right-of-way and due to the displacements associated with roadway grade separations which would also result in the most effects on community cohesion, particularly in downtown Gilroy. Alternative 1 would have more displacements (218) than Alternative 4 because it would be located outside the existing rail right-of-way. Alternative 3 would have the second lowest number of displacements (114) because it would avoid downtown Gilroy compared to Alternatives 1 and 2.
- **Agricultural farmland**—The project alternatives would differ in the acreage of permanent conversion of agricultural land only in this subsection. Alternative 4 would permanently convert the smallest amount of agricultural farmland because this alternative would minimize land use displacement and conversion by staying predominantly within the existing transportation corridor right-of-way. Alternative 3 would permanently convert the largest area of agricultural farmland because it would pass through the eastern portion of Santa Clara County and bypass the urban area of Gilroy. Alternative 4 and Alternatives 1 and 2 would pass through downtown Gilroy and would thus avoid some agricultural farmland. However, Alternative 2 would require relocation of the UPRR tracks, resulting in impacts on agricultural farmland. Alternative 1 would be built on viaduct in the median of Monterey Road for a portion of its length and would pass through downtown Gilroy, thus avoiding some of the agricultural farmland in the subsection.
- **Aesthetics and visual quality**—Alternative 4 would have the lowest impact on aesthetics and visual quality because of its location at grade mostly within the UPRR right-of-way. Alternative 1 would have higher impacts than Alternative 4 because it would be on an elevated viaduct outside rail rights-of-way through Gilroy and would have an elevated HSR station. Alternative 2 would have the highest visual impacts in Gilroy because it would be on an elevated embankment, would have an elevated station, and would require construction of roadway grade separations. While Alternative 3 would avoid aesthetic and visual quality impacts in downtown Gilroy, it would affect visual quality in east Gilroy with a guideway on viaduct and embankment and an HSR station at a greenfield site. The effects of Alternative 3 would be experienced by fewer community members than those affected by project alternatives in downtown Gilroy.
- **Land Use and development** - The Authority has adopted a station area policy to locate stations in downtown, multi-modal transportation hubs and not greenfield sites in order to promote connections to transit, to support transit-oriented development, and to avoid conversion of agricultural and open space lands to urban or transportation uses. Alternative 3 includes the East Gilroy Station which is located outside of Gilroy in an agricultural area and is not consistent with Authority policy. Alternatives 1, 2, and 4 would result in conversion of commercial and mixed land uses to transportation uses in downtown Gilroy due to their location, whereas Alternative 3 would not. However, Alternative 3 would convert more agricultural lands to transportation uses due to its alignment in East Gilroy and East Gilroy station.
- **Noise**—Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Morgan Hill, San Martin, and Gilroy Caltrain Stations, whereas the other project alternatives would not.
- **Environmental justice**—Alternative 4 would have the lowest impacts on minority and low-income populations in Morgan Hill associated with aesthetics and visual quality, community cohesion, and displacements because it would be located at grade mostly within the existing railroad right-of-way. Alternatives 1 and 3 would have greater impacts than Alternative 4 because they would be on an

elevated viaduct outside existing rail rights-of-way through Morgan Hill, although these alternatives would not pass through downtown Morgan Hill. Alternative 2 would have the most impacts on minority and low-income populations in Morgan Hill because it would be on an elevated embankment outside existing rail rights-of-way through Morgan Hill and would require displacements because of construction of roadway grade separations. Alternative 4 would have higher noise impacts than the other alternatives because it would result in the sounding of HSR train horns at the at-grade crossings and the Morgan Hill Caltrain station while the other project alternatives would not.

Downtown Gilroy has the highest rates of minority and low-income populations in the resource study area identified for environmental justice (more than 85 percent minority and 60 percent low-income). Alternative 3 would avoid downtown Gilroy and would have no effect on minority populations and low-income populations there, whereas Alternative 1, Alternative 2, and Alternative 4 would result in higher impacts on minority and low-income populations. Of the project alternatives that pass through downtown Gilroy, Alternative 4 would result in the least impacts on minority and low-income populations associated with aesthetics and visual quality, community cohesion, and displacement due to its location at grade mostly within the UPRR right-of-way. Alternative 2 would have the most displacement impacts of the downtown Gilroy alternatives because it would be on embankment, would include an elevated station, and would require construction of roadway grade separations which would also have the most effect on community cohesion of the alternatives. Alternative 4 would have the most noise impacts because it would result in HSR trains sounding horns at the at-grade crossings and the Gilroy Caltrain Station, whereas the other project alternatives would not. While Alternative 3 would avoid impacts in downtown Gilroy, it would affect visual quality and community cohesion in east Gilroy, although these impacts would be experienced by fewer community members with a lower percentage of minority and low-income populations than those affected by the project alternatives in downtown Gilroy. Alternative 3 would result in more conversion of agricultural farmland and have higher impacts on agricultural employment than the other project alternatives.

- **Biological resources**—Alternative 4 would have the least impacts on natural resources because it has a narrow footprint that is primarily within an existing railroad right-of-way and it travels through downtown Morgan Hill and Gilroy instead of east Gilroy. Alternative 1 would have higher impacts than Alternative 4 for most natural resources because it would not use an existing railroad right-of-way and would have a longer alignment outside of an existing transportation corridor (due to the Morgan Hill bypass). Alternative 2 would have higher impacts than Alternative 4 for most natural resources because it has a wider footprint (using an embankment) and more extensive roadway modifications than Alternative 4. Alternative 3 would have higher impacts on biological and aquatic resources than Alternative 4 because it would not use an existing railroad right-of-way and because of its routing via the Morgan Hill bypass and through the agricultural and less developed areas in east Gilroy, contrasted with the more urban routing of Alternative 4 through downtown Morgan Hill and downtown Gilroy.
- **Section 4(f)/6(f) resources**—Alternative 2 would affect a portion of the Morgan Hill Community and Cultural Center (1.31 acres).
- **Built environment historic resources**—Alternative 4 would have a significant and unavoidable impact on the Madrone Underpass and the Live Oak Creamery. Alternative 3 would have a significant and unavoidable impact on the Stevens/Fisher House and the San Martin Winery. Alternative 1 would have a significant and unavoidable impact on the Stevens/Fisher House, the San Martin Winery, the Live Oak Creamery, and the St. Stephens School. Alternative 2 would have a significant and unavoidable impact on the Coyote Depot Complex, the Stevens/Fisher House, the Cribari Winery, the St. Martin Winery, the Live Oak Creamery, the St. Stephens School, and the IOOF Orphanage Home.
- **Emergency vehicle access/response time**—Alternative 4 would result in increased emergency response times of more than 30 seconds in a portion of the service areas for five fire stations (15670 Monterey Road, 10810 No Name Uno, 880 Sunrise Drive, 8383 Wren, and 7070 Chestnut Street) as well as response times for the Kaiser Permanent San Jose Medical Center and the St. Louise Regional Hospital due to increased gate-down time at at-grade crossings. This impact would be reduced to a less-than-significant level with vehicle detection mitigation and if the Cities of San Jose

and Gilroy and Santa Clara County choose to construct and operate a new fire station and install new responder equipment at existing fire stations with funding provided by HSR. However, the impact would be significant and unavoidable if the cities and county do not undertake such actions. The other alternatives would not result in this impact.

Additional Considerations

In addition to the operational performance, community factors, and environmental factors, the Authority also considered the compatibility of the alternatives with directly relevant transportation projects or plans between Santa Clara and Gilroy.

- **Caltrain Peninsula Corridor Electrification Project**—All of the alternatives are designed to be compatible with the Caltrain electrification project.
- **Caltrain Business Plan and Service Vision** —Caltrain is currently developing a Business Plan to address forecasted increases in travel demand and ridership, and the long-term goal of southern Santa Clara County communities for more regular rail service. One of the concepts in the Caltrain Business Plan is to extend electrification and increase service to Gilroy. Alternative 4 is the only alternative that would provide for an extension of electrification and other infrastructure to support increased regional passenger rail service to Gilroy.
- **BART Silicon Valley Extension**—All of the alternatives would accommodate the planned extension of BART to San Jose, including BART stations at Diridon Station and in Santa Clara.
- **State Rail Plan and Other Passenger Rail Service Planning**—The Authority has consulted with the State Rail Plan and other passenger rail providers so that the alternatives would not impede plans for expansion of ACE, Capitol Corridor, and TAMC (Monterey County Rail Extension) passenger rail service. All of the alternatives would provide adequate capacity at the San Jose Diridon Station and the Gilroy Station for the planned expansions of other passenger rail services.

Overall Assessment

Implementing the four project alternatives in the subsections between Santa Clara and Gilroy would lead to four relatively different sets of environmental impacts and costs. In summary:

- Alternative 1 would have the lowest impacts relative to commercial and agricultural structural displacements in terms of area (square feet). It would have the most number of residual noise impacts (with noise barrier mitigation and local quiet zone implementation). The predominant factors contributing to the impacts of Alternative 1 are its use of elevated viaduct between San Jose and Gilroy, its alignment bypassing downtown Morgan Hill, and its alignment through downtown Gilroy. It has the second highest capital cost. It would have less alignment in proximity to existing transit corridors compared to Alternatives 2 and 4, but more than Alternative 3.
- Alternative 2 would not be the single best performing alternative relative to any community or environmental factors. It would have the most impacts on Section 4(f)/6(f) resources, built environment historic resources, displacements, roadway travel times on Monterey Road, road closures, aesthetics and visual quality, and minority and low-income populations. The predominant factors contributing to the impacts of Alternative 2 relative to the other alternatives are its use of elevated embankment between San Jose and Gilroy, its alignment through downtown Morgan Hill and Gilroy, and the construction of roadway grade separations. Alternative 2 would have the second lowest capital cost. Along with Alternative 4, it would have the most alignment in proximity to existing transit corridors.
- Alternative 3 would have the lowest impact on CEQA-only built environment historic resources (along with Alternative 4) and operational noise severe impacts. It would have the highest impacts on waters and wetlands, habitat for special-status plant and wildlife species, wildlife movement corridors, conservation areas, and agricultural farmland. The predominant factors contributing to the impacts of

Alternative 3 are its use of elevated viaduct between San Jose and East Gilroy, its alignment bypassing downtown Morgan Hill and Gilroy, and its alignment through east Gilroy. Alternative 3 would have the highest capital cost. It would have the least amount of alignment in proximity to existing transit corridors.

- Alternative 4 would have the lowest impacts on number of displacements, biological resources, Section 4(f)/6(f) resources, aesthetics and visual quality, agricultural farmland, and built environment resources. It would have the most noise impacts from project operation if local jurisdictions choose not to implement quiet zones, but the second lowest noise impacts of the alternatives if noise barrier mitigation and quiet zones are implemented. It would have the lowest impact on travel times along Monterey Road in San Jose. It would have the highest impact on emergency vehicle response times due to increased gate-down time at the at-grade crossings, but only if local jurisdictions do not construct and operate new fire stations and install new response equipment for which HSR would provide funding. The predominant factors contributing to the impacts of Alternative 4 relative to the other alternatives are alignment at grade mostly within existing rail rights-of-way between San Jose and Gilroy and its alignment through downtown San Jose, downtown Morgan Hill, and downtown Gilroy. It is the alternative with the lowest capital cost. It, along with Alternative 2, would have the most alignment in proximity to existing transit corridors. Alternative 4 would also provide the opportunity to extend electrified Caltrain service to Gilroy.

SUMMER 2019



SAN JOSE TO MERCED PROJECT SECTION **STATE'S PREFERRED ALTERNATIVE**

OVERVIEW

High-speed rail offers an unprecedented opportunity to modernize California's transportation system and tie together the state's economies. The San Jose to Merced Project Section will be the crucial connection between the Bay Area and the Central Valley. This fact sheet discusses the staff recommendation for the State's Preferred Alternative to be considered by the California High-Speed Rail Authority (Authority) Board of Directors.

WHAT IS A PREFERRED ALTERNATIVE?

Since 2008, numerous alternatives have been considered for the high-speed rail alignment traveling within and outside of the Bay Area. Ultimately, four alternatives are being analyzed for the Draft Environmental Impact Report/Statement (EIR/EIS). The alternative determined to best balance tradeoffs between environmental; community; and performance, operations, and cost factors will be identified as the State's Preferred Alternative.

Planning, design, and analysis of the four alternatives, collaboration with landowners and agencies, and input from the public and stakeholders has led Authority staff to recommend Alternative 4 as the State's Preferred

Alternative. Authority staff is seeking feedback on this recommendation before it is presented to the Authority Board of Directors in September 2019.

Alternative 4 will be referred to as the staff-recommended State's Preferred Alternative until the Authority Board of Directors concurs with the staff recommendation or requests that a different alternative be identified as the State's Preferred Alternative. The identification of the State's Preferred Alternative for the Draft EIR/EIS does not express or imply approval or adoption of a preferred alternative for final design or construction.

WHAT IS THE PUBLIC'S ROLE IN DEVELOPING AND RECOMMENDING ALTERNATIVES?

The Authority coordinates closely with individuals, local governments, tribes, public agencies, and organizations to gather local knowledge and input on project alternatives. Over the last three years, the Authority participated in nearly 500 meetings with stakeholders and members of the public.

Now the Authority is seeking public feedback on the staff-recommended State's Preferred Alternative. A summary of feedback provided at community meetings and open houses – as well as via telephone or written correspondence – will be presented to the Authority Board of Directors in September 2019.



HOW TO **PROVIDE FEEDBACK**

By email: san.jose_merced@hsr.ca.gov

By phone: 800-455-8166

By mail: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

In person: Attend a Community Open House

- August 8 in Gilroy
 - August 15 in San Jose
 - August 21 in Los Banos
 - September 17 in San Jose
- Attend the Board Meeting

Communication: Presentation and handouts (WORKSHOP)



@cahsra



facebook.com/CaliforniaHighSpeedRail



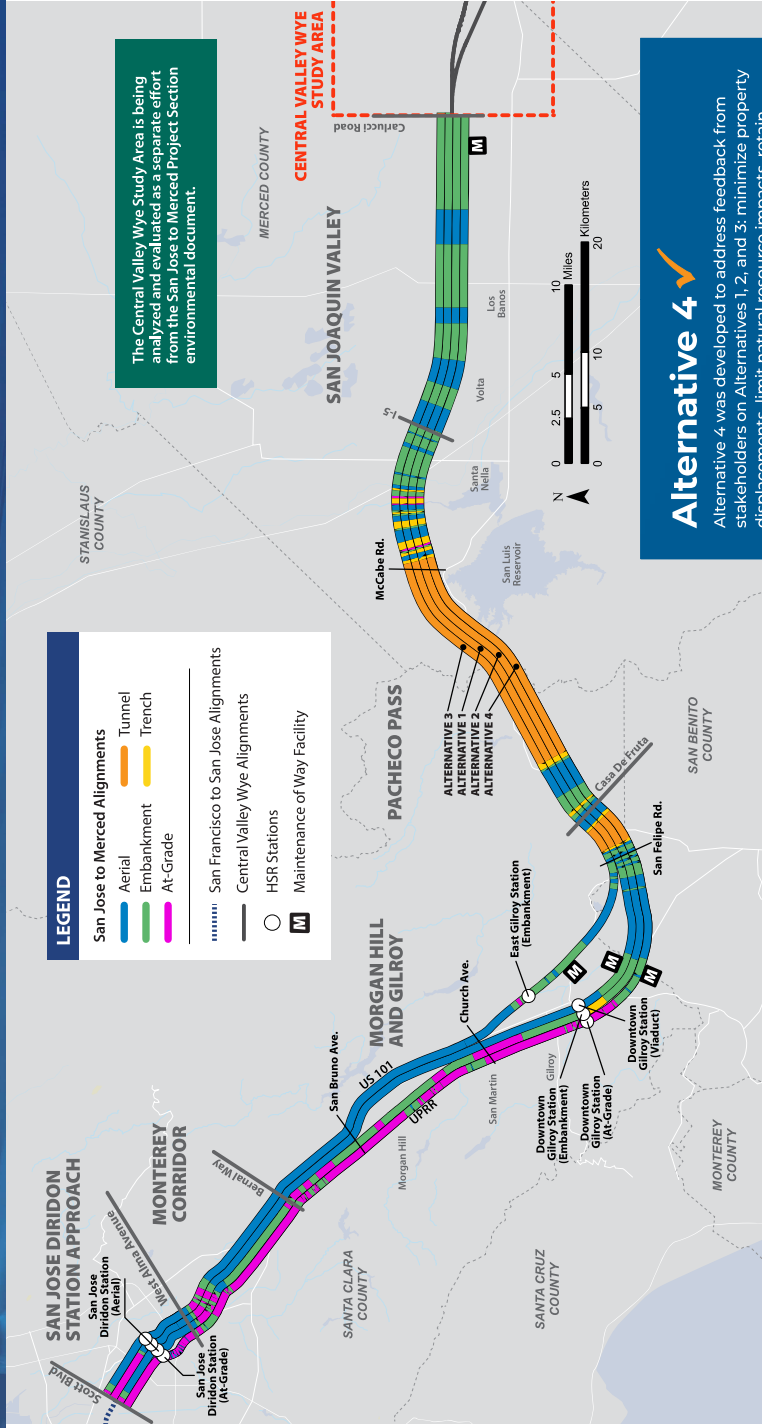
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Packet Pg. 86

WHAT ARE THE FOUR ALTERNATIVES CONSIDERED?



LEGEND

San Jose to Merced Alignments

- Aerial
- Tunnel
- Embankment
- At-Grade

San Francisco to San Jose Alignments

- Central Valley Wye Alignments
- HSR Stations
- Maintenance of Way Facility

The Central Valley Wye Study Area is being analyzed and evaluated as a separate effort from the San Jose to Merced Project Section environmental document.

Alternative 4

Alternative 4 was developed to address feedback from stakeholders on Alternatives 1, 2, and 3: minimize property displacements, limit natural resource impacts, retain local community development patterns, improve the efficiency and safety of the existing railroad corridor, and set the stage for extending regional electrified passenger rail service to Southern Santa Clara County.

Alternative 4 is different from the others because it would enable both Caltrain and High-Speed Rail to operate on the same alignment (this is called a blended system). The service would operate on two electrified passenger tracks alongside one conventional freight track predominantly within the existing Caltrain and UPRR rights-of-way. The maximum train speed would be 110 mph where operations would be blended between San Jose and Gilroy. South and east of Gilroy, speeds would increase up to 220 mph in the dedicated High-Speed Rail portion of the alignment. Alternative 4 will require the successful completion of negotiations with UPRR for the use of their rail corridor between San Jose and Gilroy.

Alternative 3

Alternative 3 was also designed to minimize the project footprint by operating on viaducts and going around downtown Morgan Hill. The objective of Alternative 3 is to minimize the needed right-of-way in downtown Gilroy by bypassing downtown and instead serving an east Gilroy Station. Like Alternative 2, Alternative 3 features a long viaduct between Scott Boulevard and Diridon Station, but is the same as Alternative 1 from the Monterey Corridor Subsection to Church Avenue in San Martin.

Alternative 2

Alternative 2 features a dedicated high-speed rail alignment located between the existing Union Pacific Railroad (UPRR) corridor and Monterey Road. This alternative would have the highest number of property displacements (taking private or public land for rail), but would provide grade separations between the rail corridor and city streets in San Jose, Morgan Hill, San Martin, and Gilroy.

Alternative 1

The objective of Alternative 1 is to minimize land required for the project, minimize impacts on the ground, and reduce the need to purchase right-of-way to build and operate dedicated, fully grade-separated high-speed rail. This would be accomplished by extensive use of viaduct (raised "aerial") structures and bypassing downtown Morgan Hill. By traveling where existing transportation infrastructure – like rail or highways – exist, Alternative 1 makes use of existing rights-of-way whenever feasible.

Alternatives at a Glance

SUBSECTION/ DESIGN OPTIONS	ALT 1	ALT 2	ALT 3	ALT 4
San Jose Diridon Station Approach				
Viaduct to Scott Blvd (Long Viaduct)		●	●	
Viaduct to I-880 (Short Viaduct)	●			
Blended, at-grade				●
Monterey Corridor				
Viaduct	●		●	
Dedicated, at-grade		●		
Blended, at-grade				●
Morgan Hill and Gilroy				
Embankment to downtown Gilroy		●		
Viaduct to downtown Gilroy	●			
Viaduct & embankment to east Gilroy			●	
Blended, at-grade to downtown Gilroy				●
Pacheco Pass				
Tunnel, Viaduct, and other structures	●	●	●	●
San Joaquin Valley				
Embankment and viaduct along Henry Miller Rd	●	●	●	●

Pacheco Pass and San Joaquin Valley Subsections

All alternatives have the same alignment after Gilroy (starting near Casa De Fruta). Through the Pacheco Pass Subsection, there would be a long tunnel around the northern arm of the San Luis Reservoir and Viaducts over the California Aqueduct, Delta-Mendota Canal, and I-5.

East of the I-5 overcrossing, the alignment through the San Joaquin Valley Subsection would be predominantly on embankment along the south side of Henry Miller Road to Carlucci Road, traveling on viaduct over major watercourses and through the Grasslands Ecological Area.

Acronyms, Abbreviations, and Key Terms

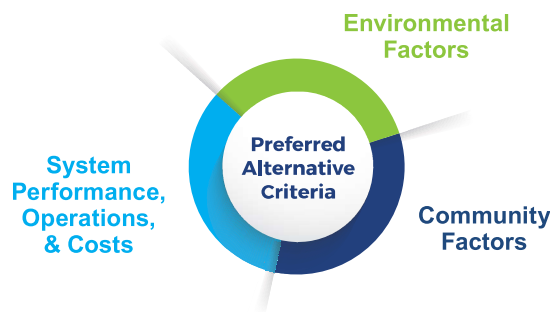
At-grade	An alignment at ground level	MOWF	Maintenance of way facility: A facility where equipment for nightly maintenance of right-of-way and tracks is stored
Aerial	An alignment with tracks raised in the air (e.g. on a bridge or viaduct)	mph	Miles per hour
Authority	California High-Speed Rail Authority: State agency responsible for planning, designing, building, and operating the first high-speed rail system in the US	NEPA	National Environmental Policy Act: A Federal law that requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions
Blended	A rail system shared between two or more operators (e.g. high-speed rail and Caltrain)	NOI	Notice of intent: A formal announcement of intent to prepare an EIS; the first step of the NEPA process
CEQA	California Environmental Quality Act: A California law that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible	NOP	Notice of preparation: A document stating that an EIR will be prepared for a particular project; the first step in the CEQA process
Dedicated	An alignment with only high-speed trains	PAA	Preliminary Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2010, provided initial details of design options in each subsection and helps inform the environmental document
EIR	Environmental impact report: A document required by CEQA for certain actions; it describes the environmental effects of a proposed action	PTE	Permission to enter: Process through which the Authority obtains consent to access property in order to conduct environmental studies
EIS	Environmental impact statement: A document required by NEPA for certain actions that significantly affect the quality of the human environment; it describes the environmental effects of a proposed action	ROW	Right-of-way: Land reserved for use by railroads
EJ	Environmental justice: Fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies	SAA	Supplemental Alternatives Analysis report: For the San Jose to Merced Project Section, this document, released in 2011, considered feedback received on the PAA and presented a refined suite of alternatives
Embankment	An earth-filled structure that raises tracks above the ground	Sensitive receptor	Places where the occupants are more susceptible to the adverse effects of exposure to noise, such as residences, hospital, hotels, schools, libraries, or concert halls
Environmental document	A combined EIR/EIS document	SR	State Route
ETO	Early train operator: DB Engineering and Consulting was engaged by the Authority to assist with planning, designing, and implementing the initial operations of California's high-speed rail program	Statewide Program EIR/EIS	Final Program EIR/EIS for the Proposed California High-Speed Train System: This document, released in 2005, identified a high-speed train system as the preferred alternative for meeting future intercity travel needs and cleared the way for further analysis of alignment and station locations
FRA	Federal Railroad Administration: Federal agency that regulates passenger and freight rail travel in the US	Trench	An excavation that lowers the tracks below ground level
GEA	Grasslands Ecological Area: 160,000 acres of wetlands in the San Joaquin Valley that serve as an important habitat for many bird species, including migratory waterfowl	UPRR	Union Pacific Railroad
Grade-separated	Physical separation at the intersection between railroad tracks and a roadway (e.g. with a bridge)	US	U.S. Highway
I-	Interstate	Viaduct	An elevated structure that raises tracks above the ground; an example of an aerial alignment
		VTA	(Santa Clara) Valley Transportation Authority

WHY IS STAFF RECOMMENDING ALTERNATIVE 4 AS THE STATE'S **PREFERRED ALTERNATIVE**?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the four alternatives. The results indicate that all of the alternatives have tradeoffs – advantages and disadvantages. Nevertheless, Alternative 4 was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community, and environmental factors. The factors that differentiate the four alternatives are presented in the tables below.

HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives 1, 2, 3, and 4 were evaluated by comparing the four alternatives across three sets of criteria:¹



System Performance, Operations, and Costs. The best-performing alternative is **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational Speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational Speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles) ²	43	50	35	50
Travel time — San Jose and Gilroy ³ (minutes)	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs ⁴ (2017\$ billions)	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs ⁵ (2017\$ millions)	\$162			

¹ Resources or topics for which potential impacts do not substantially differentiate the alternatives are not included on this fact sheet, but they still remain an important part of the evaluation and may be of importance to the public, stakeholders, and agencies. These include: archaeological resources; air quality and climate change; electromagnetic fields and interference; geology, soils, and seismicity; hazardous materials and waste; hydrology and water quality; paleontological resources; socioeconomic and communities (apart from displacements); regional growth; station planning; and vibration. All of these analyses will be included in the Draft environmental documents.

² This represents the length of the proposed alignment that is in close proximity to existing transit (bus, car, train, etc.) corridors.

³ Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

⁴ Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

⁵ Based on level of design sufficient to analyze potential environmental impacts.

Community Factors. The best-performing alternative(s) (fewest/least community impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# of structural improvements)	49	53	49	40
Community or public facilities displacements (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000
Permanent conversion of important farmland ⁶ (acres)	1,036	1,181	1,193	1,033
Visual quality effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way
Consistency with Gilroy City General Plan	Yes	Yes	No	Yes
Noise impacts with noise barrier mitigation/with noise barrier mitigation and quiet zones (# of sensitive receptors)	231/223	194/194	173/173	275/179
Increase in 2040 peak travel time on Monterey Road (northbound – AM/PM, southbound – AM/PM, minutes)	NB–8/20 SB–6/12	NB–27/5 SB–16/17	NB–8/20 SB–6/12	NB–0/5 SB–1/8
Permanent road closures	17	26	15	15
Type of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, and additional mitigations ⁷
EJ proportion of total significant and unavoidable impacts on local views ⁸	50%	N/A⁹	67%	N/A⁹
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times for EJ populations (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ¹⁰	49%	65%	45%	76%

Environmental Factors. The best-performing alternative(s) (fewest/least environmental impacts) are **bold**.

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impact	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Conservation areas (acres)	427	432	481	427
Permanent use of 4(f)/6(f) park resources (#/acres)	4/4.8	6/7.4	5/5.0	3/1.4
Permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1

6 Important Farmland includes Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.

7 Additional mitigations include emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services.

8 As indicated by impacts on visual landscape units.

9 These alternatives have no significant and unavoidable impacts on visual landscape units.

10 Noise impacts after noise barrier mitigation.

PUBLIC COMMENT**AGENDA DATE: 07/17/19****SUPPLEMENT # 1**

Fw: [New post] How to Get California Public Records

From: Joseph Patrick Thompson (translaw@pacbell.net)

To: bholtzclaw@newsmedia.com; nmixer@newsmedia.com; rtdillon@garlic.com; gary@custom-1.com; ehoward1965@gmail.com; president@gilroyedc.org; sbcsuper@supervisor.co.san-benito.ca.us; info@sanbenitocog.org; mary@sanbenitocog.org; donpatloe@att.net; onemorejones@yahoo.com; sallybettencourt@gmail.com; carl@reformcalifornia.org; carol.marques@ci.gilroy.ca.us; cat.tucker@ci.gilroy.ca.us; dion.bracco@ci.gilroy.ca.us; fred.tovar@ci.gilroy.ca.us; marie.blankley@ci.gilroy.ca.us; peter.leroe-munoz@ci.gilroy.ca.us; roland.velasco@ci.gilroy.ca.us; askmike@garlic.com; jon@hjtta.org; shawna.freels@ci.gilroy.ca.us; allcouncilmembers@ci.gilroy.ca.us; rich.constantine@morganhill.ca.gov; mgr42@charter.net

Date: Sunday, June 30, 2019, 09:22 AM PDT

Dear Barry,

Why don't you join taxpayers, taxed/fee'd by confiscatory boondogglers' taxes/fees, for the purpose of government transit that competes illegally with private sector for-hire carriers of passengers, and ask some questions of the boondogglers,

like I did for ten years straight appearing at the SBCCOG's podium?

Why don't you ask them for all their documents that show what percentage of seats are transported empty each day, each week, each month, each year?

Why don't you ask them for their documents that show what percentage of their expenses are paid with fares from passengers, and what percentage of their expenses are paid with taxpayers' subsidies?

If they answer you, as they answered me, they'll tell you, "We don't know. We don't keep such records." And under the Public Records Act, they are not required to create documents. They only have to produce existing documents. So, they don't answer your question.

And you could, as I did, ask more such questions, and get the same stone-walling "answers." Then you could report to your readers how local government covers-up their boondogglers' fraud, waste and abuse.

Ask them for truth in transportation. I did, but never got it from them. For ten years straight from their podium.

Ask them:

What is your farebox recovery rate in terms of legal accounting, namely, generally accepted accounting principles (GAAP)

accounting? They, as all other transit agencies in California thanks to our Legislature, use non-GAAP accounting methods to

report, and therefore, falsify, their financial reports. They use the same accounting methods as Bernie Madoff used. As Enron used. It's called "off book" accounting, where they intentionally omit all of their capital and fixed costs. They thus cover-up the true extent of their losses.

But they are not wasting their own money, so what do they care? If they were using their own money, not motorists' money

from gas & diesel taxes, then they would use legal (GAAP) accounting. They use what Supervisor & COG-then Chairman

Anthony Botehlo called "government accounting," as though that justified false financial reports from the transit agencies to

the taxpayers paying for their boondoggle wastefulness.

Want more? I could send you my Freedom of Information Act (a/k/a Public Records Act in California) requests that I sent to COG, and their stonewalling, non-answers.

Why don't you support the taxpayers for a change?

Joe Thompson

(408) 848-5506

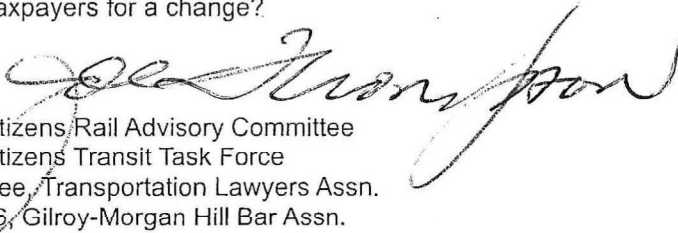
e-Mail: TransLaw@PacBell.Net

Charter Member, SBCCOG's Citizens Rail Advisory Committee

Charter Member, SBCCOG's Citizens Transit Task Force

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

Past-President 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.



Communication: Public Comment Supplement (PUBLIC COMMENT)

CALIFORNIA HIGH-SPEED RAIL NORTHERN CALIFORNIA REGION

Staff-Recommended State's Preferred Alternative

City of Morgan Hill City Council Presentation
Wednesday, July 17, 2019



OBJECTIVE

Share **staff-recommended State's Preferred Alternative** and process for identifying the State's Preferred Alternative.

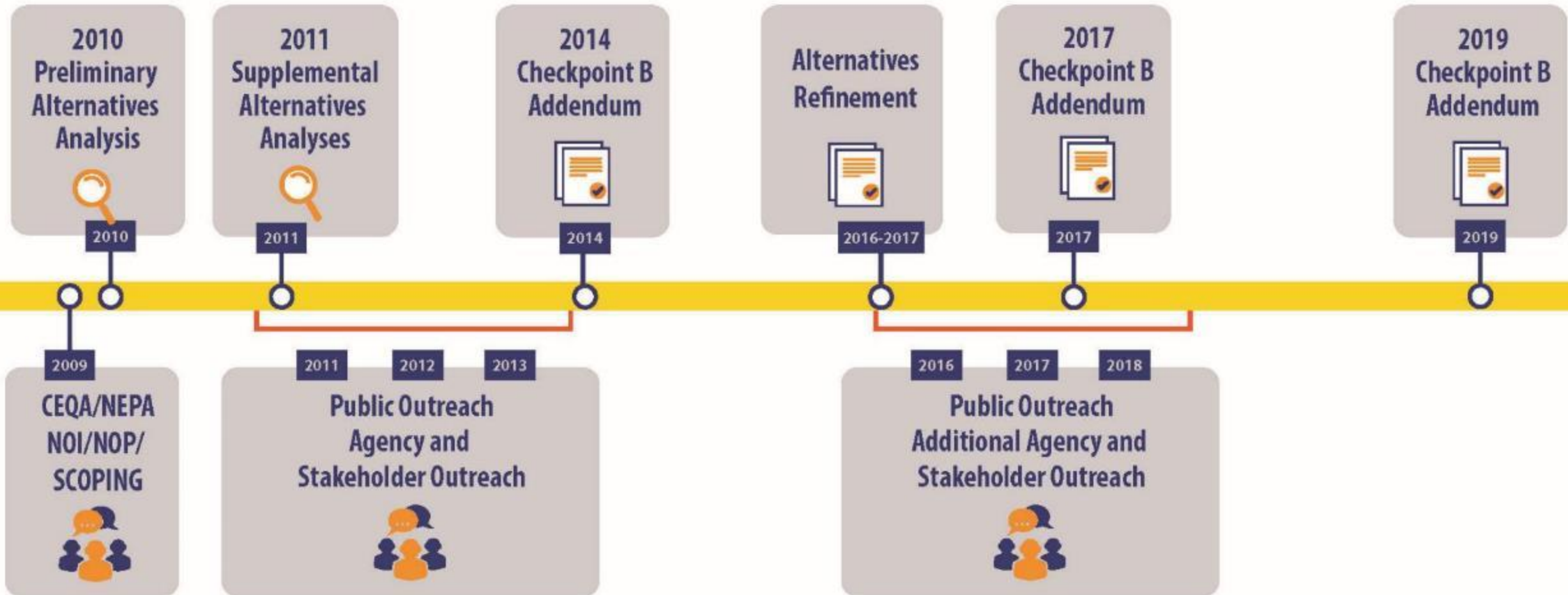
- The staff-recommended State's Preferred Alternative is based on stakeholder input and analyses completed to date.
- All alternatives will be analyzed at an equal level of detail and described in the published Draft EIR/EIS.
- Staff will summarize the comments received during planned outreach and report to the Authority Board for consideration with the recommended State's Preferred Alternative on September 17, 2019.
- Identifying the State's Preferred Alternative does not approve or adopt a preferred alternative for final design or construction.

SAN JOSE TO MERCED PROJECT SECTION

REFINING THE ALTERNATIVES:
Collaboration with Partner Agencies,
Stakeholders, and Members of the Public

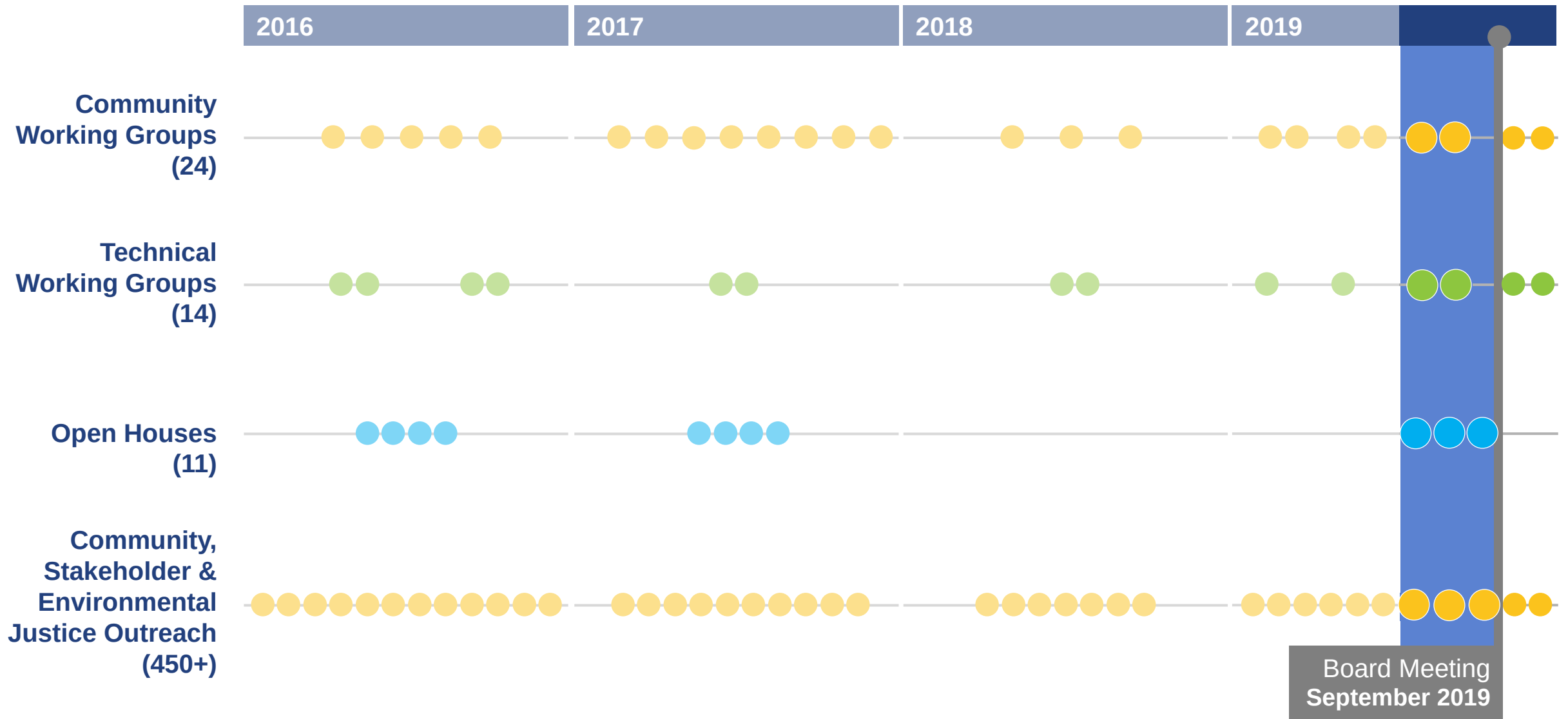


ALTERNATIVES DEVELOPMENT PROCESS



SAN JOSE TO MERCED COMMUNITY OUTREACH

2016 – 2019



INTERFACING WITH NORTHERN CALIFORNIA AGENCIES

2018 – 2019

AGENCY	ALIGNMENTS	WATER MANAGEMENT	WILDLIFE CROSSINGS	TRANSPORTATION/ ROADS	ENGINEERING/ DESIGN	LAND USE	JOINT OUTREACH	2018 BUSINESS PLAN
California Highway Patrol	●			●				●
California Strategic Growth Council	●		●		●	●		●
Caltrain	●			●	●		●	●
Caltrans Districts 4, 5, and 10	●			●	●			●
City of Gilroy	●	●		●	●	●	●	●
City of Morgan Hill	●	●		●	●	●	●	●
City of San Jose	●	●		●	●	●	●	●
Floodplain Administrators and Managers	●	●			●			●
Gilroy, Los Banos & Morgan Hill USDs	●			●	●	●	●	●
Metropolitan Transportation Commission	●			●		●		●
Mineta San Jose International Airport	●				●			●
Pathways for Wildlife	●		●					●
Peninsula Open Space Trust	●		●					●
San Benito County Resource Mgmt. Agency	●	●			●			●
Santa Clara County Parks	●	●	●			●		●
Santa Clara County Planning Department	●	●			●			●
Santa Clara County Roads & Airports	●			●				●
Santa Clara Valley Habitat Agency	●		●		●	●		●
Santa Clara Valley Open Space Authority	●	●	●					●
Santa Clara Valley Transportation Authority	●		●	●	●	●	●	●
Santa Clara Valley Water District	●	●			●			●
The Nature Conservancy	●		●			●		●

STATE'S PREFERRED ALTERNATIVE



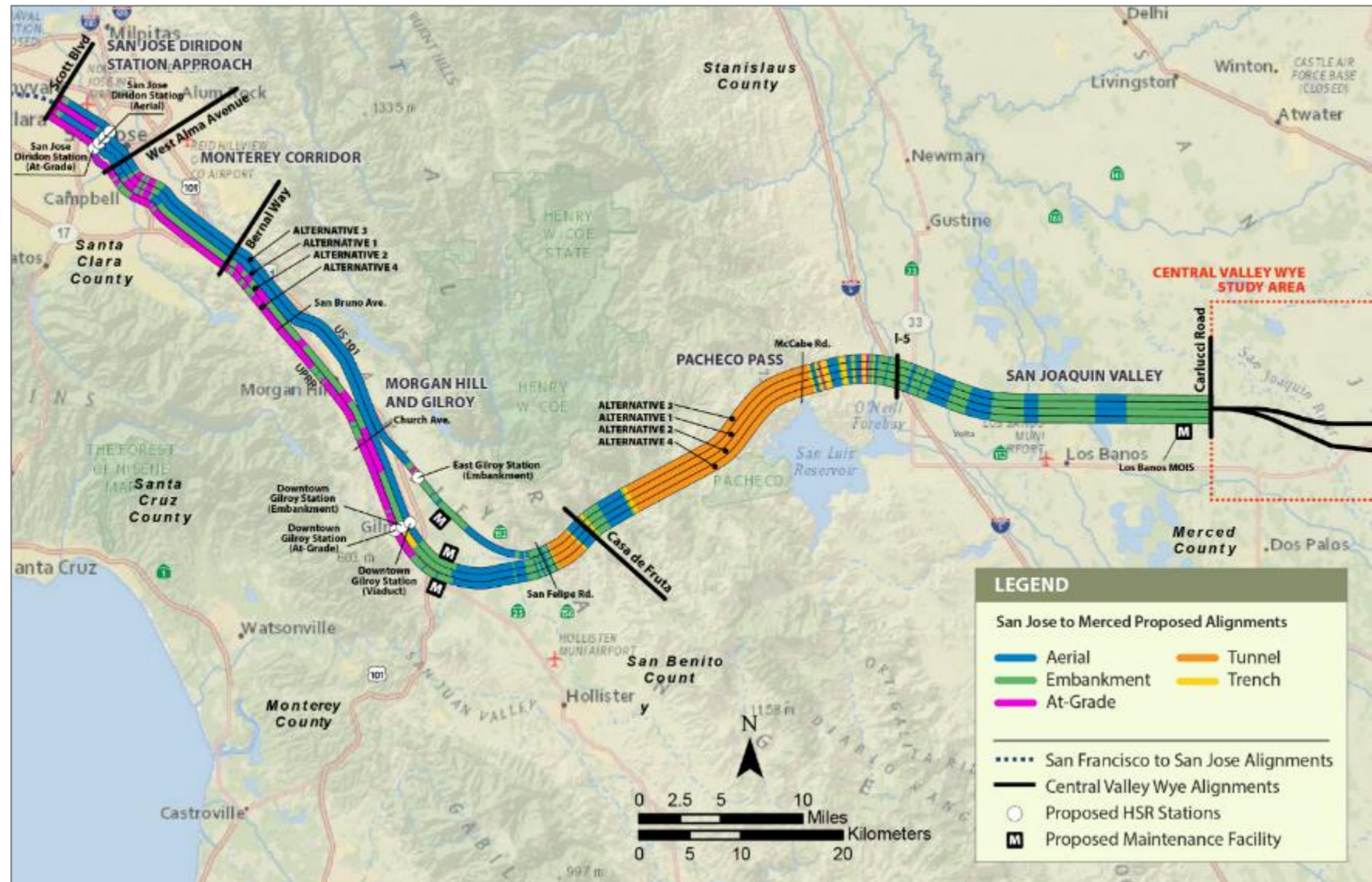
SAN JOSE TO MERCED PROJECT SECTION

ALTERNATIVES OVERVIEW



SAN JOSE TO MERCED RANGE OF ALTERNATIVES

- San Jose to Merced Project Section
- 4 end-to-end alternatives
- Some alternatives are the same for a part of the route



CROSS SECTIONS IN MORGAN HILL

MAIN AVE TO TENNANT AVE

Viaduct

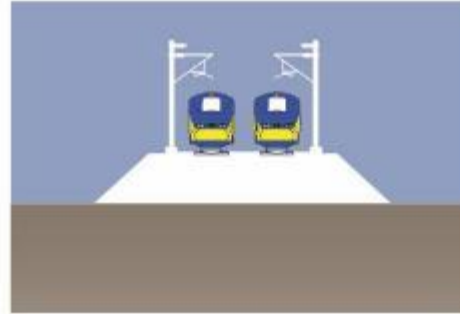


Two high-speed rail tracks on an aerial structure

Height: 50' to 63'
ROW Width: 50' to 193'

Alternative 1 & 3

Embankment

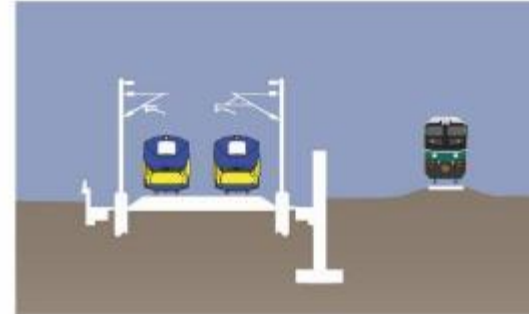


Two high-speed rail tracks on an earthen embankment

Height: 5' to 18'
ROW Width: ~92'

Alternative 2

Dedicated At-Grade



Two high-speed rail tracks at ground level adjacent to existing freight tracks

Height: 3' to 5'
ROW Width: ~86'

Blended At-Grade



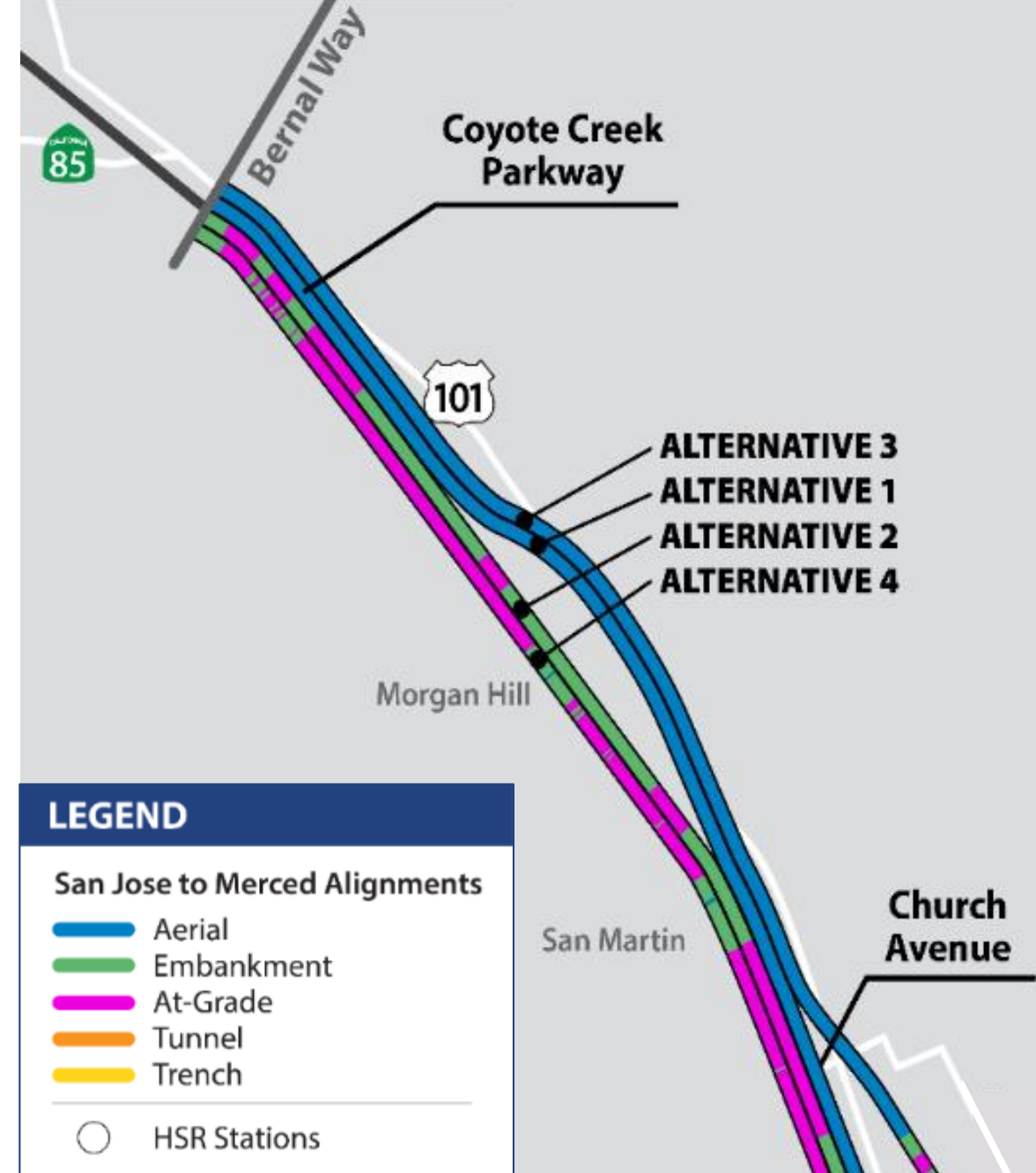
Two electrified, blended passenger tracks (with Caltrain) and one non-electrified freight track at ground level

Height: 0' to 5'
ROW Width: ~57' to 60'
ROW at Caltrain Station: 114'

Alternative 4

MORGAN HILL TO SAN MARTIN

- **Alternatives 1 and 3**
 - » Viaduct
 - » Bypass downtown Morgan Hill
- **Alternative 2**
 - » Grade-separated embankment
 - » Through downtown Morgan Hill
- **Alternative 4**
 - » At-grade
 - » Predominantly in existing UPRR right-of-way



SAN JOSE TO MERCED PROJECT SECTION

IDENTIFYING A PREFERRED ALTERNATIVE



STATE'S PREFERRED ALTERNATIVE CRITERIA

System Performance, Operations, & Costs

- Alignment Length
- Operational Speed
- Proximity to Transit Corridors
- Travel Time
- Capital Costs
- Operations & Maintenance Costs



Preferred Alternative Criteria

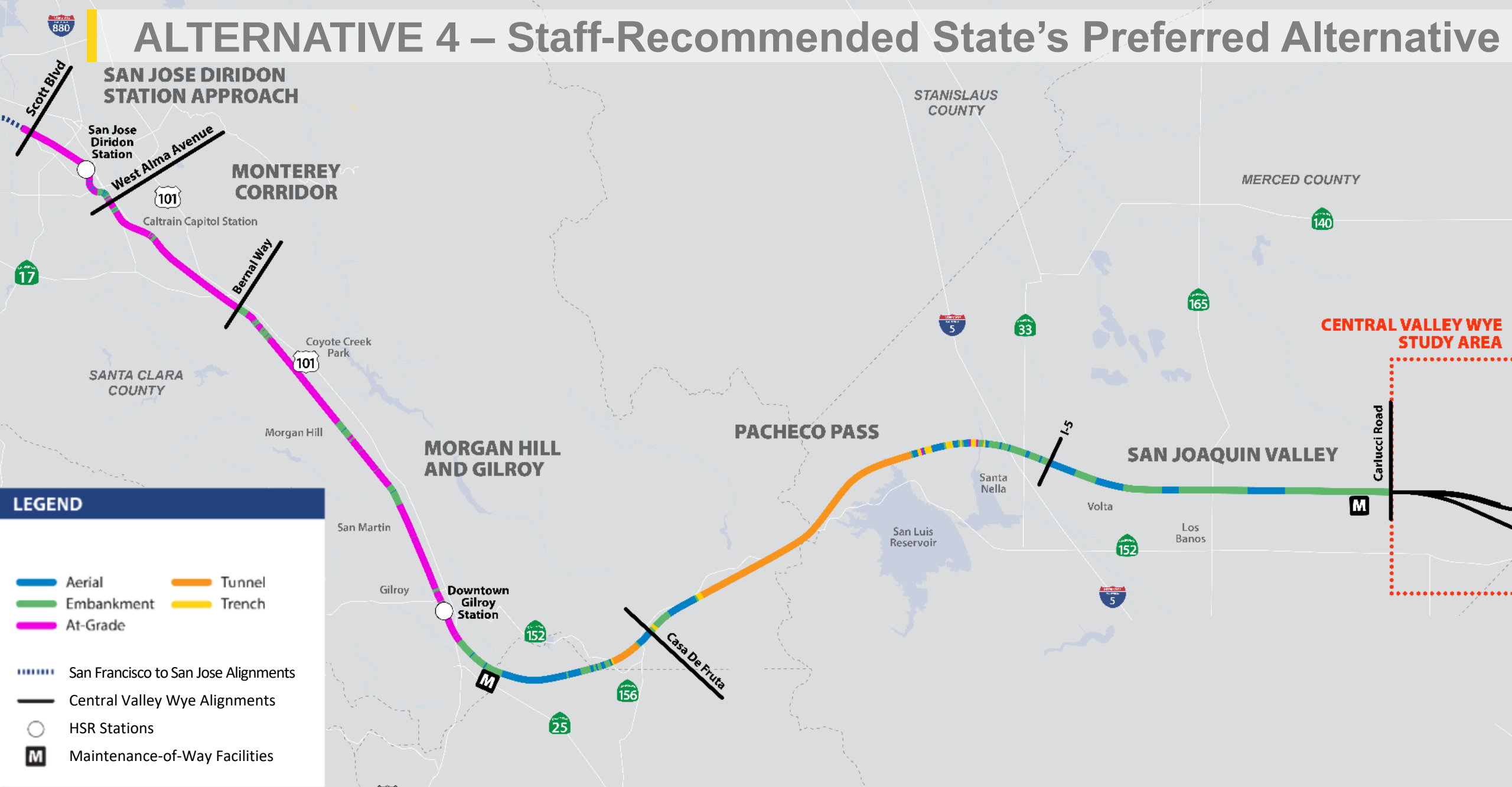
Environmental Factors

- Biological Resources and Wetlands and Other Waters of the U.S.
- Parks and Recreation Areas
- Built Environment Historic Resources

Community Factors

- Displacements
- Agricultural Lands
- Aesthetics and Visual Quality
- Land Use and Development
- Noise
- Traffic
- Emergency Vehicle Access/Response Time

ALTERNATIVE 4 – Staff-Recommended State’s Preferred Alternative



SUMMARY OF ALTERNATIVES EVALUATION – SYSTEM PERFORMANCE, OPERATIONS, & COSTS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length			●	
Operational Speed — San Jose to Gilroy		●		
Operational Speed — Gilroy to Central Valley Wye	No difference			
Proximity to existing transit corridors		●		●
Travel time — San Jose and Gilroy			●	
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs				●
Estimated annual operations and maintenance costs	No difference			

● Best-performing alternative

SUMMARY OF ALTERNATIVES EVALUATION – COMMUNITY FACTORS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements				●
Commercial displacements (#)				●
Agricultural displacements (#)				●
Community or public facilities displacements				●
Commercial displacements (square footage)	●			
Agricultural structure displacements (square footage)	●			
Permanent conversion of important farmland				●
Visual quality effects				●
Consistency with Gilroy General Plan	●	●		●
Noise impacts with noise barrier mitigation			●	

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Increase in 2040 peak travel time on Monterey Road (NB — AM/PM, SB — AM/PM)				●
Permanent road closures			●	●
Amount of mitigation needed to minimize emergency vehicle delays	●	●	●	
EJ proportion of total impacts on local views		●		●
EJ proportion of total residential displacements			●	●
EJ proportion of total business displacements			●	
Amount of mitigation required to address effects on emergency vehicle response times (EJ)	●		●	
EJ proportion of total noise impacts			●	

● Best-performing alternative (fewest environmental impacts)

SUMMARY OF ALTERNATIVES EVALUATION – ENVIRONMENTAL FACTORS



CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Waters and wetlands				●
Habitat for listed plant species				●
Habitat for listed wildlife species (California tiger salamander)				●
Wildlife corridor impacts	●	●		●
Conservation areas	●			●
Permanent use of 4(f)/6(f) park resources				●
Permanent adverse effects on NRHP-listed/eligible resources				●
Permanent significant impacts on CEQA-only historic resources			●	●

● Best-performing alternative (fewest environmental impacts)

ALTERNATIVE 4 – Staff-Recommended State’s Preferred Alternative

Conclusions of Technical Analysis



Fewest displacements



Fewest road closures



Fewest impacts on wetlands and habitats



Good access to transit systems and services



Fewest impacts on natural resources



Fewest visual impacts



Marginal increase in system travel time



More noise (if no quiet zones)



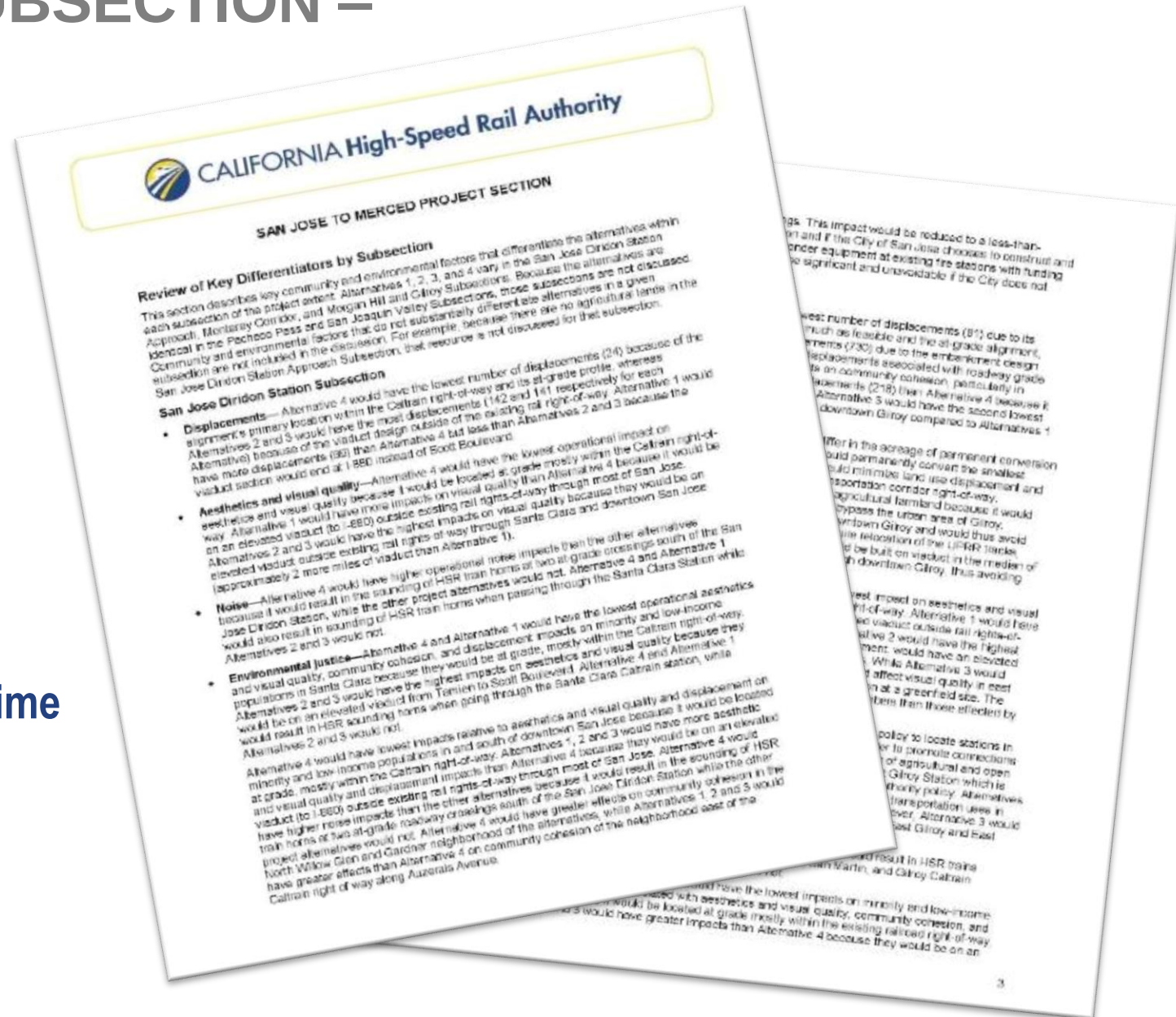
Lowest capital cost



Allows for extension of electrified Caltrain service to Gilroy

MORGAN HILL/GILROY SUBSECTION – KEY DIFFERENTIATORS

- Displacements
- Agricultural Farmland
- Aesthetics and Visual Quality
- Land Use and Development
- Noise
- Environmental Justice
- Biological Resources
- Build Environment Historic Resources
- Emergency Vehicle Access/Response Time



FACT SHEETS: TECHNICAL ANALYSIS



CALIFORNIA
High-Speed Rail Authority

ALTERNATIVES EVALUATION FOR SAN FRANCISCO TO SAN JOSE PROJECT SECTION

WHY IS STAFF RECOMMENDING ALTERNATIVE A AS THE STATE'S PREFERRED ALTERNATIVE?

Teams of rail and environmental planners, engineers, and other specialists in the design and operation of high-speed rail services have undertaken a complex analysis of the two alternatives. The results indicate that each alternative has tradeoffs – advantages and disadvantages. Nevertheless, Alternative A was identified as the staff-recommended State's Preferred Alternative because it provides the best overall balance between system performance, community, and environmental factors. The factors that differentiate the two alternatives are presented in the tables below.

HOW WERE THE ALTERNATIVES EVALUATED?

Alternatives A & B were evaluated by comparing the alternatives across three criteria:



System Performance, Operations, and Costs. The best-performing alternative is **bold**.

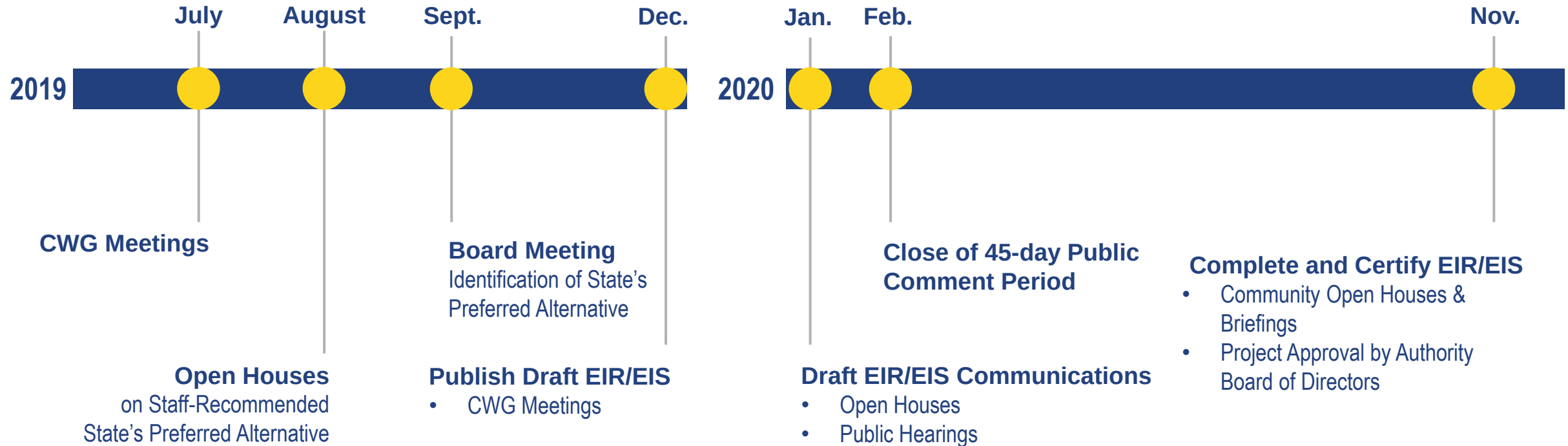
CRITERIA	ALT A	ALT B
Alignment length (miles)	42.9	
Speed Capacity (mph)	Up to 110	
HSR Peak Hour Average Representative Travel Time San Francisco to San Jose (minutes)	47	45
Proposition 1A Service Travel Time Compliance	✓	✓
Estimated Capital Costs (2017\$)	\$2.6 billion	\$3.5 billion
Estimated Annual Operations and Maintenance Costs (2017\$)	\$78 million	
Caltrain Peak Hour Average Representative Travel Time (minutes)	63	65



NEXT STEPS & OUTREACH UPDATE



NEXT STEPS



COMMUNITY WORKING GROUP MEETINGS

Morgan Hill-Gilroy CWG

July 10, 6:00 – 8:00 pm

Morgan Hill Community and Cultural Center

Morgan Hill, CA

San Jose CWG

July 16, 6:00 – 8:00 pm

Leininger Center

San Jose, CA

San Francisco CWG

July 22, 6:00 – 8:00 pm

Bay Area Metro Center

San Francisco, CA

San Mateo County CWG

July 24, 6:00 – 8:00 pm

Burlingame Library

Burlingame, CA

*One-on-one briefings will be scheduled by request
with South Peninsula CWG members*



OPEN HOUSES

South Peninsula Open House
August 6, 5:00 to 8:00 p.m.
Adrian Wilcox High School
Santa Clara, CA

San Francisco Open House
August 12, 5:00 to 8:00 p.m.
Bay Area Metro Center
San Francisco, CA

San Mateo Open House
August 19, 5:00 to 8:00 p.m.
Sequoia High School
Redwood City, CA

Gilroy Open House
August 8, 5:00 to 8:00 p.m.
Gilroy Portuguese Hall
Gilroy, CA

San Jose Open House
August 15, 5:00 to 8:00 p.m.
City Hall Council Chambers
San Jose, CA

Los Banos Open House
August 21, 5:00 to 8:00 p.m.
Los Banos Community Center
Los Banos, CA

REQUEST FOR COMMUNITY FEEDBACK

CALIFORNIA HIGH-SPEED RAIL

Please share the information presented today with your communities and give us your feedback.

- Comments will be accepted through **August 22, 2019** to be included in the staff report to the Authority Board.
- Comments can be submitted via email to San.Jose_Merced@hsr.ca.gov or via mail to: Northern California Regional Office
California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

OR

- Share feedback in person at an upcoming Open House or at the **Authority Board meeting on September 17 in San Jose, CA.**



Headquarters

California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814
www.hsr.ca.gov



Northern California Regional Office

California High-Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

APPENDIX A – MORGAN HILL DETAIL

SAN JOSE TO MERCED PROJECT SECTION



DISPLACEMENTS



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Residential displacements (# of units)	147	603	157	68
Commercial displacements (# of businesses)	217	348	157	66
Agricultural displacements (# structural improvements)	49	53	49	40
Community or public facilities displacement (# of units)	7	8	5	1
Commercial displacements (square footage)	411,000	1,800,000	994,000	448,000
Agricultural structure displacements (square footage)	407,000	1,206,000	1,489,000	542,000

Example: overlay of
footprint in rural
area



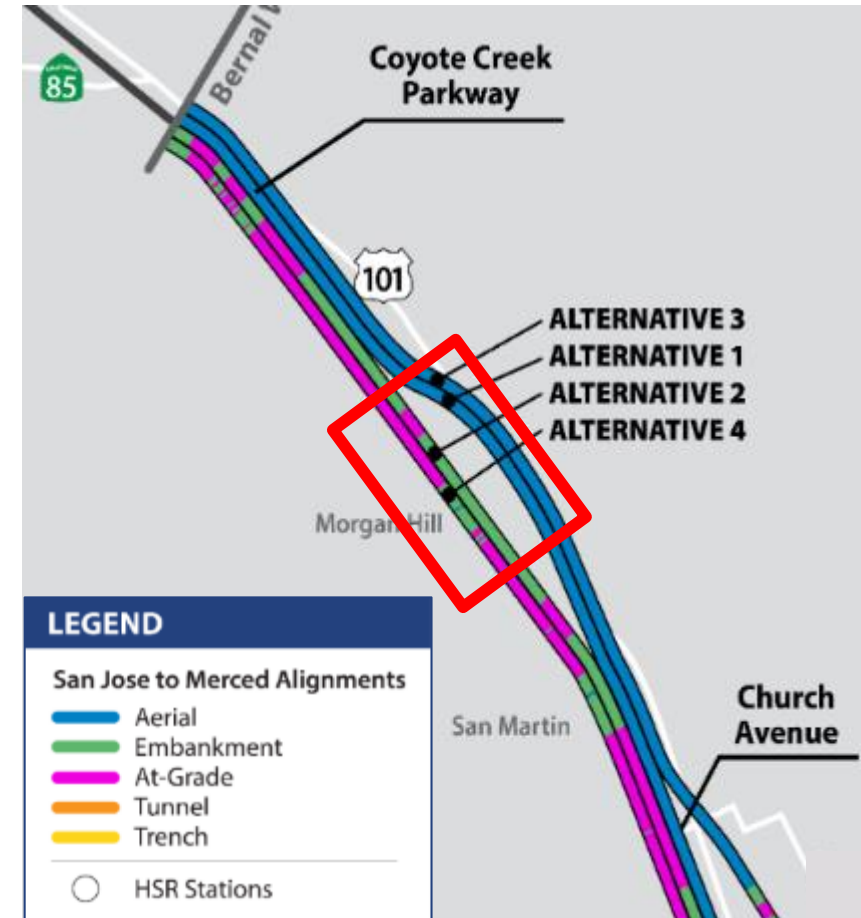
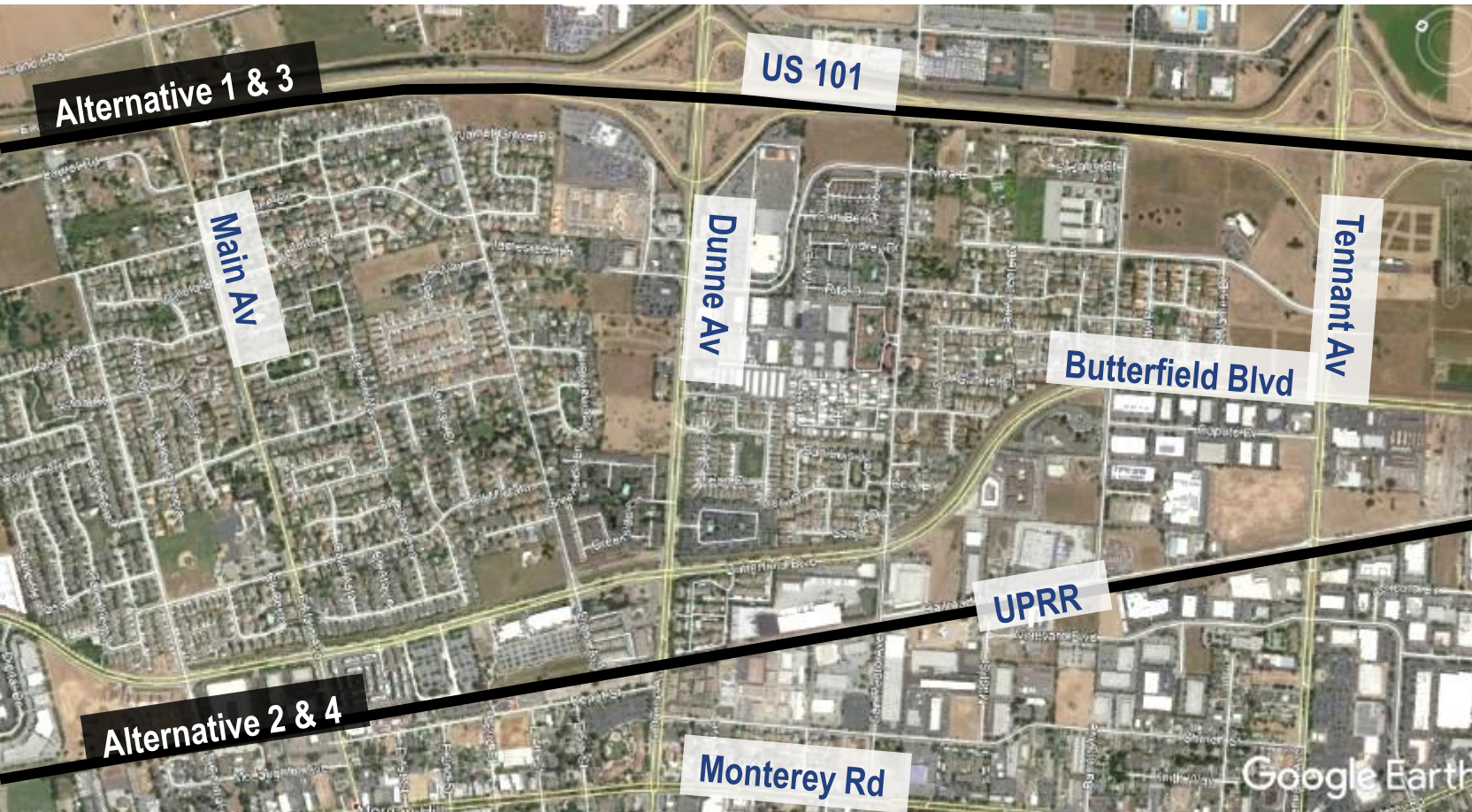
Example: overlay of
footprint in urban
area



MORGAN HILL OVERVIEW

MAIN AVE TO TENNANT AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



MORGAN HILL

DUNNE AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

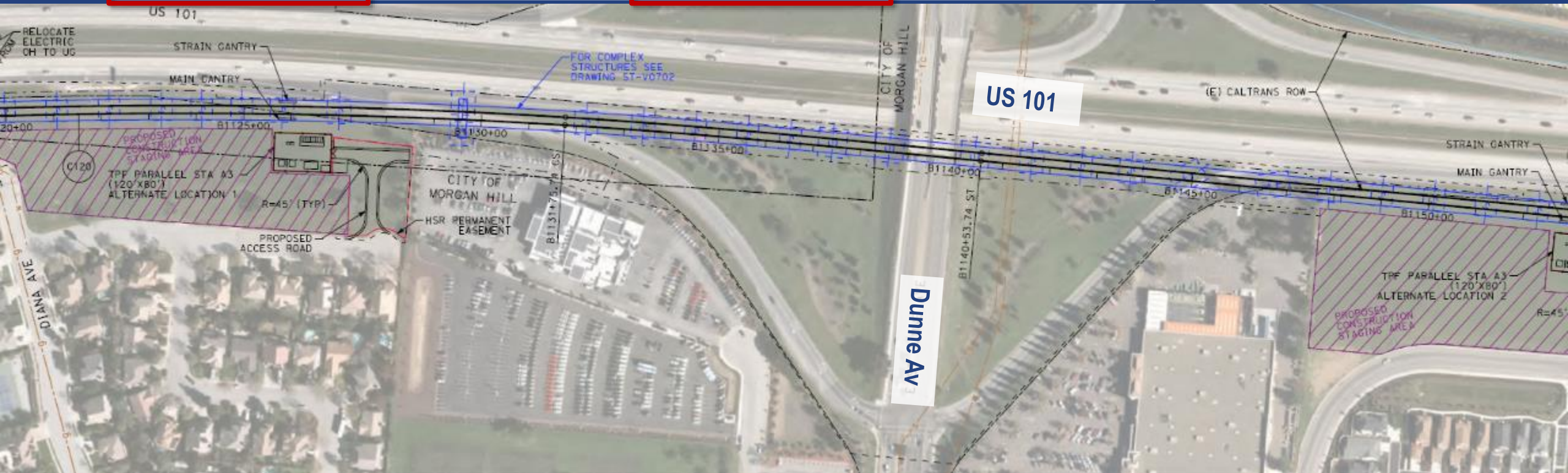
Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

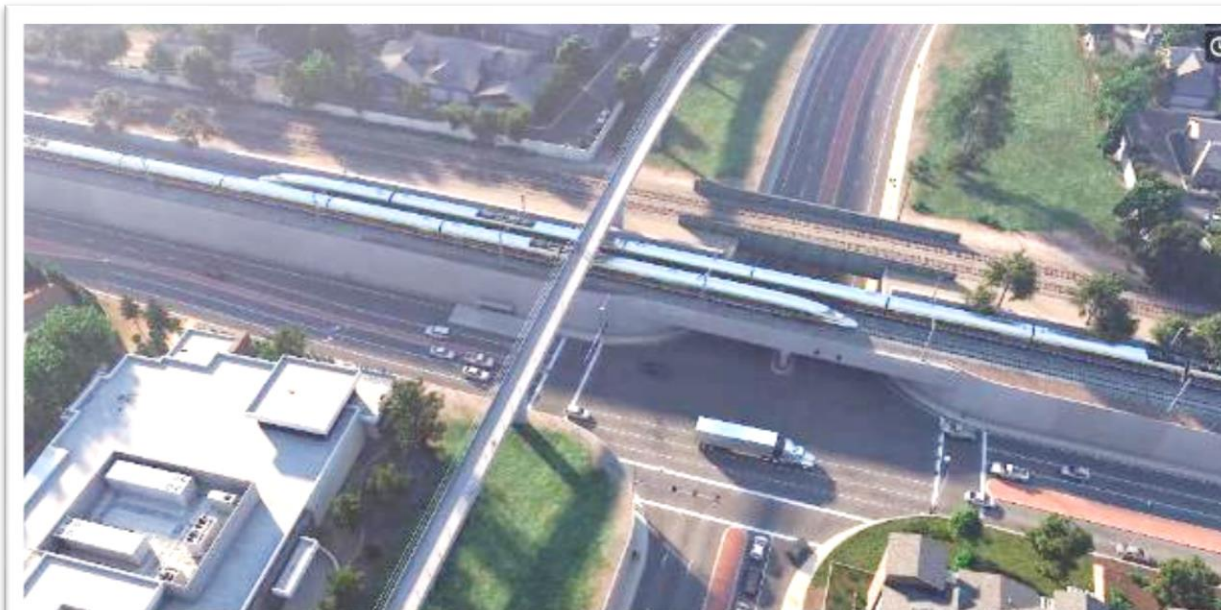
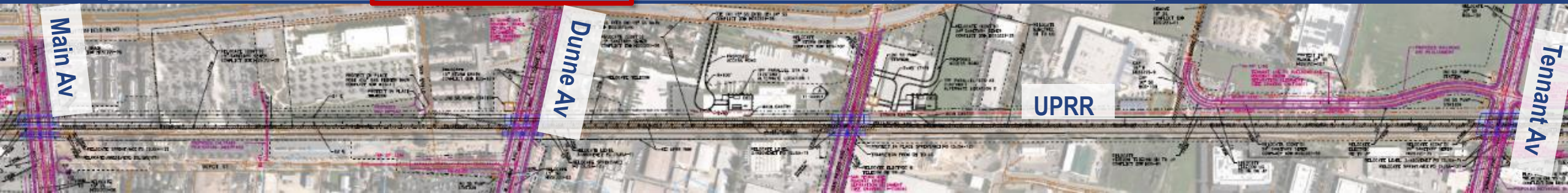
Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



IDENTIFYING A PREFERRED ALTERNATIVE



MORGAN HILL

MAIN AVE TO TENNANT AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

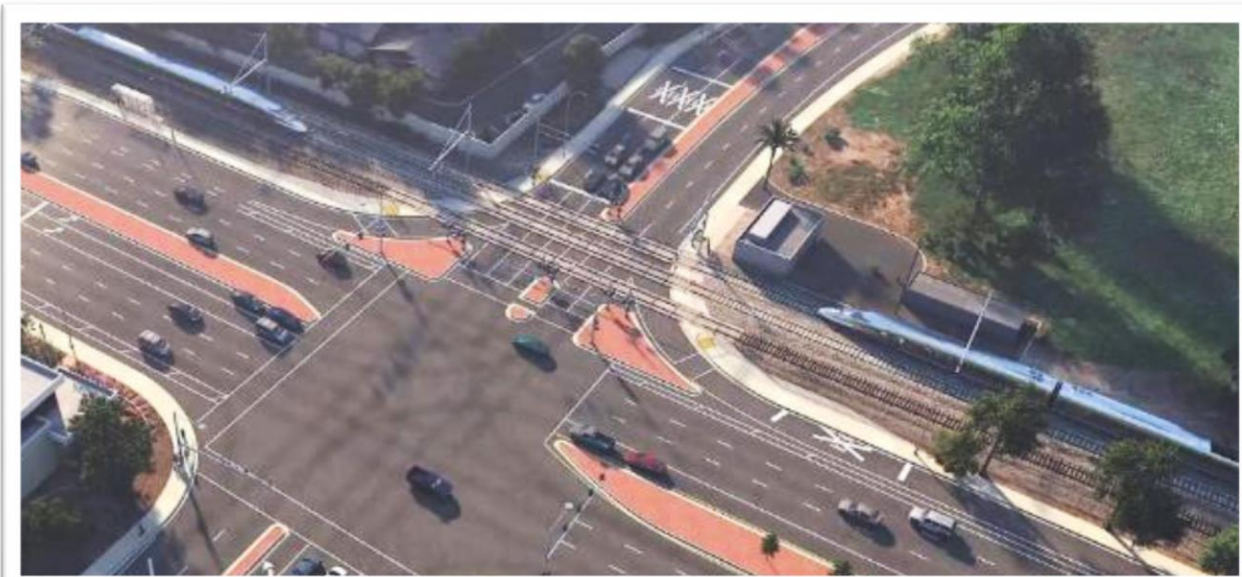
Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

Blended At-Grade



MORGAN HILL

DUNNE AVE

Alternative 1

Viaduct to Downtown
Gilroy

Alternative 2

Embankment to Downtown
Gilroy

Alternative 3

Viaduct & Embankment to
East Gilroy

Alternative 4

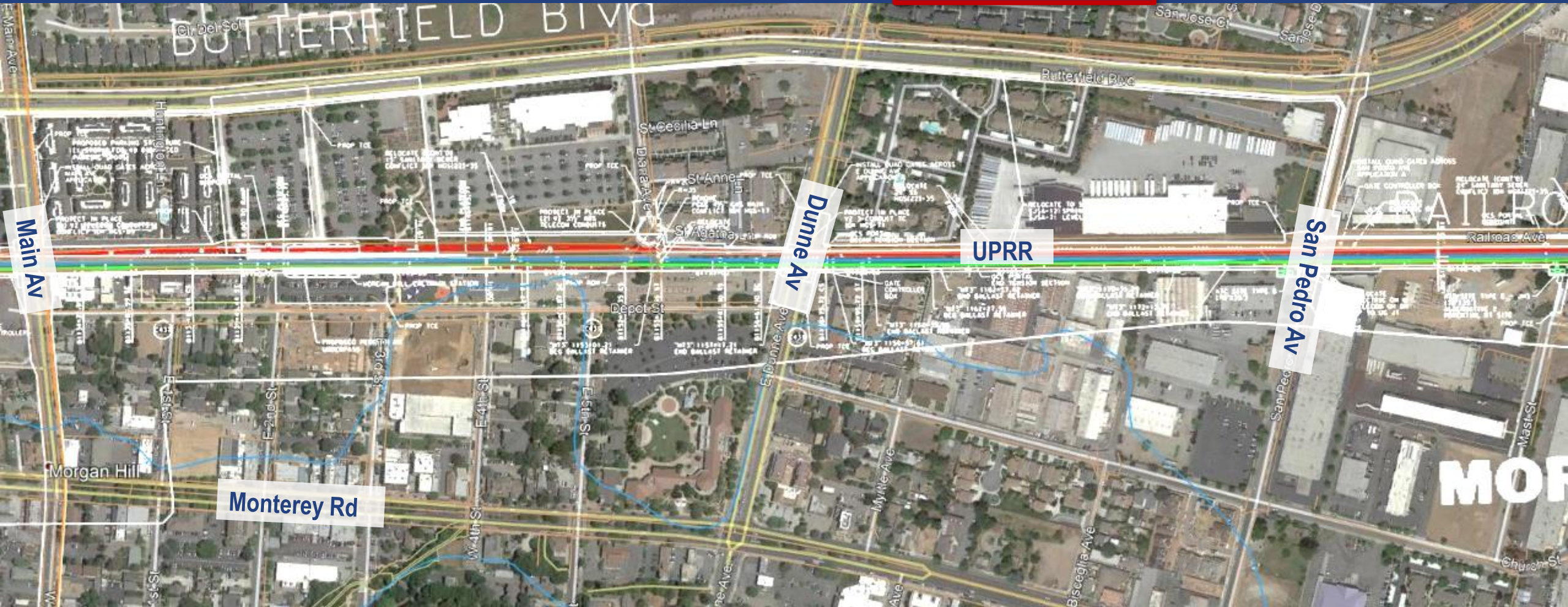
Blended At-Grade



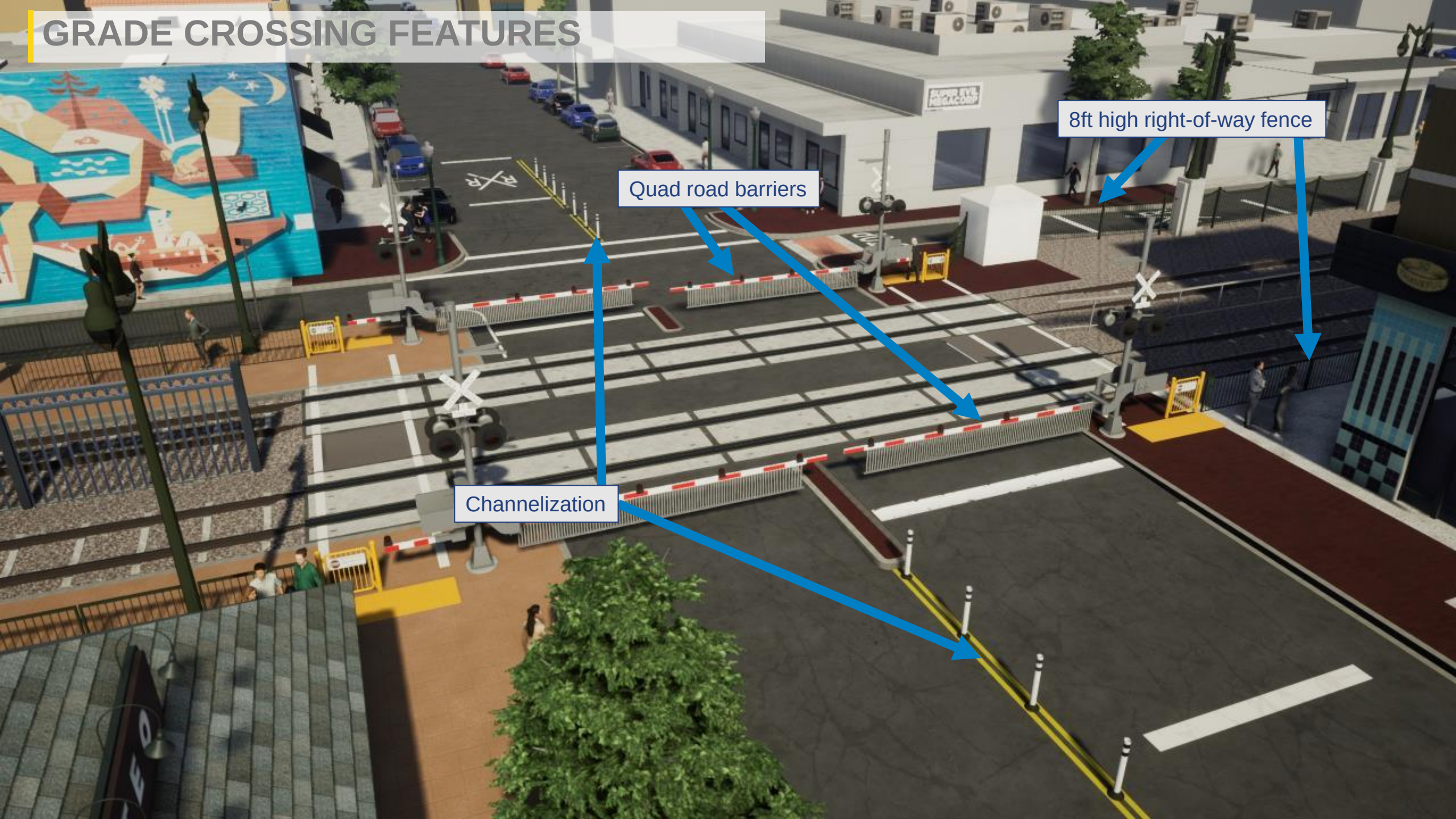
MORGAN HILL

DUNNE AVE

Alternative 1	Alternative 2	Alternative 3	Alternative 4
Viaduct to Downtown Gilroy	Embankment to Downtown Gilroy	Viaduct & Embankment to East Gilroy	Blended At-Grade



GRADE CROSSING FEATURES



Quad road barriers

Channelization

8ft high right-of-way fence

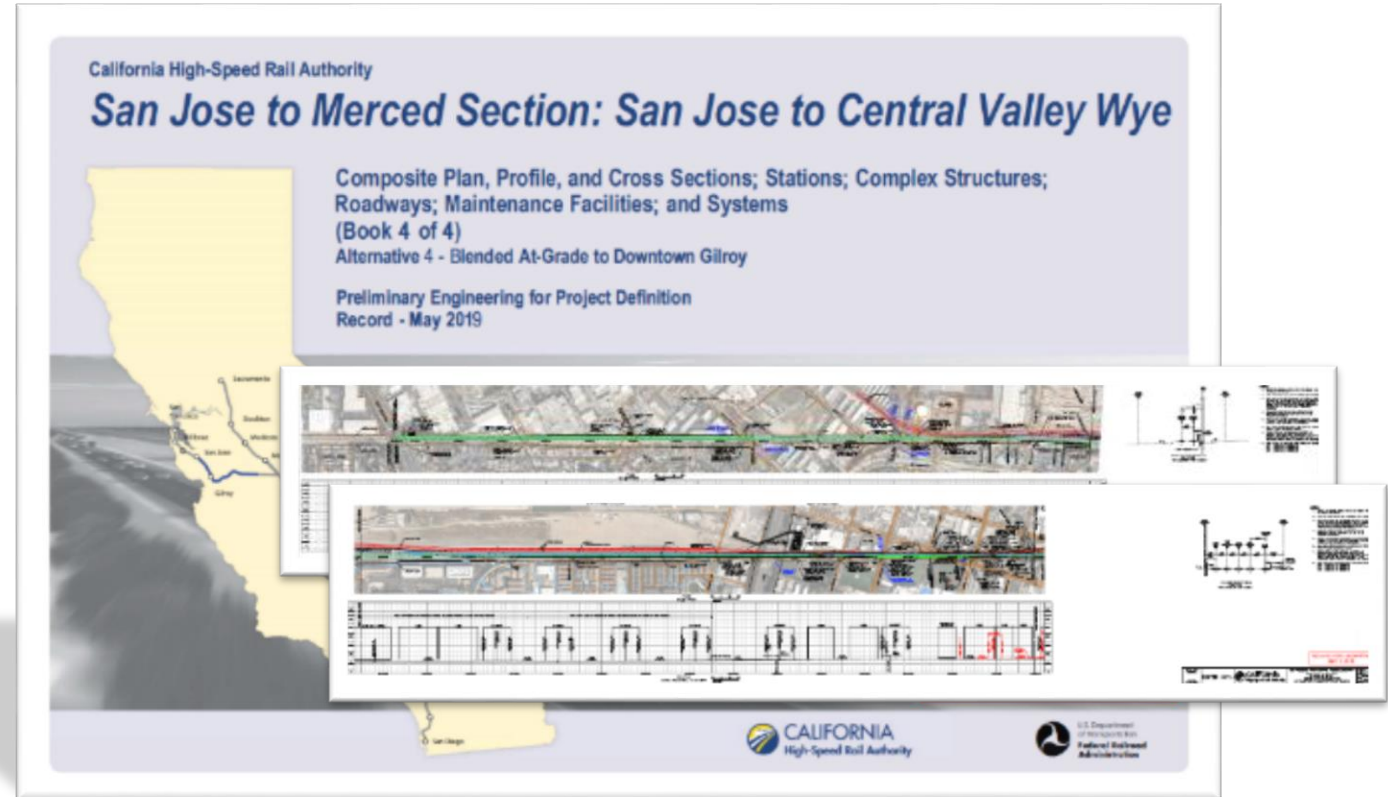
ACCESS TO PEPD

Contact Edith Ramirez or Tiffany Brown to view Preliminary Engineering Project Definition design files of all four alternatives, including:

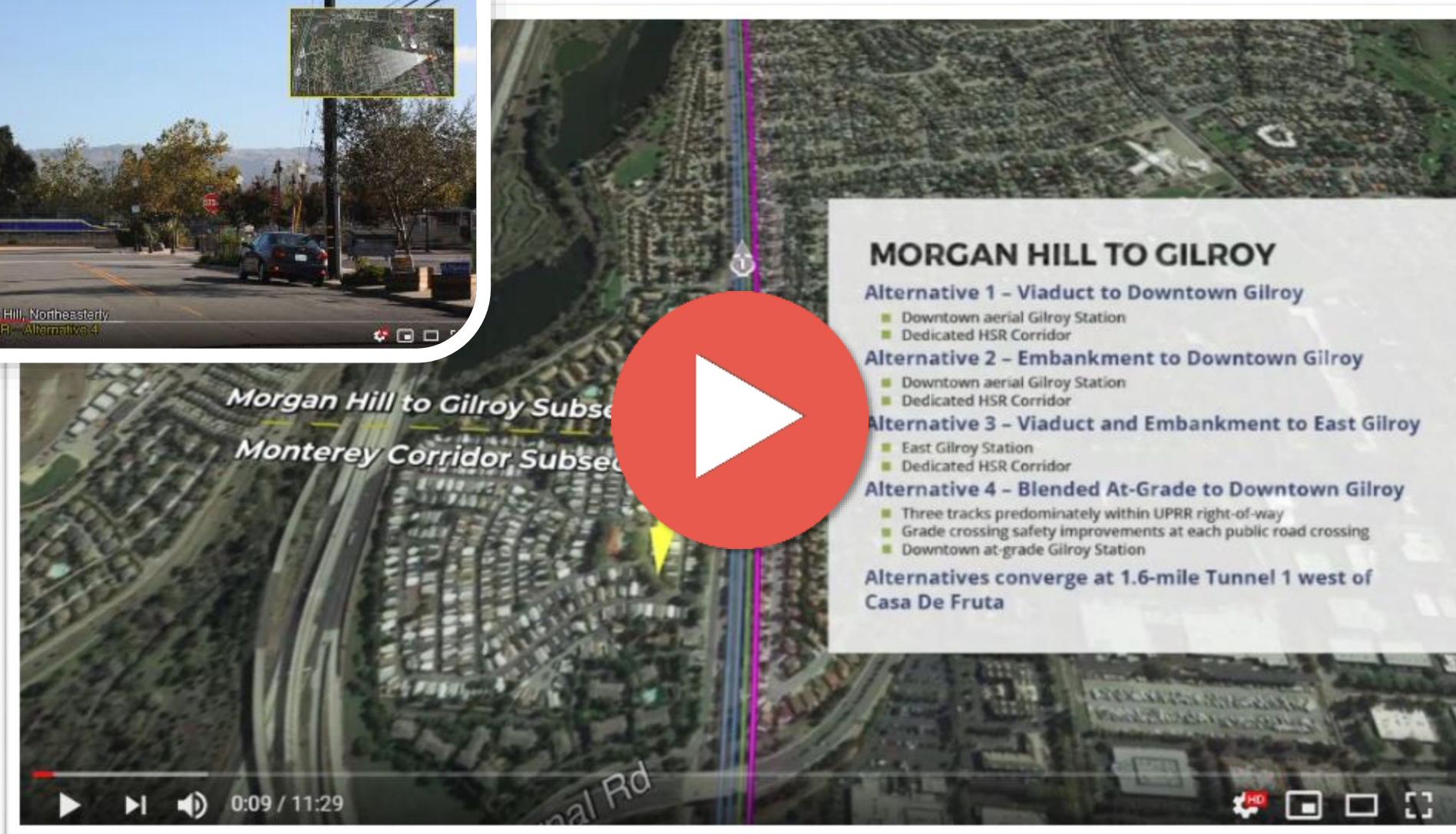
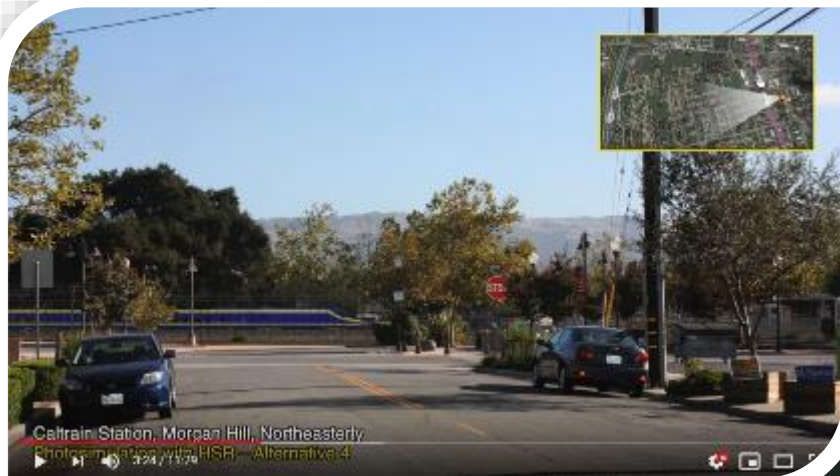
 Google Earth KMZ

 GIS Shapefiles

 Plan sets



FLYOVER VIDEO & KEY VIEW POINTS



APPENDIX B – EVALUATION FACTORS

SAN JOSE TO MERCED PROJECT SECTION



SYSTEM PERFORMANCE, OPERATIONS, AND COSTS

Bold text in tables indicates best-performing alternative(s).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Alignment length (miles)	89	89	87	89
Operational speed (mph) — San Jose to Gilroy	Up to 175	Up to 195	Up to 175	Up to 110
Operational speed (mph) — Gilroy to Central Valley Wye	Up to 220			
Proximity to existing transit corridors (miles)	43	50	35	50
Peak hour average representative travel time between San Jose and Gilroy (minutes) ¹	17-18	17-18	16-17	23
Proposition 1A service travel time compliance	✓	✓	✓	✓
Estimated capital costs (2017\$ billions) ²	\$20.5	\$17.7	\$20.8	\$13.6
Estimated annual operations and maintenance costs (2017\$ millions) ³	\$162			

¹Times include Gilroy stop. East Gilroy station for Alt. 3 is approximately one mile further north than the Downtown Gilroy station for Alts. 1, 2, and 4.

²Conceptual cost estimates prepared for the project alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common HSR elements and construction methods with an adjustment for Bay Area and Central Valley labor and material costs.

³Based on level of design sufficient to analyze potential environmental impacts.

AGRICULTURAL LANDS



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Permanent conversion of Important Farmland (i.e. Prime Farmland, Farmland of State Importance, and Farmland of Local Importance (acres))	1,036	1,181	1,193	1,033



Alternatives 1 and 3 traction power facility on agricultural land

AESTHETICS AND VISUAL QUALITY



Bold text in tables indicates best-performing alternative(s) (least community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Visual Quality Effects	• Viaduct • Elevated Stations	• Embankment and Viaduct • Elevated Stations • Roadway Grade Separations	• Viaduct • Elevated Stations • Alignment in Rural Area (East Gilroy)	• At-Grade Alignment • Existing Railroad Right-of-Way



LAND USE AND DEVELOPMENT



Bold text in tables indicates best-performing alternative(s) (least community impacts).

CRITERION	ALT 1	ALT 2	ALT 3	ALT 4
Consistency with City of Gilroy General Plan policy to encourage transit-oriented development (TOD) in downtown	Yes	Yes	No	Yes



- Low/ Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Parks/ Recreation/ Open Space
- Public Facilities
- Agriculture

Planned Land Use (Current Zoning)

Downtown
Gilroy Station



East Gilroy
Station

NOISE

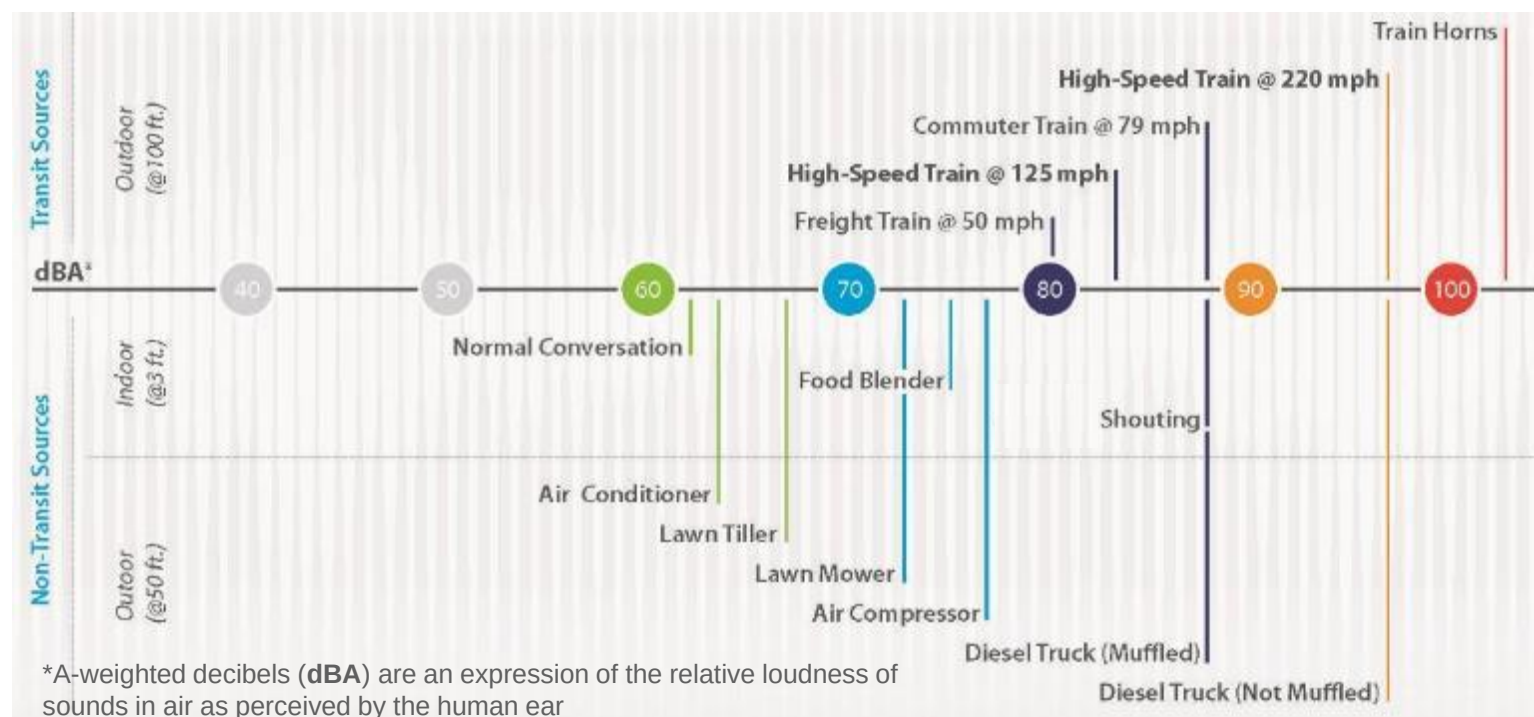


Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Severe noise impacts with noise barrier mitigation (# of sensitive receptors)	231	194	173	275
Severe noise impacts with noise barrier mitigation and if local municipalities implement quiet zones (# of sensitive receptors)	223	194	173	179

The Sound of High-Speed Train Travel

Typical Maximum Noise Levels Before Mitigation



Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent road closures — San Jose to Gilroy	10	19	8	8
Permanent road closures — Gilroy to Carlucci Rd	7			



Alternatives 1, 2, and 3:
Simulated view of I-280 in San Jose

EMERGENCY VEHICLE ACCESS/RESPONSE TIME

Bold text in tables indicates best-performing alternative(s) (lowest level of mitigation required).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Increase in 2040 peak travel time on Monterey Road (northbound AM/PM, southbound AM/PM, minutes)	NB 8/20 SB 6/12	NB 27/5 SB 16/17	NB 8/20 SB 6/12	NB 0/5 SB 1/8
Areas of potential delay to emergency vehicle response times	Monterey Corridor due to Monterey Road narrowing			Monterey Corridor, Morgan Hill, Gilroy due to gate-down time
Types of mitigation needed to minimize emergency vehicle delays	Vehicle detection equipment			Vehicle detection equipment, additional emergency equipment for existing fire stations, new fire stations, and potentially additional ambulance services





Bold text in tables indicates best-performing alternative(s) (fewest community impacts).

CRITERIA (within low-income or minority communities)	ALT 1	ALT 2	ALT 3	ALT 4
EJ proportion of total significant and unavoidable impacts on local views ¹	50%	N/A²	67%	N/A²
EJ proportion of total residential displacements	60%	66%	50%	50%
EJ proportion of total business displacements	87%	92%	82%	83%
Amount of mitigation required to address effects on emergency vehicle response times (lower number is less mitigation needed)	1	3	1	4
EJ proportion of total moderate and severe noise impacts ³	49%	65%	45%	76%

¹As indicated by impacts on visual landscape units.

²These alternatives have no significant and unavoidable impacts on visual landscape units.

³Noise impacts after noise barrier mitigation.

BIOLOGICAL RESOURCES AND WETLANDS AND OTHER WATERS OF THE U.S.

Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent impacts on jurisdictional waters and wetlands (acres)	104	111	116	101
Permanent impacts on habitat for listed plant species (non-overlapping acres)	1,171	1,178	1,183	1,146
Permanent impacts on habitat for listed wildlife species with the most impacts overall (California tiger salamander, acres)	2,273	2,329	2,470	2,146
Wildlife corridor impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts	Impacts east Gilroy; more Soap Lake floodplain impacts	Avoids east Gilroy; fewer Soap Lake floodplain impacts
Permanent impacts on conservation areas (acres)	427	432	481	427

PARKS AND RECREATION AREAS

Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Permanent use of 4(f)/6(f) park resources (#)	4	6	5	3
(acres)	4.8	7.4	5.0	1.4



BUILT ENVIRONMENT HISTORIC RESOURCES

Bold text in tables indicates best-performing alternative(s) (fewest environmental impacts).

CRITERIA	ALT 1	ALT 2	ALT 3	ALT 4
Number of permanent adverse effects on NRHP-listed/eligible resources (# of resources)	8	9	7	5
Number of permanent significant impacts on CEQA-only historic resources (# of resources)	2	4	1	1

Photo simulation of massing at San Jose Diridon Station
(Alt. 1, 2, 3)



Photo simulation of massing at San Jose Diridon Station
(Alt. 4)



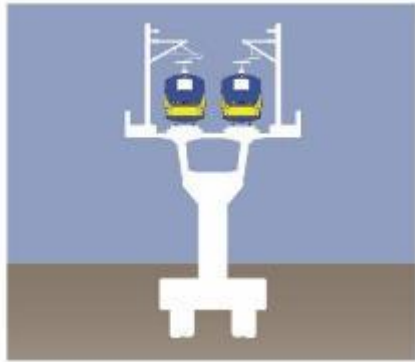
APPENDIX C – SUPPLEMENTAL

SAN JOSE TO MERCED PROJECT SECTION



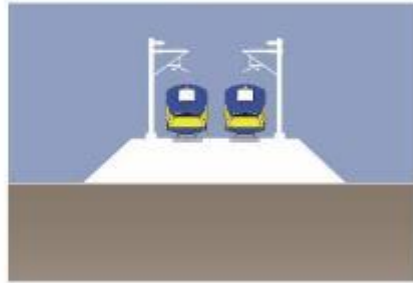
TYPICAL CROSS SECTIONS

Viaduct



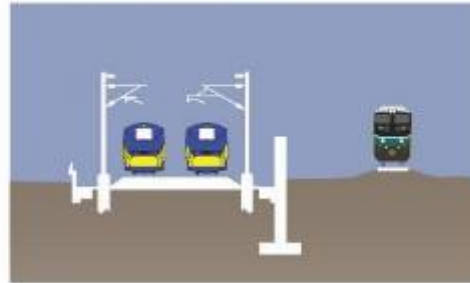
Two high-speed rail tracks on an aerial structure

Embankment



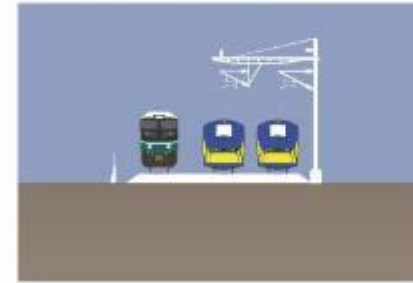
Two high-speed rail tracks on an earthen embankment

Dedicated At-Grade



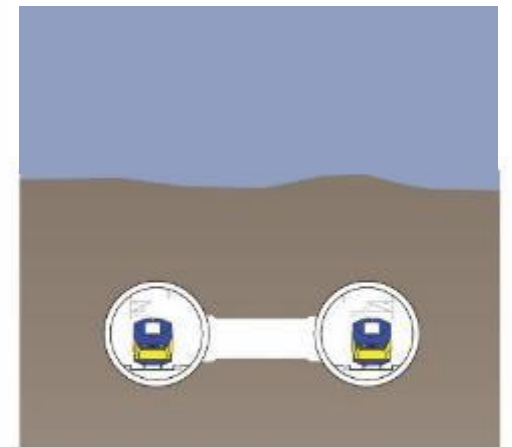
Two high-speed rail tracks at ground level adjacent to existing freight tracks

Blended At-Grade



Two electrified, blended passenger tracks (with Caltrain) and one non-electrified freight track at ground level

Tunnel



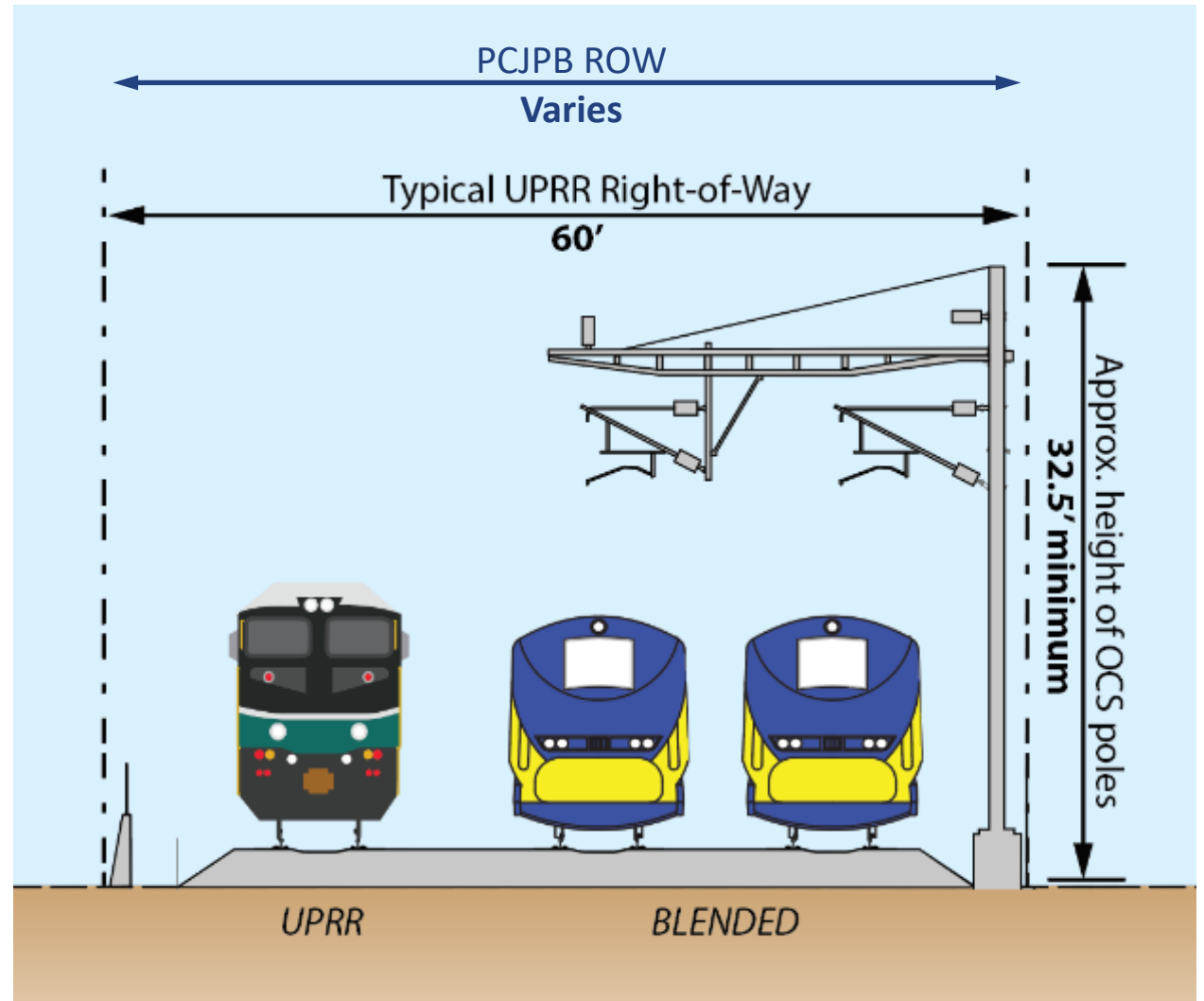
Twin bore tunnel through the Pacheco Pass

TYPICAL CROSS SECTION

BLENDED AT-GRADE

Features:

- Two electrified tracks and one conventional track
- Predominantly within the existing railroad ROW
- At-grade tracks with quad gates at each road crossing



SAN JOSE DIRIDON STATION APPROACH

- **Alternative 1**
 - » Short Viaduct to I-880
 - » Aerial Diridon Station
- **Alternatives 2 and 3**
 - » Long Viaduct to Scott Blvd.
 - » Aerial Diridon Station
- **Alternative 4**
 - » At-grade alignment predominantly in existing railroad right-of-way
 - » At-grade Diridon Station



MONTEREY CORRIDOR

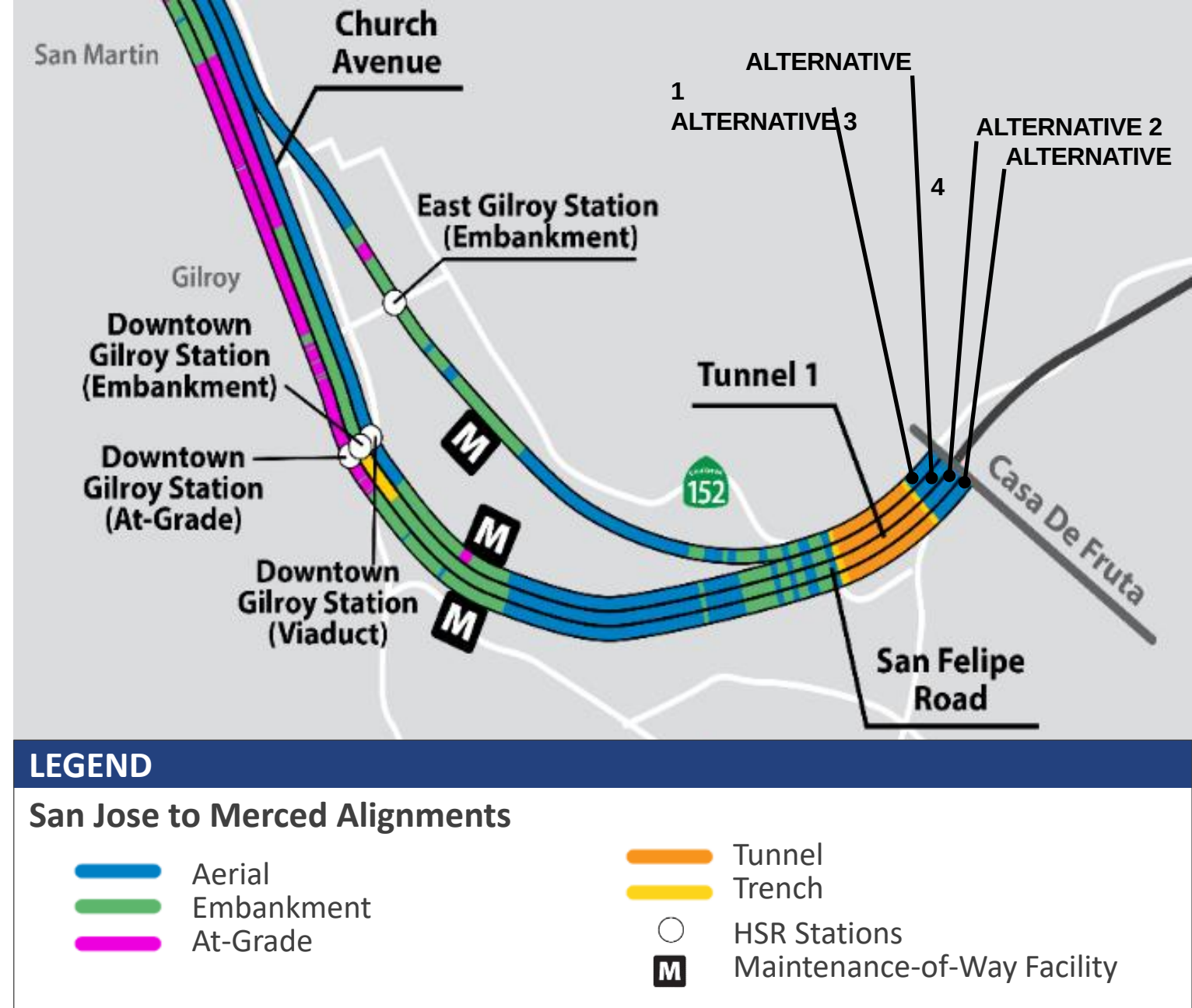
- **Alternatives 1 and 3**
 - » Viaduct in median of Monterey Road
 - » Narrowing of Monterey Road
- **Alternative 2**
 - » Grade-separated embankment between UPRR and Monterey Road
 - » Narrowing of Monterey Road
- **Alternative 4**
 - » At-grade predominantly in existing railroad right-of-way



SAN MARTIN TO GILROY

- **Alternative 1 – Downtown Gilroy**
 - » Viaduct
- **Alternative 2 – Downtown Gilroy**
 - » Grade-separated embankment
- **Alternative 3 – East Gilroy**
 - » Viaduct to grade-separated embankment
- **Alternative 4 – Downtown Gilroy**
 - » At-grade
 - » Predominantly in existing UPRR right-of-way

Alternatives converge at 1.6-mile Tunnel 1 west of Casa De Fruta



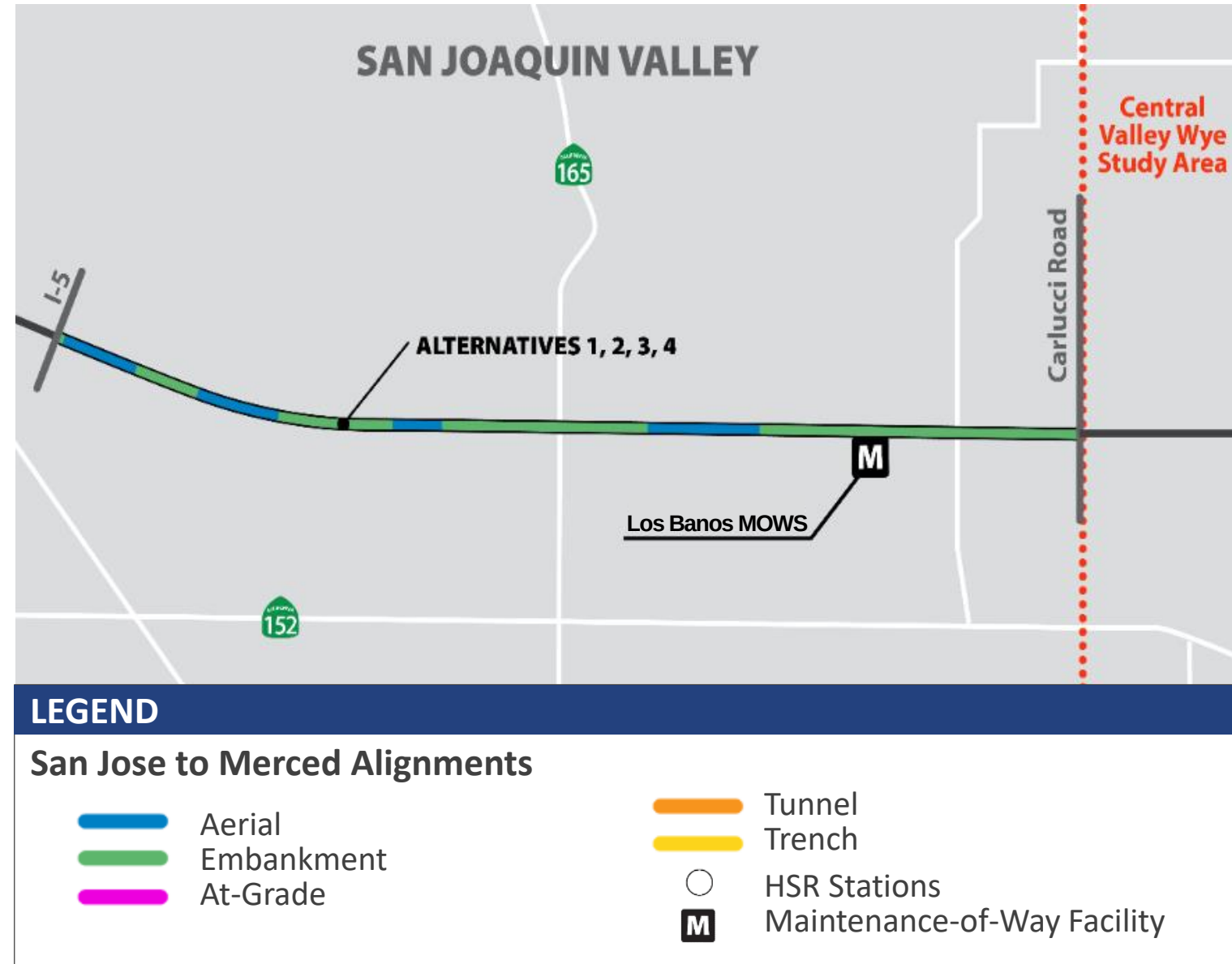
PACHECO PASS

- All alternatives have the same alignment
 - » 13.5-mile Tunnel
 - » Embankment
 - » Viaduct



SAN JOAQUIN VALLEY

- All alternatives have the same alignment
 - » Embankment
 - » Viaduct



DIVIDEND HOMES, INC
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MORGAN HILL, CA 95037
408-779-5900
roliver@dividendhomes.com

July 3, 2019

California High-Speed Rail Authority
Gilroy-San Jose Segment
100 Paseo de San Antonio, Suite 300
San Jose, CA 95113

Re: Public Meeting on July 10, 2019 in the City of Morgan Hill

Director:

I am a member of the High-Speed Rail Public Advisory Committee, being one of the several representatives for the City of Morgan Hill. I am unable to attend the meeting on this coming Wednesday, and I would appreciate my comments being put into the record.

I have studied the several pages of the public report and especially the "Summary of Alternatives Evaluation" which you emailed to me. It appears that, based upon what is presented in the report, that the "Agency" has selected Alternative #4 as the preferred alternative route through the City of Morgan Hill. This alternative is for an "At-Grade" route along the existing railroad tracks, much of which is along the Monterey Road Corridor. As such, this Alternative #4 will essentially bifurcate the downtown of Morgan Hill, requiring additional up-grades to the three existing railroad crossings (at Tennant, East Dunne and East Main). Based upon the number of trains per hour, speed and hours (as presented to us on the Advisory Committee over the past two years), the mechanically activated crossing barricades (at the three major east-west thoroughfares for the City) operating for each train, would significant impact the east west traffic and have other impacts on the City which I cannot see how could mitigated. Safety issues could be monumental, especially in emergency situations.

The "Community Factors" impacting the City of Morgan Hill were not fully listed, analyzed or even presented in the information provided. None were indicated on the Criteria check lists. I question how an alternative can be recommended without analyzing the full traffic impacts on the City of Morgan Hill by these crossings. The subtle but very real impacts on the heart of the community of Morgan Hill have not been evaluated or considered. The environmental documents should be available, reviewed and considered prior to arriving at a recommended alternative. The Community needs to know all the impacts and mitigations measures prior to the Agency making a recommendation on the alternatives.

Respectfully,



Richard B. Oliver

Cc: Leslie Miles



July
Developmental Asset
#27
Equality and Social Justice

Young person places high value on promoting equality and reducing hunger and poverty.

How can we relate this to our lives?

- Treat everyone with respect.
- Include other people who you might not know into what you are doing.
- Stand up for people and their ideas.
- Don't put others down based on their actions

How this relates to the youth Action Council?



- We help at events no matter what the conditions are.
- We listen to all ideas from the youth.
- We are positive towards the people at our events.



July Complementary Asset #26 Caring

Young person places high value on helping other people.

How this relates to Equality and Social Justice?

- Caring has no boundaries and anyone can care about someone else.
- It can help people feel as they are appreciated.
- It will help reduce stereotypes about race.
- Caring can involve material and nonmaterial items.

**What are some ways that you have cared
for people in our community?**

