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Sent: Saturday, June 19, 2021 2:56 PM

To: Michelle Bigelow <Michelle.Bigelow@morganhill.ca.gov>; General <general@morganhill.ca.gov>; Adam Paszkowski <adam.paszkowski@morganhill.ca.gov>

Cc: Christina Caro <ccaro@adamsbroadwell.com>; Tanya A. Gulesserian <TGulesserian@adamsbroadwell.com>

Subject: [EXTERNAL] Withdrawal of appeal of Redwood Tech at 101

Dear Mayor Constantine and Councilmembers, Ms. Bigelow, Mr. Paszkowski:

We are writing on behalf of **Morgan Hill Residents for Responsible Development** to withdraw our June 4, 2021 appeal of the Morgan Hill Planning Commission's May 25, 2021 decision to approve a Design Permit and Vesting Tentative Parcel Map for the Redwood Tech at 101 Project, SR2020-0029 through SR2020-0033 and SD2020-0011.

Residents has entered into a legally enforceable settlement agreement with Applicant TC Morgan Hill Venture, LLC in which the Applicant has committed to implementing additional measures to reduce impacts to air quality, transportation, and noise that address and resolve the merits of the substantive issues regarding the Project raised by Residents in its comments to the City and its Appeal. Please see the attached letter.

Thank you,

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June 19, 2021

Via Email and U.S. Mail

Mayor Constantine and City Council Members
Morgan Hill City Council
c/o City Clerk Michelle Bigelow, MMC, CPMC
City Hall
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037
Email: Michelle.Bigelow@morganhill.ca.gov;
general@morganhill.ca.gov

Via Email Only

Adam Paszkowski, Principal Planner
Email: Adam.Paszkowski@morganhill.ca.gov

Re: Withdrawal of Appeal of Redwood Tech at 101 Project (SR2020-0029 through SR2020-0033 and SD2020-0011)

Dear Mayor Constantine and Councilmembers, Ms. Bigelow, Mr. Paszkowski:

We are writing on behalf of **Morgan Hill Residents for Responsible Development** (“Residents”) to withdraw our June 4, 2021 appeal (“Appeal”) of the Morgan Hill Planning Commission’s May 25, 2021 decision to approve a Design Permit and Vesting Tentative Parcel Map for the Redwood Tech at 101 Project, SR2020-0029 through SR2020-0033 and SD2020-0011 (“Project”).

Residents is pleased to report that it has entered into a legally enforceable settlement agreement with TC Morgan Hill Venture, LLC (“Applicant”) in which the Applicant has committed to implementing additional measures to reduce impacts to air quality, transportation, and noise that address and resolve the merits

of the substantive issues regarding the Project raised by Residents in its comments to the City and its Appeal. The measures are set forth below.

A. Air Quality

- 1.1. Developer shall require off-road construction equipment and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and shall include this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. Notwithstanding, equipment with only Tier III emissions standards will be allowed when the operator shows a good faith effort to procure Tier III equipment, and documents that no Tier IV equipment is available for a particular equipment type within the County of Santa Clara within the scheduled construction period. Each case shall be documented with signed written or e-mailed correspondence by the appropriate construction contractor.
- 1.2. Developer shall adhere to, or require its construction contractor to adhere to, the following measures to limit emissions from construction activity:
 - The project shall develop a plan demonstrating that off-road equipment (more than 25 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) and hauling truck traffic would achieve a 20-percent NO_x reduction and overall 60-percent PM (particulate matter) exhaust reduction.
 - Prohibit off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
 - Provide electrical hook ups to the power grid, where feasible, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
 - Limit the amount of daily grading disturbance area to the extent feasible.

- Limit idling of on-site diesel-powered heavy construction equipment to two minutes, where feasible.
 - Conduct regular on-site inspections to verify compliance with construction mitigation and to identify other opportunities to further reduce on-site construction impacts.
 - Use paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- 1.3. Developer shall adhere to, or require building tenants to adhere to, the following measures to limit emissions from operational activity:
- Require the electrification of all loading docks to facilitate plug-in capability and encourage or require trucks and on-site equipment, such as forklifts and yard trucks, to utilize grid power in order to load, unload, and deliver goods.
 - Limit on-site truck idling to two minutes, where feasible, and require operators to turn off engines when not in use.
 - Post interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

B. Transportation

- 1.1. Prior to issuance of a certificate of occupancy, the Developer shall implement TDM Programs to address General Plan Policy NRE-15.10. Examples include, but are not limited to, parking pricing strategies; parking maximums; mandated parking spaces for car-sharing programs; the provision of transit passes in residential, commercial and office developments; charging stations for electric vehicles; bicycle lockers or racks; teleworking policies; bicycling improvements; and more.

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- 1.2. Developer shall establish appropriate truck routes that avoid trucks transiting through residential areas.
- 1.3. Developer shall develop a GHG reduction plan to reduce GHG emissions in the build-out year by at least 3,000 MT CO₂e/year.

C. Noise

- 1.1. Developer shall implement measures to avoid significant construction noise impacts. These may include, but are not limited to, the following:
 - Implement buffer distances and sound barriers between ongoing construction and nearby receptors, including adequate sound barrier materials such as STC 20-25 blankets on tubular steel frames or scaffolding or 3 PSF wood frame barriers;
 - Ensure sound-blocking material overlaps or is constructed to avoid gaps of any size and are high enough to block the line of sight between construction noise and affected receptors.

With the inclusion of these additional measures, the issues raised by Residents regarding the Project have been addressed and resolved. Residents supports the Project and proposed Project approvals.

Thank you for your attention to this matter.

Sincerely,



Kendra Hartmann

:kdh