

**City of Morgan Hill  
Initial Study Checklist  
Housing Element Update (2015–2023)**

The proposed Housing Element Update (2015–2023) a project under the California Environmental Quality Act (CEQA). This Initial Study was prepared by PlaceWorks for the City of Morgan Hill (City), Community Development Department, Planning Division. This Initial Study was prepared pursuant to the CEQA (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

1. **Project Title:** Morgan Hill General Plan Housing Element
2. **Lead Agency Name and Address:** City of Morgan Hill  
Planning Division  
17575 Peak Avenue  
Morgan Hill, CA 95037
3. **Contact Person and Phone Number:** Sidney Stone  
Housing Manager  
(408) 310-4637
4. **Project Location:** Morgan Hill, CA
5. **Project Sponsor’s Name and Address:** City of Morgan Hill  
Community Development Dept.  
17575 Peak Avenue  
Morgan Hill, CA 95037
6. **General Plan Land Use Designation:** Citywide (various designations)
7. **Zoning:** Citywide (various districts)
8. **Surrounding Land Uses and Setting:** See pages 3 and 4 of this Initial Study
9. **Description of Project:** See pages 4 through 7 of this Initial Study
10. **Other Required Approvals:** The Project and environmental review will be adopted and approved by the City of Morgan Hill, without oversight or permitting by other agencies. Following City approval, the State Department of Housing and Community Development (HCD) will be asked to certify the City’s Housing Element.

### 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.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use                 | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

#### Determination:

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## ***A. OVERVIEW AND BACKGROUND***

This Initial Study checklist was prepared to assess the environmental effects of the proposed Housing Element Update (2015–2023), herein referred to as “proposed Project.” This Initial Study consists of a depiction of the existing environmental setting, as well as the project description, followed by a description of various environmental effects that may result from the proposed Project. A detailed project description and environmental setting discussion are provided below.

## ***B. LOCATION***

Morgan Hill’s City limits covers approximately 13 square miles, and is located approximately 20 miles south of downtown San Jose and the major employment centers of Silicon Valley, and approximately 13 miles north of Gilroy, as shown in Figure 1.

Highway 101 provides north-south access to San Jose to the north and Gilroy to the south. The Santa Clara Valley Transportation Authority (VTA) provides local bus service with regional connections to destinations north and south of Morgan Hill. Morgan Hill is also served by a Caltrain Station located along Depot Street between 2<sup>nd</sup> and 4<sup>th</sup> Street. Additional access is provided by the Monterey-Salinas Transit (MST) Bus Service, which provides bus service between the Morgan Hill Caltrain Station and the Monterey Transit Plaza in Monterey.

## ***C. EXISTING SETTING***

The following provides a description of the existing and surrounding land uses in and around the City of Morgan Hill.

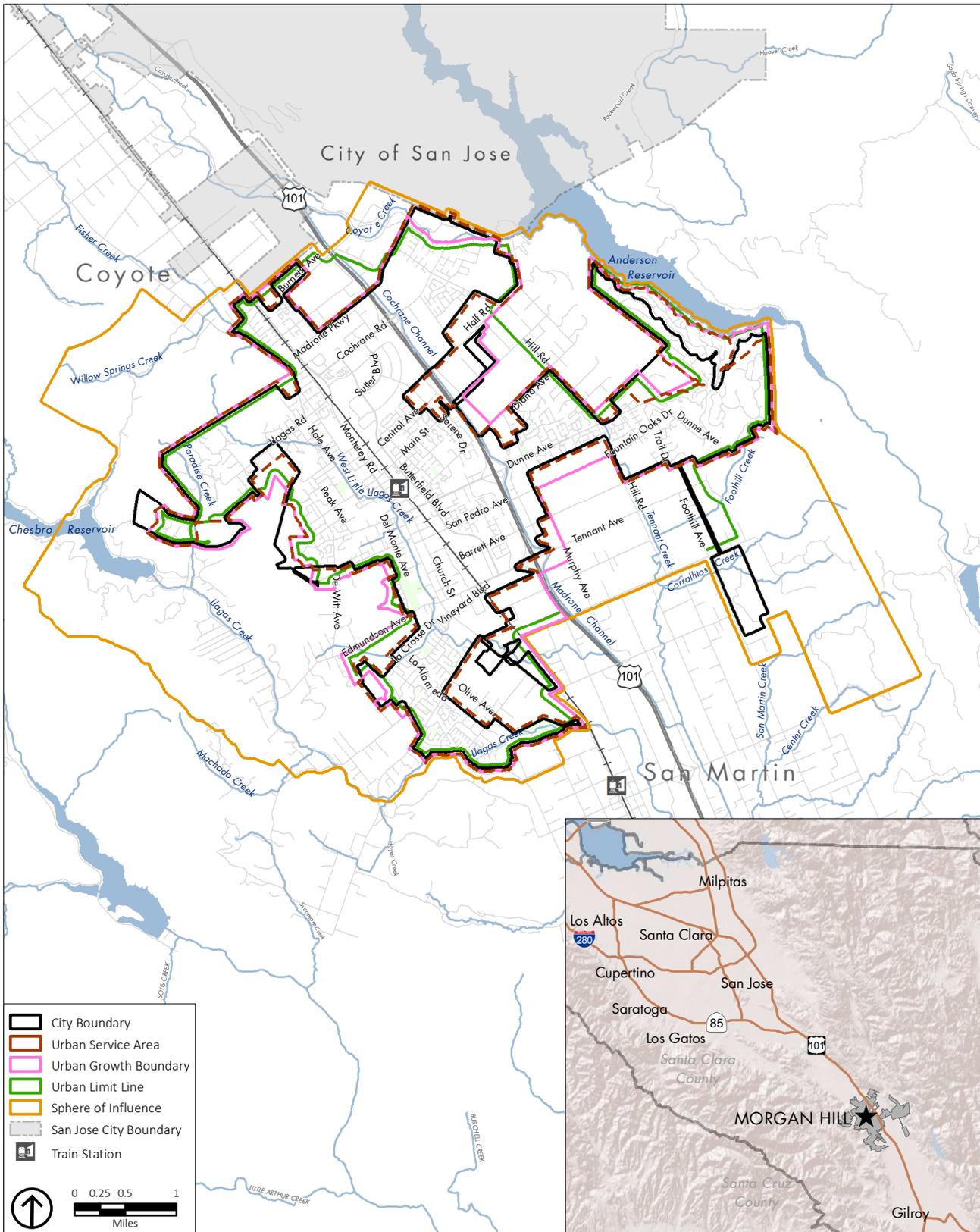
### **1. Existing Land Use**

Generally, Morgan Hill is comprised of single-family residential neighborhoods, including multi-family residential uses, such as condominiums and apartments, dispersed primarily throughout the area west of Butterfield Boulevard between Cochrane Road and south of Watsonville Road, and east along Monterey Road. Located along major transportation corridors, such as Morgan Hill’s Downtown, along Monterey Road (between Main Avenue and Vineyard Boulevard), and along Cochrane, Tennant, and East Dunne Avenue, are commercial and mixed-use developments.

There are three main industrial and office areas within Morgan Hill: the Morgan Hill Ranch Business Park, the Sutter Business Park, and the Madrone Industrial Park, located between Monterey Road and Highway 101, north and south of Cochrane Road, east of Church Street, and west of Butterfield Boulevard. As mentioned above, there is a Caltrain Station located in Downtown Morgan Hill, surrounded by a mix of uses, including residential, mixed-use, commercial, office, industrial, public/quasi-public, and park uses.

### **2. Surrounding Land Use**

Land uses surrounding Morgan Hill primarily consist of open space, agricultural, and vacant land within unincorporated Santa Clara County providing a buffer between San Jose to the north, and Gilroy to the south. Areas east and west of Morgan Hill primarily consist of open space, including Anderson Lake and Anderson Lake County Park to the east and Chesbro Reservoir County Park to the west.



Sources: City of Morgan Hill, 2013; USGS, 2010; NHD 2013; ESRI, 2010; Tiger Lines, 2010; PlaceWorks, 2014.

Figure 1  
Regional and Local Context

## ***D. PROJECT DESCRIPTION***

The purpose of the City of Morgan Hill’s General Plan Housing Element is to establish specific goals, policies, and objectives relative to the provision of housing for all income levels, and to adopt an action plan toward this end. The update to the City’s Housing Element consists of a determination of housing needs and revisions to policies and programs necessary to address those needs. The Housing Element provides implementation designed to effectively address housing needs in Morgan Hill during the planning period between 2015 and 2023.

The Housing Element identifies adequate sites for potential residential development that could meet the City’s Regional Housing Needs Allocation (RHNA) by 2023. The “project” for this Initial Study is the Housing Element policy document, not any individual, subsequent housing development projects. This Initial Study, however, provides an overall evaluation of the impacts that could occur upon implementation of the Housing Element. As such, future projects as a result of implementation of this draft Housing Element could require further review pursuant to CEQA.

### **1. Housing Element**

The Housing Element is one of the seven General Plan elements mandated by the State of California and is subject to review by the California Department of Housing and Community Development (HCD). Following its completion, the 2015–2023 Draft Housing Element will be sent to HCD for the mandated statutory review. HCD will evaluate the element on its ability to meet local and regional housing needs, including a share of the housing needs identified in the RHNA for the Bay Area.

#### **Housing Element Goals**

The Housing Element contains goals, policies, and programs to facilitate the development, improvement, and preservation of housing. The following are the goals and policies in the Housing Element:

- **Goal 1.** Adequate new housing to meet the full range of future community housing needs, including affordability and accessibility.
- **Goal 2.** Preservation and rehabilitation of the existing housing supply.
- **Goal 3.** Adequate housing for groups with special needs.
- **Goal 4.** A range of housing types for all age groups, served by transit, recreational amenities, shopping, and health and personal services, that allow residents to age in place.

The draft Housing Element addresses each of these planning issues, balancing them with other City goals and objectives that will further the City’s long-term vision.

### **2. Regional Housing Needs Assessment**

California law requires all local governments to plan to facilitate and encourage the production of housing to accommodate population and employment growth. To assist in that effort, the Association of Bay Area Governments (ABAG) develops a RHNA to distribute the region’s share of the statewide housing need at different income levels to the cities and counties within the region, based on demographic projections. Morgan Hill’s alloca-

tion, or share of the region’s future need for housing units as determined by ABAG’s RHNA process, is shown in Table 1:

**TABLE 1      MORGAN HILL RHNA**

<b>Income Level</b>	<b>Units</b>
Very Low	273
Low	154
Moderate	185
Above Moderate	316
<b>TOTAL</b>	<b>928</b>

Source: City of Morgan Hill, 2013.

Income levels used in the RHNA are based on the Area Median Income (AMI). For Santa Clara County, the AMI is \$105,500<sup>1</sup>.

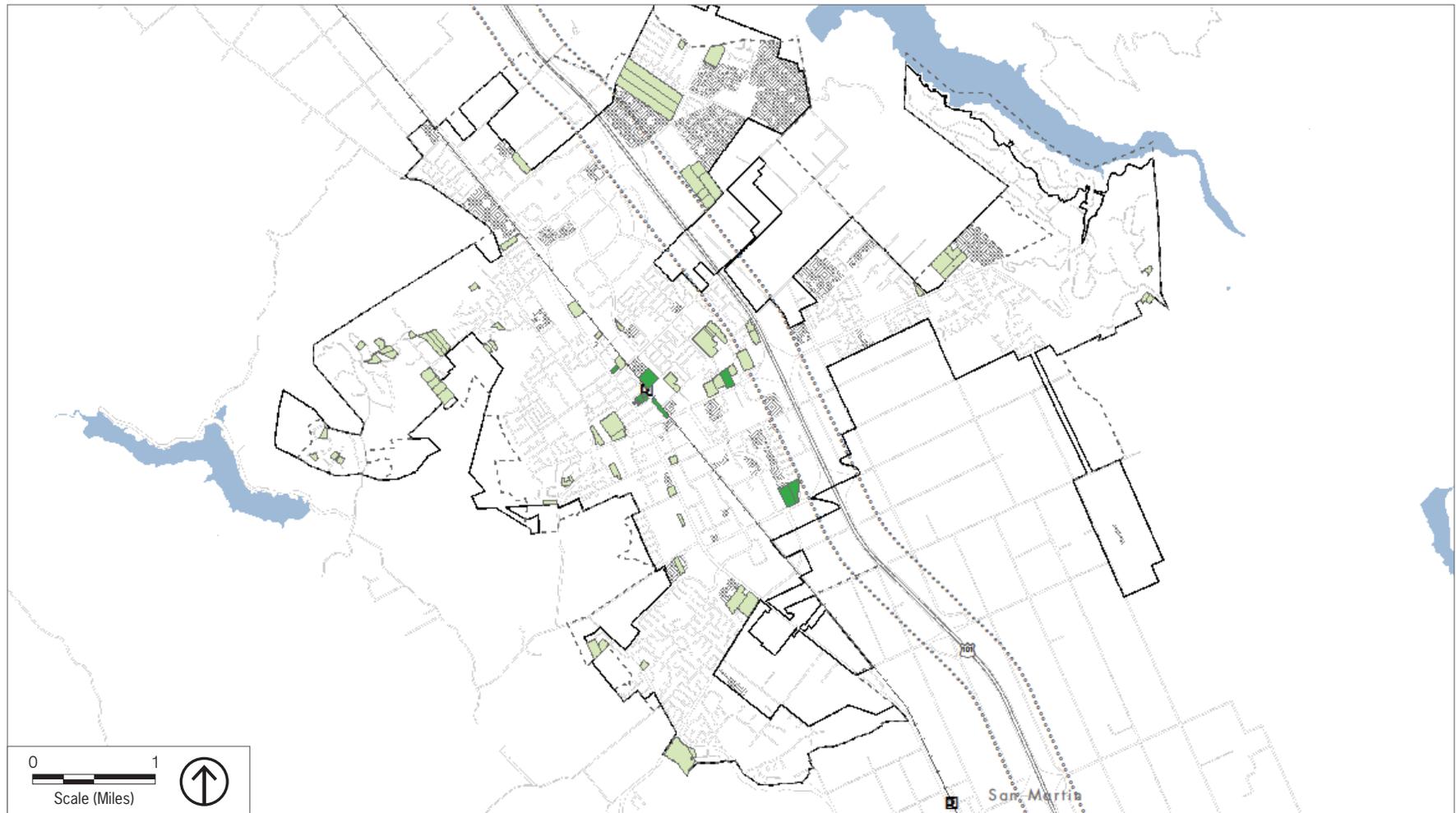
### **3. Identification of Affordable Housing Sites**

The Housing Element discusses a wide variety of ways in which the City will accommodate local housing needs from 2015-2023. The primary strategy involves identifying housing sites in the City where capacity for additional housing is physically available and permitted. California law does not require cities to build housing, but it does require communities to facilitate new housing production to meet the RHNA through appropriate zoning that allows for the development of the units. The City must prove that they have provided adequate land by identifying sites that are appropriately zoned for housing, including sites that are zoned densely enough to produce adequate affordable housing, are sufficient in size, and are realistically able to be built on. Figure 2, Vacant Available Residential Site Inventory, shows the areas in the City that have been identified under the draft Housing Element as being suitable for residential development. In total, 79 sites are located within those areas. A complete list of the sites can be found in Tables F-2 and F-3 of Appendix F of the draft Housing Element.

Morgan Hill’s Housing Element identifies adequate available land to meet future needs for all income levels. Because the City has 79 vacant and unconstrained sites zoned for residential development covering nearly 300 acres, and a Downtown Specific Plan that encourages dense housing in the City’s core, this is easily accomplished. Table 2 shows the number of units that could be produced on these sites between 2015 and 2023, demonstrating that the City’s existing vacant land satisfies the RHNA. Sites with an allowed density of 20 units per acre or above are considered by HCD to be appropriate sites for developing housing affordable to lower-income persons.

---

<sup>1</sup> Department of Housing and Community Development, 2013 State Income Limits, page 5.



Source: City of Morgan Hill.

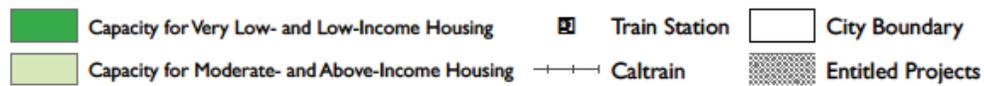


Figure 2  
Vacant Available Residential Sites Inventory

**TABLE 2 VACANT LAND INVENTORY**

Income Level	Acres	Potential Units	RHNA	Surplus
Low and Very Low Income	29	468	427	41
Moderate Income or Above	229	910	501	409
<b>Total</b>	<b>258</b>	<b>1,378</b>	<b>928</b>	<b>450</b>

Source: City of Morgan Hill, 2013.

Because several downtown parcels are opportunity sites that are under consideration as land use alternatives in the Morgan Hill 2035 General Plan process, which is occurring concurrently with and slightly behind the Housing Element update, the alternatives were taken into consideration when calculating the potential units. The allowed density under the lowest density of the three possible alternatives is the density that was used to calculate the number of units expected under the Housing Element. Therefore, if the allowed density on a given site is changed to be within that lowest density range through the Morgan Hill 2035 land use alternatives process, the capacity assumptions used in this Housing Element will remain valid.

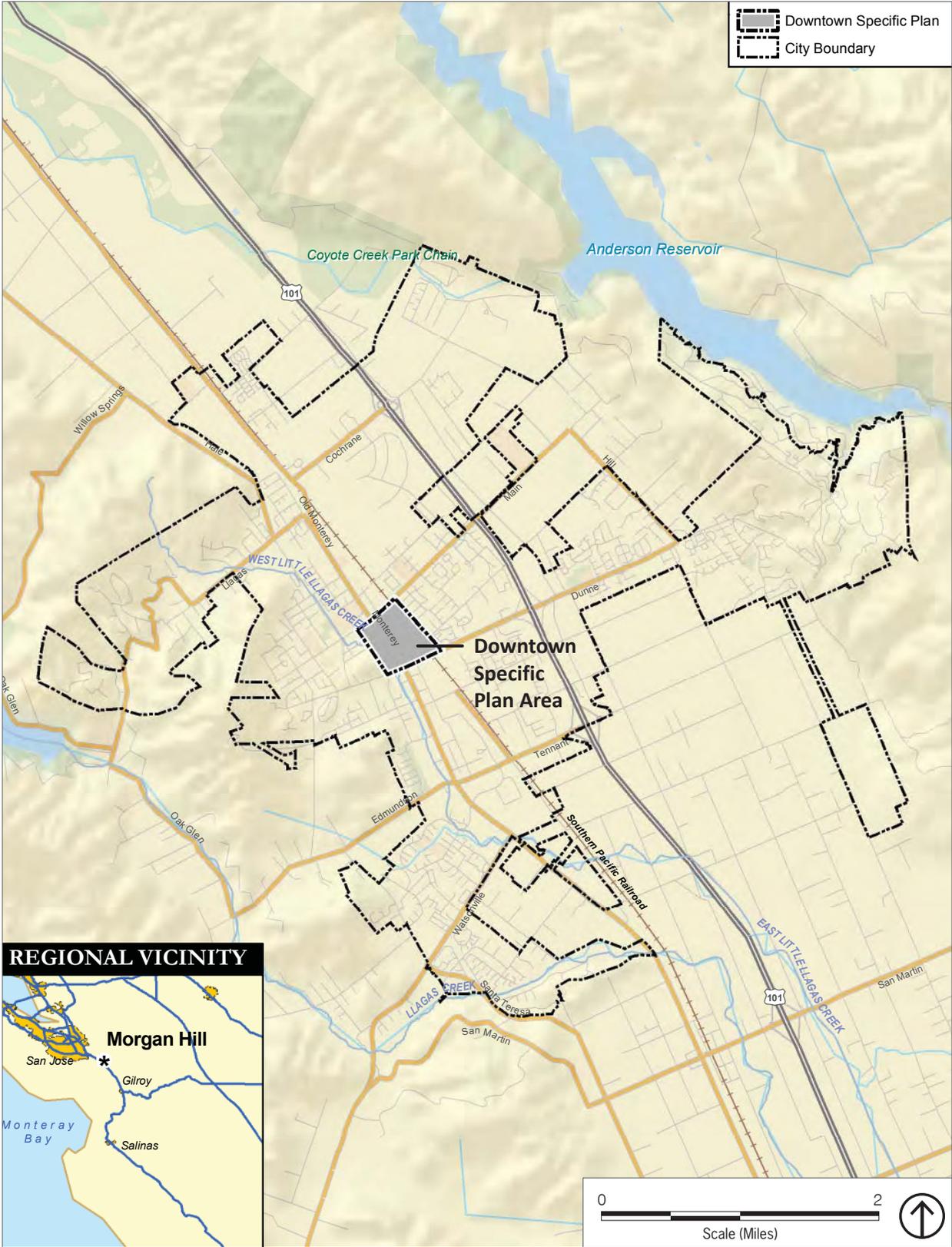
#### 4. Downtown

Downtown will potentially be a significant source of new development in future years. Since the 2009 adoption of the Downtown Specific Plan, the City of Morgan Hill General Plan and Zoning Ordinance was later amended to reflect the plans, policies, and design guidelines to guide and regulate future development in the downtown area. The Downtown Specific Plan includes existing and planned land uses, circulation, parking, urban design guidelines, signage guidelines, infrastructure, and an implementation plan. The Downtown Specific Plan covers approximately 115 acres and 18 blocks, as shown in Figure 3.

Since the last Housing Element update, Morgan Hill has added new zoning categories that will facilitate dense residential development:

- CBD Central Business District (mixed-use, no minimum or maximum density)
- D-R3 Downtown Medium-Density Residential (14-21 du/ac)
- D-R4 Downtown High-Density Residential (21-40 du/ac)

The majority of Morgan Hill’s capacity for developing new housing is in the Central Business District (CBD) mixed use zone, which has no maximum density and is anticipated to develop at more than 20 units per acre. The minimum density for affordable housing, 20 dwelling units per acre, was used to calculate the number of potential units on CBD/Mixed Use parcels.



Source: Morgan Hill Downtown Specific Plan, 2009.

Figure 3  
Downtown Specific Plan Boundaries

## 5. Other Housing Sites

The housing inventory sites discussed above satisfy the City’s 2014–2022 RHNA allocation and are sufficient to meet the City’s short-term housing needs. For informational purposes, the Housing Element also discusses additional sites in the City that could potentially meet long-range housing goals. Additional long-term housing opportunity sites include:

### *Second Units*

In addition to vacant land, second units (guest houses, in-law suites, granny apartments, etc.) are a source of potential new housing. Second units provide an important source of flexibility and affordability in the housing stock. They often are desirable housing choices for young adults, seniors and other special needs populations. The rental income can often help the primary home owner afford their mortgage. Second units are encouraged through the RDCS. If 15 percent of units in a development have second units, the development is awarded two points in the housing needs category.

### *Affordable Housing Rehabilitation*

While rehabilitation programs will not count toward satisfying the RHNA for the production of new affordable housing, the City of Morgan Hill does expect 96 units of housing to be rehabilitated during this housing element cycle as part of the Cochrane Village project, which will improve the condition of and preserve existing affordable housing units. It should be noted that the Cochrane Village property does not currently include any 30% AMI units; however, the plans for rehabilitation also include the addition of 10 units of extremely low income housing.

## 6. Other General Plan Amendments triggered by Housing Element adoption

Recent State legislation has tied the timing of required General Plan policy amendments to the adoption of this fifth cycle Housing Element. The changes are not related to the Housing Element itself or to the provision of housing in Morgan Hill; however, the City is required by State law to have these changes in place as or before it adopts the 2015-2023 Housing Element. Therefore, this Initial Study serves as the environmental review document covering those changes, which are anticipated to be formally adopted at the same time as the Housing Element.

Assembly Bill (AB) 162 strengthens flood protection by requiring jurisdictions to update flood related information in its General Plan during the mandatory revision to the housing element. More specifically, the legislation requires that “upon the next revision of the housing element, on or after January 1, 2009, the safety element to identify, among other things, information regarding flood hazards and to establish a set of comprehensive goals, policies, and objectives, based on specified information for the protection of the community from, among other things, the unreasonable risks of flooding.”

In addition, Senate Bill (SB) 1241 requires jurisdictions to update fire related information in the safety element “upon the next revision of the housing element on or after January 1, 2014.” The safety element must identify land classified as very high fire hazard severity zones in state responsibility areas as well as areas susceptible to wildfire risk and strengthen policies to reduce wildfire risks.

Flood and wildfire hazard information is discussed in the City of Morgan Hill’s General Plan Public Safety Element and was last updated in 2006. In order to comply with AB 162 and SB 1241, the Public Safety Element has been updated concurrently with the Housing Element to include more recent maps of flood and wildfire risks and also includes additional policies to further reduce flood and wildfire hazards. This update is

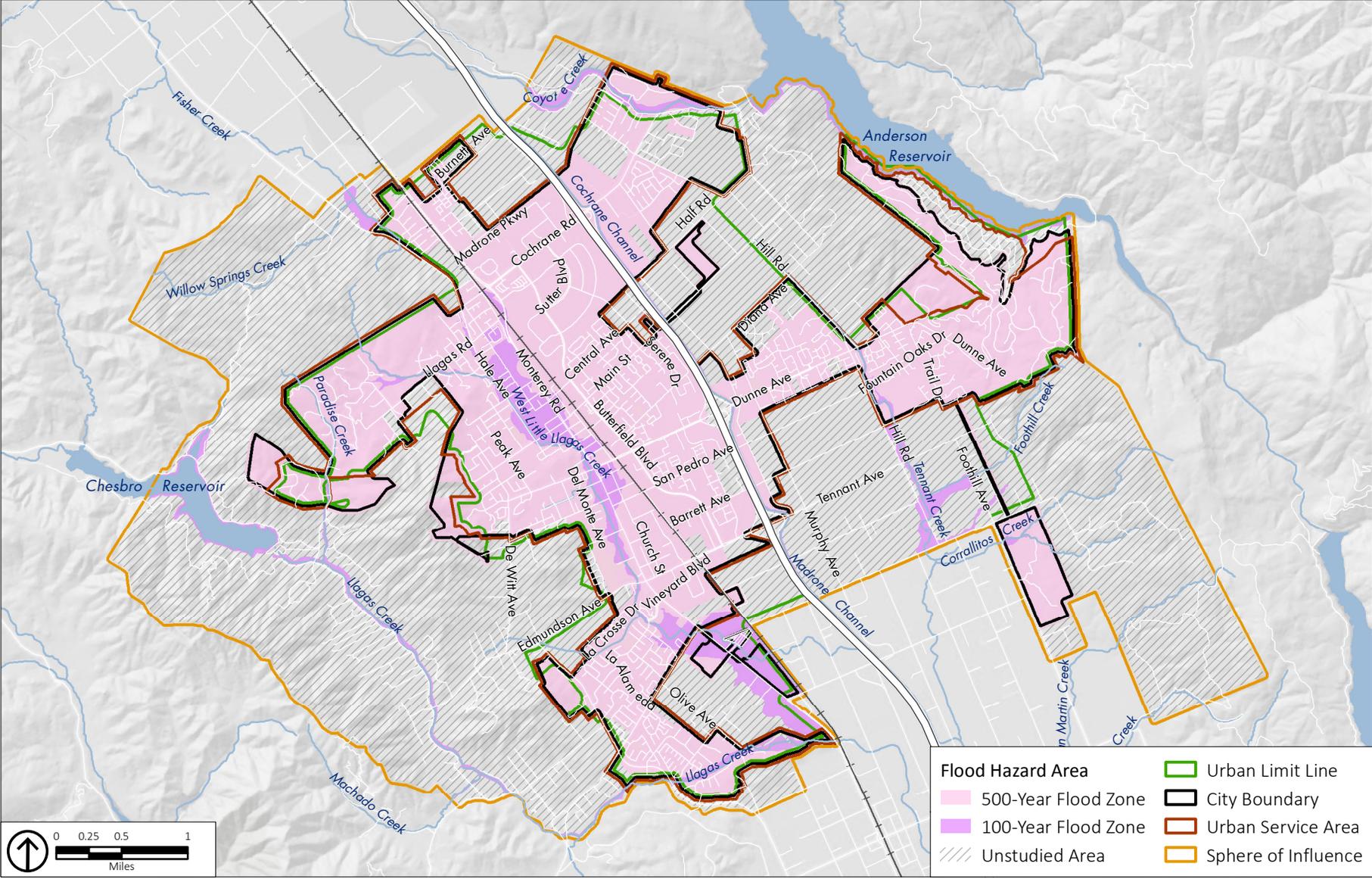
included as part of the “proposed project” addressed in this Initial Study and the Negative Declaration will serve as the CEQA clearance for both the Housing Element and Public Safety Element Updates to the City’s General Plan. Figure 4 identifies the updated Federal Emergency Management Agency (FEMA) flood zones in Morgan Hill and Figure 5 identifies the very high, high, and moderate fire hazard severity zones in State Responsibility Areas in Morgan Hill. The new flood and wildfire hazard policies are as follows:

- **Policy 2d.** Locate, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.
- **Policy 2e.** Design adequate infrastructure if a new development is located in a state responsibility area (SRA) or in a very high fire hazard severity zone (VHFHSZ), including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- **Policy 2f.** Work cooperatively with CAL FIRE and other public agencies with responsibility for fire protection to reduce fire risks in Morgan Hill.
- **Policy 4q.** Maintain the structural and operational integrity of essential public facilities during flooding.
- **Policy 4r.** Locate, when feasible, new public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communication facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
- **Policy 4s.** Work with the Santa Clara Valley Water District and other agencies with the responsibility for flood protection to reduce flooding risks in Morgan Hill.

Senate Bill 244, codified in Government Code (GC) Section 65302.10(a), requires Cities and Counties to update their Land Use Elements with information about nearby disadvantaged communities upon the next adoption of their Housing Elements. “Disadvantaged unincorporated community” means a fringe, island, or legacy community with 12 or more registered voters in which the median household income is 80 percent or less than the statewide median household income (Water Code Section 79505.5). For these communities, GC Section 56430 requires Cities and Counties to:

- Identify and describe disadvantaged unincorporated communities within a City’s SOI.
- Analyze water, wastewater, stormwater, and fire protection needs or deficiencies for each identified community, based on existing available data.
- Detail potential funding sources to improve any identified deficiencies.

The statute also requires Local Agency Formation Commissions (LAFCOs) to “make determinations regarding disadvantaged unincorporated communities” and identify these communities within their County. At the time of the publication of this Initial Study, due to a lack of available data about household income at the specific scale described in the Government Code, Santa Clara County LAFCO had not identified any disadvantaged unincorporated communities within the County. The California Department of Water Resources (DWR) has developed a mapping tool to assist in determining which communities meet the disadvantaged communities median household income definition, available online at <http://www.water.ca.gov/irwm/grants/resourceslinks.cfm>. DWR did not identify any disadvantaged communities within Santa Clara County.



Source: City of Morgan Hill, 2013.

Figure 4  
FEMA Flood Zones



Since no island, fringe, or legacy disadvantaged unincorporated communities have been identified in the area around Morgan Hill, the City is not making any amendments to its Land Use Element at this time.

#### ***E. General Plan Consistency***

In accordance with State law, the Housing Element must be consistent and compatible with other General Plan elements. Additionally, the Housing Element should provide clear policy and direction for making decisions pertaining to zoning and development standards, subdivision approvals, housing allocations under the RDCS, and capital improvements.

The Housing Element builds upon the other elements in the current Morgan Hill General Plan and is consistent with its goals and policies. A comprehensive update to the City's General Plan is currently in progress and is expected to be adopted in 2016. However, because state housing law requires that cities and counties update their housing elements on a fixed cycle, Morgan Hill's Housing Element must be completed before the comprehensive update. The City will continue to maintain internal consistency between General Plan elements by ensuring that proposed changes in one element are reflected in the other elements through amendments of the General Plan.

#### ***F. Existing Zoning and General Plan***

While all of the housing inventory sites, as listed in Appendix F of the draft Housing Element, fall within a variety of zones and General Plan land use designations, all of the sites are zoned to allow residential development.

## ENVIRONMENTAL CHECKLIST

I. AESTHETICS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project have a substantial adverse effect on a scenic vista?*

Potential future development permitted under the proposed Project would have the potential to affect scenic vistas and/or scenic corridors if new or intensified development blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publically accessible vantage points or the alteration of the overall scenic vista/corridor itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.

Scenic corridors are considered an enclosed area of landscape, viewed as a single entity that includes the total field of vision visible from a specific point, or series of points along a linear transportation route. Public view corridors are areas in which short-range, medium-range, and long-range views are available from publicly accessible viewpoints, such as from city streets. However, scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g. open space lands, mountain ridges, bay, or ocean views).

As mentioned above, Morgan Hill is surrounded primarily by open space areas including Anderson Lake County Park to the east and Chesbro Reservoir County Park to the west. It is dominated by views of El Toro Mountain, rising just over 1,400 feet immediately west of downtown. While the General Plan does not identify scenic vistas, it does identify the importance of protecting and preserving open space.

Adoption of the Housing Element alone would not impact scenic vistas because specific development is not being proposed under this draft Housing Element and it would not authorize new development. Furthermore, future development, as a result of implementation of the Housing Element, would be required to undergo development review, comply with the goals and policies under the General Plan Open Space and Conservation element, development standards within the City's Municipal Code, as well as design review guidelines included in the Downtown Specific Plan (with respect to identified sites within the Downtown Specific Plan area).

Accordingly, the proposed Project would not be expected to significantly alter scenic viewsheds or vistas within the City, and so would be *less than significant*.

- b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway?*

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects scenic State highway corridors from changes that would diminish the aesthetic value of lands adjacent to the highways. However, there are no officially State designated highways within the vicinity of Morgan Hill according to the California Scenic Highway Scenic Highway Mapping System.<sup>2</sup> Accordingly, there would be *no impact* with respect to damaging scenic resources within a State scenic highway.

- c) *Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

As discussed above, adoption of the Housing Element alone would not result in the development of specific projects, nor is it proposing development. Furthermore, the 86 identified sites are already zoned for residential uses. Therefore, potential development under the Housing Element would not be substantially different from what is allowed in the existing Housing Element, and from other rules and regulations that would impact the existing visual character of a site or its surroundings. Additionally, compliance with General Plan goals and policies with respect to visual character, along with compliance with the design guidelines of the Downtown Specific Plan, with respect to Housing Element sites identified within its boundaries, would protect the existing quality of the City and its surroundings. Accordingly, future development permitted under the proposed Project would result in a *less-than-significant* impact to visual character.

- d) *Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

The Housing Element itself would not create physical residential growth, but rather identifies available sites that are already designated for residential development during the planning period. However, future development as a result of implementation of the Housing Element could result in new sources of light and glare throughout the City. As potential units are developed, greater intensity and density of development could result in increased light and glare due to exterior lighting, lighting of streets and walkways, and interior lighting that could be visible from outside of the buildings. To minimize potential light and glare impacts, development anticipated by the draft Housing Element would be required to be in compliance with the development standards and design guidelines of the City, including the City's Municipal Code as they relate to lighting and glare, including Section 18.48.045, Glare, and Section 15.40.420, Lighting in Multifamily Dwellings. Therefore, potential impacts with respect to creating a new source of substantial light or glare that would adversely affect day or nighttime views in the area would be *less than significant*.

## II. AGRICULTURE AND FORESTRY RESOURCES

Would the project:

- a) 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?

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

<sup>2</sup> California Department of Transportation, California Scenic Highway Mapping System, [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm), accessed on April 10, 2014.

**II. AGRICULTURE AND FORESTRY RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Conflict with an existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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 of conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Would the project 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?</i>				

Maps pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency categorize land within the City as primarily Urban and Built-Up Land.<sup>3</sup> The Farmland Mapping and Monitoring Program does identify some lands as Prime Farmland and Farmland of Statewide Importance, located primarily east of Highway 101. None of the 79 sites identified for potential development are identified as farmland of concern by the FMMP. Therefore, there would be *no impact*.

b) *Would the project conflict with an existing zoning for agricultural use, or a Williamson Act contract?*

The California Land Conservation (Williamson) Act 2012 Status Report identifies land in Santa Clara County that is currently under Williamson Act contract.<sup>4</sup> However, the adoption of the Housing Element alone would not result in physical development. The Housing Element would allow for future residential development, and as discussed above, the sites identified for potential residential development are currently zoned for residential development; therefore, future development under the Housing Element would not conflict with agricultural land or a Williamson Act contract. Consequently, there would be *no impact*.

c) *Would the project 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))?*

Public Resources Code Section 12220 defines forest land as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”

<sup>3</sup> California Department of Conservation, 2010, Santa Clara County Important Farmland 2010, <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/scl10.pdf>, accessed on April 10, 2014.

<sup>4</sup> California Department of Conservation, 2012, California Land Conservation (Williamson) Act 2010 Status Report, page 26, [http://www.conservation.ca.gov/dlrp/lca/stats\\_reports/Documents/2012%20WA%20Status%20Report.pdf](http://www.conservation.ca.gov/dlrp/lca/stats_reports/Documents/2012%20WA%20Status%20Report.pdf), accessed on April 10, 2014.

Timberland is defined in Public Resources Code Section 4526 as “land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.”

A Timberland Production Zone is defined in Government Section Code 51004(g) as “...an area which has been zoned pursuant to [Government Code] Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

With respect to the general plans of cities and counties, ‘timberland preserve zone’ means ‘timberland production zone.’”

The City of Morgan Hill and its SOI do not have any land that is used for forest land as defined by these criteria. Further, the sites identified in the Housing Element for residential development are currently zoned for and allow residential development; thus, *no impact* would occur.

d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

For the reasons provided in response to Sections II.a through II.c, there would be *no impact* in relation to the conversion of farmland to non-agricultural use or forest land to non-forest use.

e) *Would the project 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 of conversion of forest land to non-forest use?*

See Sections II.a through II.d above.

### III. AIR QUALITY

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the San Francisco Bay Area Air Basin (SFBAAB), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara Counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. Accordingly, the City is subject to the rules and regulations imposed by the BAAQMD, as well as the California ambient air quality standards adopted by the California Air Resources

Board (CARB) and national ambient air quality standards adopted by the United States Environmental Protection Agency (U.S. EPA).

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The Bay Area 2010 Clean Air Plan is the current control strategy to reduce ozone, particulate matter (PM), air toxins, and greenhouse gases (GHGs) for the City of Morgan Hill. The 2010 Clean Air Plan was based on the ABAG population and employment projections for the San Francisco Bay area, including growth that would be accommodated under the City's General Plan. The BAAQMD monitors air quality at several locations in the San Francisco Bay Air Basin. Historically, problematic criteria pollutants in urbanized areas include ozone, particulate matter, and carbon monoxide. Combustion of fuels and motor vehicle emissions are a major source of each of these three criteria pollutants.

Given the proposed Project would not exceed BAAQMD standards of significance for air quality impacts and compliance with mandatory regulation (i.e. CEQA), potential future development permitted under the proposed Project will have *no impact* with respect to air quality.

b) *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM<sub>2.5</sub>) under both Federal Clean Air Act and the California Clean Air Act and for respirable particulate matter with a diameter of less than 10 micrometers (PM<sub>10</sub>) under the California Clean Air Act, but not the Federal act. However, the area has attained both State and federal ambient air quality standards for carbon monoxide.<sup>5</sup>

Because adoption of the draft Housing Element alone does not confer development, but rather identifies sites suitable for residential development, there would be no direct physical development of residential units as a result of adoption. Therefore, the Housing Element would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Although implementation of the draft Housing Element could potentially result in an increase to emissions as a result of construction of future residential development, such development would be subject to project-level environmental and development review and would be required to comply with federal, State, and local air quality regulations. For those reasons, adoption alone of the draft Housing Element would result in *less than significant* impact.

See Section III.a above.

c) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Potential future development permitted under the proposed Project could potentially have significant impacts on air quality through additional automobile trips associated with additional housing units.

---

<sup>5</sup> City of Morgan Hill, Cochrane Road-South Bay Development, 2013, page 26.

Because the draft Housing Element only identifies sites suitable for potential future residential development as a result of implementation of the draft Housing Element, it would be subject to project-level environmental review to identify project-specific impacts related to air quality and potential mitigation measures. Therefore, no increase of criteria air pollutants would occur as a result of potential future development permitted under the proposed Project and impacts would be *less than significant*.

d) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Residential development in proximity to Highway 101 and Caltrain tracks could expose sensitive receptors to human health risks associated with toxic air contaminants (TACs). Concentrations of TACs such as diesel particulate matter are much higher near railroads traveled by locomotives and heavily traveled highways and intersections, and prolonged exposure can cause health risks such as cancer, birth defects, and neurological damage. Potential future development permitted under the proposed Project would allow development near railroads and heavily traveled roadways in existing Residential Zones. Residential Zoning Districts are located in several parts of the City and in some cases are near major thoroughfares. While no projects have been identified or are proposed as part of the proposed Project, potential future development permitted under the proposed Project, as necessary, would be subject to separate environmental and development review as required under CEQA. For future projects subject to project-level environmental review, potential mitigation, such as requiring applicants to submit site-specific Health Risk Assessments (HRA) for development that occurs within 1,000 feet of major sources of TACs, such as near Highway 101, and the Caltrain tracks, would ensure that potential impacts would remain less than significant depending on the findings of the HRA and the recommended actions thereafter. For those reasons, adoption of the draft Housing Element alone would result in *no impact*.

e) *Would the project create objectionable odors affecting a substantial number of people?*

Odors are also an important element of local air quality conditions. Specific activities allowed within each land use category can raise concerns related to odors on the part of nearby neighbors. Major sources of odors include restaurants, wastewater treatment plants, and some industrial or manufacturing uses. While sources that generate objectionable odors must comply with air quality regulations, the public’s sensitivity to locally produced odors often exceeds regulatory thresholds.

Anticipated development under the draft Housing Element would be entirely residential and is not considered a major source of odor and would not create objectionable odors to surrounding sensitive land uses. Accordingly, there would be *no impact*.

**IV. BIOLOGICAL RESOURCES**

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined 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 or U.S. Fish and Wildlife Service?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
--------------------------------------	--	--------------------------	--------------

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

**IV. BIOLOGICAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined 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 or U.S. Fish and Wildlife Service?*

Special status plants include those listed as “Endangered,” “Threatened,” or “Candidate for Listing” by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service (USFWS), that are included in the California Rare Plant Rank, or that are considered special-status in local or regional plans, policies, or regulations. Special status animals include those listed as “Endangered,” “Threatened,” or “Candidate for Listing” by the CDFW or the USFWS, that are designated as “Watch List,” “Species of Special Concern,” or “Fully Protected” by the CDFW, or that are considered “Birds of Conservation Concern” by the USFWS.

In 2012, the Santa Clara Valley Open Space Authority, in association with the CDFW and USFWS, adopted the Santa Clara Valley Habitat Plan (HCP), which provides the framework for promoting the protection and recovery of natural resources, while streamlining the permitting process for planned development. Overall, the HCP spans approximately 519,506 acres throughout Santa Clara County, and covers 18 plant and animal species.<sup>6</sup>

Potential future development permitted under the proposed Project would not result in the direct physical development of residential units, but rather it has identified vacant or underutilized sites already zoned for residential uses or already urbanized. Potential impacts related to the construction of housing could occur; however, because future development would be subject to project-level environmental review prior to construction, at which time the potential presence of endangered or listed species would be identified, potential impacts are not likely to be significant.

<sup>6</sup> Santa Clara Valley Open Space Authority, Santa Clara Valley Habitat Conservation Plan, 2012, page ES-4.

Consequently, compliance with General Plan policies included in the Open Space and Conservation element, the City of Morgan Hill Municipal Code, Chapter 18.69, Habitat Conservation Plan, as well as compliance with federal and State laws, including but not limited to, the Migratory Bird Treaty Act, Clean Water Act, Federal and California Endangered Species Acts, and California Native Plant Protection Act would ensure impacts to special-status species associated with potential future development would be *less than significant*.

b) *Would the project 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

As previously discussed, the draft Housing Element identifies existing sites already zoned for residential uses and would not increase development potential alone, nor does it propose specific projects. Therefore, adoption of the Housing Element alone would not result in physical impacts. Although potential development as a result of implementation of the Housing Element could potentially occur in riparian habitat or other sensitive natural communities, compliance with the policies and goals of the Open Space and Conservation element of the General Plan, including compliance with federal, and State laws would ensure adequate protection of these areas. Further, future projects would be subject to project level environmental review, which would identify specific potential impacts and mitigation.

Furthermore, wetlands and other waters are protected under the federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, and are under the jurisdiction of the U.S. Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Federal and State regulations require avoidance of impacts to the extent feasible, and compensation for unavoidable losses of jurisdictional wetlands and waters. Compliance with General Plan policies, federal, and State laws would ensure *no impact* would occur to riparian and wetland habitats as a result of potential future development under the proposed Project.

c) *Would the project 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?*

See Section IV.b above.

d) *Would the project 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?*

As discussed in Sections IV.b and IV.c, the draft Housing Element alone would not result in physical impacts, and only identifies vacant housing sites that have previously been zoned for residential uses. Future residential development could result in potential impacts to natural areas, however, compliance with General Plan goals and policies, along with federal, and State laws would ensure adequate protection with respect to the movement of native resident or migratory fish or wildlife species. Further, future residential development would be subject to project level environmental review to identify specific potential impacts and mitigation measures. Therefore, adoption of the Housing Element alone would result in *no impact* to wildlife movement corridors.

e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Adoption of the Housing Element would not involve clearance of vegetation or ground-disturbing activities. Further, the Housing Element itself would not create physical residential growth, but only identifies available

sites for residential development during the planning period. The City of Morgan Hill Municipal Code Chapter 12.32, Restriction on Removal of Significant Trees, protects trees and tree communities determined by the City Council to be significant or of importance. Chapter 12.32 is intended to protect significant trees, as defined in Section 12.32.020 of the Code, such as modification to microclimates, change or elimination of animal habitat, and change in soil conditions. Future development under the draft Housing Element would be required to comply with the provisions of Chapter 12.32, as well as goals and policies included in the Open Space and Conservation section of the existing General Plan. Further, anticipated residential development would be required to comply with Chapter 18.69, Habitat Conservation Plan, of the Municipal Code. Therefore, there would be no conflict with any local policies or ordinances protecting biological resources, and *no impact* would occur.

f) *Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?*

The City of Morgan Hill is included within the boundaries of the Santa Clara Valley Habitat Conservation Plan (HCP), adopted in 2012, to provide an effective framework to protect, enhance, and restore natural resources in specific areas of Santa Clara County. As previously discussed, adoption of the Housing Element alone would not result in physical impacts, but identifies vacant sites previously zoned for residential purposes. Although future residential development could occur under implementation of the Housing Element, the sites are located within land that is designated for Urban Development in the HCP and would therefore be consistent with the HCP. Additionally, future projects would be required to comply with the policies and provisions identified in the HCP, which list the goals and policies included in the existing General Plan Open Space and Conservation Element relating to habitat protection and conservation. Therefore, impacts would be *less than significant*.

**V. CULTURAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

The types of cultural resources that meet the definition of historical resources under CEQA generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, architectural, and/or historical associations. Commonly, the two main resource types that may be impacted by development allowed under the proposed Project are historical archaeological deposits and historical architectural resources, as discussed below. Human remains are addressed in Section V.d below.

Cultural resources are protected by federal and State regulations and standards, including, but not limited to, the National Historic Preservation Act, the California Public Resources Code, and CEQA.

Historical and pre-contact archaeological deposits that meet the definition of historical resources under CEQA could be damaged or destroyed by ground-disturbing activities associated with development allowed under the proposed Project. Should this occur, the ability of the deposits to convey their significance, either as containing information important in prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

The Morgan Hill General Plan identifies 54 properties noted for potential historic significance; however, 12 have been officially designated as cultural resources.<sup>7</sup> As mentioned, adoption of the Housing Element alone would not result in physical development, but identifies sites available for and previously zoned for residential uses. The 12 designated historical sites are concentrated along Monterey Road in the downtown area, as well as side streets perpendicular to Monterey Road, including West Main Street, East Fourth Street, West Fourth Street, and East Fifth Street. Because there are sites identified within the downtown area that could accommodate housing, potential impacts could occur as a result of implementation of the draft Housing Element. However, future residential development under the Housing Element would be subject to project level environmental review to identify specific potential impacts. Further, compliance with the Open Space and Conservation Element Historic Preservation goals and policies, as well as policies included in the Downtown Specific Plan which seek to maintain the existing character of Downtown Morgan Hill, would be required. For example, future development within the Downtown Area would be required to comply with Basic Design Principles number 1 through number 8 in Chapter 5, Design Guidelines, of the Downtown Specific Plan that seek to maintain the existing character of the Downtown Area. Further, compliance with federal and State laws, with regards to protection of historical resources, would ensure that potential impacts associated with future residential development would be *less than significant*.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

Archaeological deposits that meet the definition of unique archaeological resources under CEQA could be damaged or destroyed by ground disturbing activities associated with future potential development under the proposed Project.<sup>8</sup> Should this occur, the ability of the deposits to convey their significance, either as containing information important in prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired. According to the existing General Plan environmental impact report (EIR), Native American archaeological sites in the Morgan Hill area are primarily situated on the Santa Clara Valley floor near former and existing sources of fresh water. Given that Morgan Hill encompasses a variety of fresh water sources, it is possible that unrecorded Native American archaeological sites and deposits are present in Morgan Hill.

---

<sup>7</sup> City of Morgan Hill, 2001 General Plan, page 97.

<sup>8</sup> If the cultural resource in question is an archaeological site, CEQA Guidelines Section 15064.5(c)(1) requires that the lead agency first determine if the site is a historical resource as defined in CEQA Guidelines Section 15064.5(a). If the site qualifies as a historical resource, potential adverse impacts must be considered through the process that governs the treatment of historical resources. If the archaeological site does not qualify as a historical resource but does qualify as a unique archaeological site, then it is treated in accordance with PRC Section 21083.2 (CEQA Guidelines Section 15064.5(c)(3)). In practice, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.

However, as described above in Section V.a, the General Plan includes goals and policies that would address potential impacts. Any potential future development would provide for: the identification of archaeological deposits prior to actions that may disturb such deposits; the preservation and protection of such deposits; the evaluation of unanticipated finds made during construction; and the protection and respectful treatment of human remains associated with archaeological deposits.

Compliance with General Plan policies, along with Chapter 18.75, Historical Resources, of the City's Municipal Code, would provide for the protection of archaeological deposits in the Study Area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. Further, development under the draft Housing Element would be subject to project-level environmental review pursuant to CEQA which would identify potential impacts at a site-specific level to identify the potential for archaeological resources prior to construction. Consequently, implementation of the goals and policies of the existing General Plan, as well as compliance with federal and State laws, would reduce potential impacts to archaeological deposits to a *less-than-significant* level.

c) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

See Section V.b above.

d) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Human remains associated with pre-contact archaeological deposits could potentially exist at the location of the 86 identified Housing Element sites, and could be encountered during at the time potential future development occurs. The associated ground-disturbing activities, such as site grading and trenching for utilities, have the potential to disturb human remains interred outside of formal cemeteries. Descendant communities may ascribe religious or cultural significance to such remains and may view their disturbance as an unmitigable impact. Disturbance of unknown human remains would be a significant impact.

However, any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), which states the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD)<sup>9</sup> of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or

---

<sup>9</sup> "Native American Most Likely Descendant" is a term used in an official capacity in *CEQA Guidelines* Section 15064.5(e), and other places, to refer to Native American individuals assigned the responsibility/opportunity by NAHC to review and make recommendations for the treatment of Native American human remains discovered during project implementation. Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code also reference Most Likely Descendants.

the descendent may request mediation by the NAHC. Through mandatory regulatory procedures described above impacts to human remains would be *less than significant*.

<b>VI. GEOLOGY AND SOILS</b>				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides, mudslides or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: i) 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; ii) strong seismic ground shaking; iii) seismic-related ground failure, including liquefaction; iv) landslides, mudslides, or other similar hazards?*

Morgan Hill is listed as a city affected by Alquist-Priolo Earthquake Fault Zones, according to the California Geological Survey.<sup>10</sup> However, as previously discussed, adoption of the Housing Element would not result in physical development, nor does it propose specific projects. Rather, the Housing Element only identifies available sites for future residential development that have previously been zoned for residential use. Residential development under the Housing Element would be subject to future project-level environmental review to identify specific potential impacts. Further, compliance with existing federal, State, and local regulations and the goals, policies, and programs with respect to geological and seismic hazards would ensure that the impacts associated with seismic hazards are minimized to the maximum extent practicable. Consequently, overall, associated seismic hazards impacts would be *less than significant*.

<sup>10</sup> California Geological Survey, <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx>, accessed on April 11, 2014.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

Adoption of the Housing Element alone would not result in the development of residential units; therefore, the Housing Element itself would not result in ground-disturbing activities and would have no potential to adversely affect soil erosion. Implementation of the Housing Element would not directly impact topsoil because it does not propose specific development, but identifies available sites already zoned for residential use. Although development under the Housing Element would potentially involve ground-disturbing activities, such as grading, which could result in the disturbance or loss of topsoil and potential soil erosion, General Plan goals and policies under the Public Health and Safety Element would minimize such potential impacts. Additionally, future development would be subject to project-level environmental review to identify the potential for site-specific impacts related to the loss of topsoil, at which time specific mitigation measures would be identified, if needed. For example, mitigation could include implementation of Best Management Practices (BMPs), such as including hydroseeding, biodegradable erosion control blankets, and silt fences at downstream storm inlets. As such, compliance with General Plan goals and policies which require geologic studies for development in hillside areas and geotechnical studies for critical facilities in areas with liquefiable soils, would reduce the potential impacts to future development from an unstable geologic unit or soil to a *less-than-significant* level.

c) *Would the project 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?*

Given the Housing Element itself would not result in the physical development of residential units, there would be no impact associated with being located on a geologic unit or soil that is unstable or becomes unstable as a result of the Project. Rather, the Housing Element identifies available sites previously zoned for residential uses concentrated on highly urban sites, where development would result in limited soil erosion or loss of topsoil. Further, compliance with General Plan goals and policies in the Community Development and Open Space and Conservation, and Public Safety elements include protective measures which prevent development in areas of natural hazards, such as landslide and flood prone areas. Therefore, adherence to existing regulatory requirements would ensure that impacts associated with substantial erosion and loss of topsoil during the future development of the housing sites would be *less than significant*.

d) *Would the project be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?*

See Section VI.a through VI.c above.

e) *Would the project 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?*

Potential future development under the proposed Project would occur in the existing built environment in areas where residential and transient uses are currently permitted. Connection to the sewer system is available in these areas; therefore, *no impact* regarding the capacity of the soil in the area to accommodate septic tanks or alternate wastewater disposal systems would occur.

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Adoption of the proposed Project does not directly result in development in and of itself. As such, before any development can occur in the City, all such development is required to be analyzed for conformance with the General Plan, Zoning Ordinance, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

However, indirect emissions of GHG resulting from implementation of the draft Housing Element could result from transportation sources, energy (natural gas and purchased energy), water/wastewater use, waste generation, and off-road equipment (e.g. landscape equipment, construction activities) throughout the construction and operational phases of residential development under the draft Housing Element. Future development, as mentioned above, would be required to comply with applicable federal, and State requirements regarding greenhouse gas emissions. Consequently, implementation of the proposed Project would result in a *less-than-significant* impact related to contributing to GHG emissions that could have a significant effect on the environment.

b) *Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?*

In 2006, California adopted Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 established a statewide GHG emissions reduction goal to reduce statewide GHG emissions levels to 1990 levels by 2020. AB 32 established a legislative short-term (2020) mandate for State agencies in order to set the State on a path toward achieving the long-term GHG reduction goal of Executive Order S-03-05 to stabilize carbon dioxide (CO2) emissions by 2050. The City of Morgan Hill is in the process of preparing a formal Climate Action Plan as part of its General Plan update; however, currently there are no formally adopted plans setting targets for greenhouse gas emissions.

Because adoption of the draft Housing Element alone would not directly result in the construction of residential units, and all future development proposed as a result of implementation of the draft Housing Element would be subject to project-level environmental review, and be required to comply with all applicable plan's, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions, impacts would, therefore, be *less than significant*.

**VIII. HAZARDS & HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are inter-mixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?*

State-level agencies, in conjunction with the U.S. EPA and Occupational Safety and Health Administration (OSHA) regulate removal, abatement, and transport procedures for asbestos-containing materials. Asbestos-containing materials (ACMs) are materials that contain asbestos, a naturally-occurring fibrous mineral that has been mined for its useful thermal properties and tensile strength. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Lead-based paint (LBP), which can result in lead poisoning when consumed or inhaled, was widely used in the past to coat and decorate buildings. Lead poisoning can cause anemia and damage to the brain and nervous system, particularly in children. Like ACMs, LBP generally does not pose a health risk to building occupants when left undisturbed; however, deterioration, damage, or disturbance will result in hazardous exposure. In 1978, the use of LBP was federally banned by the Consumer Product Safety Commission. Therefore,

only buildings built before 1978 are presumed to contain LBP, as well as buildings built shortly thereafter, as the phase-out of LBP was gradual.

The U.S. EPA prohibited the use of polychlorinated biphenyls (PCBs) in the majority of new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

The California Division of Occupational Safety and Health's (Cal OSHA) Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Although the Housing Element itself would not result in the physical development of residential units, future development anticipated under the Housing Element could involve the handling of potentially hazardous building materials (i.e. ACM, lead-based paint, PCBs, mercury) that may be encountered during the demolition or modification of existing structures. The removal of these materials (if present) by contractors licensed to remove and handle these materials in accordance with existing federal, State, and local regulations would insure that risks associated with the transport, storage, use, and disposal of such materials would be less than significant.

Common cleaning substances, building maintenance products, paints and solvents, and similar items would likely be stored, and used, at the future special needs housing developments that could occur under the proposed Project. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Consequently, associated impacts from implementation of the proposed Project would be *less than significant*.

b) *Would the project 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?*

As described in Section VIII.a above, the storage and use of common cleaning substances, building maintenance products, paints and solvents in the potential development planned for under the proposed Project could likely occur; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. Consequently, overall, associated hazardous materials impacts would be *less than significant*.

c) *Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?*

Given that the Housing Element only identifies available sites for residential development, and previously zoned to allow for residential uses, development allowed under the Housing Element would not emit hazard-

ous emissions or handle hazardous materials, substance or waste within one-quarter mile of an existing or proposed school. As such there would be no increase in the risk of hazardous emissions as discussed above in Sections VIII.a and VIII.b above. As a result impacts to schools would be *less than significant*.

- d) *Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?*

Record searches of the Envirostor database identify that there are locations within the City that are listed under the Spills, Leaks, Investigation, and Cleanups (SLIC) program and as locations of former Leaking Underground Fuel Tanks (LUFTs).<sup>11</sup> Although the concentration of LUFT sites is primarily along Monterey Road in or near the downtown area, potential residential development could potentially occur in such areas under the draft Housing Element. However, given that the adoption of the Housing Element alone would not result in the physical development of residential units, there would be no direct impacts. Future anticipated residential development would be required to comply with applicable federal, State, and local regulations, (see Section VIII.a) and implementation of General Plan goals, policies, and programs and implementation of CEQA on a project specific basis would ensure that associated impacts are reduced to the maximum extent practicable. Therefore, any potential future development that could occur under the proposed Project would not create a significant hazard to the public or the environment by virtue of being identified as a hazardous materials site and impacts related to existing hazardous material sites would be *less than significant*.

- e) *For a project 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, would the project result in a safety hazard for people residing or working in the project area?*

Morgan Hill is located approximately six miles north of the South County Airport (San Martin Airport), but no portions of the City are within the airport safety zones established by the Santa Clara Comprehensive Land Use Plan.<sup>12</sup> Additionally, the Norman Y. Mineta San Jose International Airport is located approximately 25 miles north of Morgan Hill. Given the distances from the nearest public use airports, residential development as a result of implementation of the draft Housing Element would not be subject to any airport safety hazards. The proposed Project would also not have an adverse effect on aviation safety or flight patterns. Thus, there would be *no impact* related to public airport hazards.

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

There are no private airstrips in the vicinity of the locations where future residential development could occur under the implementation of the Housing Element. Thus, there would be *no impact* related to private airstrip hazards.

- g) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Adoption of the Housing Element alone would not result in land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operation Plan (adopted in 2013). Future residential development anticipated under the Housing Element would be required to comply with General Plan

---

<sup>11</sup> Department of Toxic Substances Control, [http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global\\_id=&x=-119&y=37&zl=18&ms=640,480&mt=m&findaddress=True&city=Morgan%20Hill&zip=&county=&federal\\_superfund=true&state\\_response=true&voluntary\\_cleanup=true&school\\_cleanup=true&ca\\_site=true&tiered\\_permit=true&evaluation=true&military\\_evaluation=true&school\\_investigation=true&operating=true&post\\_closure=true&non\\_operating=true](http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=-119&y=37&zl=18&ms=640,480&mt=m&findaddress=True&city=Morgan%20Hill&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluation=true&military_evaluation=true&school_investigation=true&operating=true&post_closure=true&non_operating=true), accessed on April 11, 2014

<sup>12</sup> Santa Clara County Airport Land Use Commission, Comprehensive Land Use Plan Santa Clara County, 2007, South County Airport, Figure 7, Airport Safety Zones, page 3-12.

goals and policies regarding public safety. Additionally, the proposed new Safety Element policies would lessen potential impacts related to emergency access for fire suppression by requiring new development to provide adequate infrastructure, such as safe access for emergency response vehicles. Therefore, implementation of General Plan policies and programs and the proposed new Safety Element policies would ensure that new development would not conflict with emergency operations in Morgan Hill; therefore, potential future development under the Housing Element would result in a *less-than-significant* impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

b) *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Morgan Hill itself is an urbanized area considered a bedroom community; however, according to CAL FIRE’s Fire Hazards Severity Zone Map, Morgan Hill is surrounded by high and very high fire hazard severity zones.<sup>13</sup> Further, according to the Morgan Hill Wildland Urban Interface map, there are High Fire Hazard Severity zones located east of Highway 101 and Very High Fire Hazard Severity Zones located west of Highway 101.<sup>14</sup> The draft Housing Element does identify potential housing sites within both zones. However, adoption of the Housing Element alone would not result in physical development. Future development allowed under the draft Housing Element would be required to comply with the goals and policies included in the Public Safety section of the General Plan, along with future development constructed pursuant to the California Building Code (CBC), and California Fire Code (CFC). Additionally, proposed new Safety Element policies, as described above in the Project Description would lessen potential impacts related to exposure of people or structures to significant risk of loss, injury or death involving wildland fires. Overall, impacts would be *less than significant*.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>13</sup> CAL FIRE, Fire Hazard Severity Zones Map, [http://frap.fire.ca.gov/webdata/maps/santa\\_clara/fhszs\\_map.43.pdf](http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszs_map.43.pdf), accessed on April 11, 2014.

<sup>14</sup> City of Morgan Hill, Wildland Urban Interface Map, <http://www.morgan-hill.ca.gov/DocumentCenter/Home/View/3037>, accessed on April 16, 2014.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project violate any water quality standards or waste discharge requirements?*

Potential future development or redevelopment that is associated with implementation of the Housing Element could affect drainage patterns and increase the overall amount of impervious surfaces, thus creating changes to stormwater flows and water quality. Increasing the total area of impervious surfaces can result in a greater potential to introduce pollutants to receiving waters. Urban runoff can carry a variety of pollutants, such as oil and grease, metals, sediments, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas and deposit them into an adjacent waterway via the storm drain system. New construction could also result in the degradation of water quality with the clearing and grading of sites, releasing sediment, oil and greases, and other chemicals to nearby water bodies. However, residential development anticipated by the Housing Element would be located in the urbanized areas of Morgan Hill or areas previously zoned for residential use.

In addition, potential housing would be required to comply with the National Pollutant Discharge Elimination System (NPDES) Permit and implementation of the construction Storm Water Pollution Prevention Plan (SWPPP) that require the incorporation of Best Management Practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction.

Given that the Housing Element itself would not result in the direct development of residential units, future anticipated development would be required to comply with General Plan goals and policies related to water quality and waste discharge and would be subject to project-level environmental review. Therefore, impacts would be *less than significant* with respect to water quality.

b) *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level?*

Potential future development under the Housing Element would have a significant environmental impact if it would result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Other physical changes that could occur as a result of implementing the Housing Element would occur within the existing built environment in areas where residential and transient uses are currently permitted and would not interfere with groundwater recharge. The Housing Element only identifies vacant sites that have previously been zoned for residential use and does identify new sites in addition to what has previously been accounted for. Further, goals and policies under the Community Development element of the General Plan encourage

water conservation and protection of water supply; therefore, future residential development would be required to comply with such goals and policies. Consequently, impacts would be *less than significant*.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

The proposed Project would result in a significant environmental impact if it would require modifications to drainage patterns that could lead to substantial erosion of soils, siltation, or flooding. Such drainage pattern changes could be caused by grade changes, the exposure of soils for periods of time during which erosion could occur, or alterations to creekbeds. Potential future development as a result of the proposed Project would occur within the built environment and would not involve the direct modification of any watercourse. If unforeseen excessive grading or excavation were required, then pursuant to the State Water Quality Control Board (SWQCB) Construction General Permit, a SWPPP would be required to be prepared and implemented for the qualifying projects under the proposed Project, which would ensure that erosion, siltation, and flooding is prevented to the maximum extent practicable during construction. Overall, construction associated with potential future development anticipated under the Housing Element would not result in substantial erosion, siltation, or flooding either on- or off-site, and associated impacts would be *less than significant*.

- d) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial flooding on- or off-site?*

See Section IX.c above.

- e) *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?*

Adoption of the Housing Element alone would not result in the development of residential units; however, development as a result of implementation of the Housing Element could result in physical changes that could occur which could increase impervious surfaces that could create or contribute to runoff water that would exceed the City's stormwater drainage systems. However, the type of anticipated development associated with the Housing Element would primarily be restricted to the existing built environment in areas where residential uses are currently permitted. The impacts related to stormwater drainage runoff would be *less than significant*.

- f) *Would the project otherwise substantially degrade water quality?*

A principal source of water pollutants is stormwater runoff containing petrochemicals and heavy metals from parking lots and roadways. Given that the proposed Project would not create such surfaces or increase vehicular use of existing parking lots and roadways, implementation of the Housing Element would not contribute to these types of water pollutants. As discussed under Section IX.c and IX.d, where excessive construction related grading or excavation is required, pursuant to the SWQCB Construction General Permit, a SWPPP would be required to be prepared and implemented for the qualifying projects under the proposed Project, which would reduce polluted runoff to the maximum extent practicable during construction phases. Furthermore, implementation of the Housing Element would be subject to the oversight and review processes and standards that are envisioned by the General Plan. As such, compliance with these existing regulations would result in *less-than-significant* water quality impacts.

- g) *Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

The Morgan Hill Flood Report (2007) identifies 100-year flood zones within the City, which are primarily located slightly west of Monterey Road. As a result, residential sites identified in the downtown area could be subject to flooding. Adoption of the Housing Element alone would not result in the physical development of residential units, however, future development as a result of implementation of the Housing Element could be placed within the 100-flood zone. Anticipated development associated with implementation of the Housing Element would primarily be restricted to the existing built environment in areas where residential uses are currently permitted. Further, anticipated development would be required to comply with the goals and policies under the Public Health and Safety element of the General Plan with respect to flood safety. Consequently, implementation of the proposed Project would result in *less-than-significant* impacts.

- b) *Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

See Section IX.g above.

- i) *Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?*

According to mapping compiled by ABAG, portions of Morgan Hill are within the Anderson Dam and Anderson/Chesbro Dam inundation zones.<sup>15</sup> As such, several of the sites identified under the draft Housing Element could be placed within those zones as a result of Morgan Hill being located between Anderson Lake to the east, and Chesbro Reservoir to the west. However, as previously mentioned, adoption of the Housing Element alone would not result in physical development, but identifies sites available for residential development, which have previously been zoned for residential use. Although potential residential development as a result of implementation of the Housing Element could place housing within the inundation zones, future development would be required to comply with the Public Health and Safety element of the General Plan to minimize potential impacts of development within those zones. Further, the proposed new Safety Element policies, as described above in the Project Description would lessen potential impacts related to exposure of people or structures to significant risk of loss, injury or death with regards to flooding. Additionally, future projects would be subject to project-level environmental review to further identify specific potential impacts. Therefore, potential impacts due to dam inundation would be *less than significant*.

- j) *Would the project potentially be inundated by seiche, tsunami, or mudflow?*

According to the CalEMA tsunami inundation map for emergency planning, there are no areas within Morgan Hill susceptible to inundation by seiche, tsunami, or mudflow. Therefore, there is no expectation of mudflows or debris slides to occur within Morgan Hill or at the potential housing sites. Therefore, *no impact* would occur.

<b>X. LAND USE</b>		<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
Would the project:					
a) Physically divide an established community?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>15</sup> City of Morgan Hill, Community Emergency Response Team, [http://www.mhcert.com/prepare/dam\\_failure.shtml](http://www.mhcert.com/prepare/dam_failure.shtml), accessed on April 11, 2014.

<b>X. LAND USE</b>		<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
Would the project:					
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project physically divide an established community?*

Adoption of the Housing Element alone would not involve any structures, land use designations, or other features (i.e. freeways, railroad tracks) that would physically divide an established community. The type of development anticipated under the Housing Element would primarily be restricted to the existing built environment in areas where residential uses are currently permitted. Future development allowed under the draft Housing Element would be required to comply with the goals and policies under the Community Development element of the existing General Plan, which establish goals such as requiring an orderly and efficient pattern of growth, and creating a visually attractive urban environment. Consequently, there would be *no impact* as a result of adoption of the draft Housing Element alone.

b) *Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

As previously described, the Housing Element identifies vacant sites currently zoned for residential uses. Although the adoption of the Housing Element alone would not result in direct physical impacts, implementation of the Housing Element would result in the construction of future residential units. However, as mentioned, the sites identified are currently zoned for residential uses under the adopted General Plan. Further, some of the sites identified are within the Downtown Specific Plan, which allows for high density residential development. Therefore, sites identified within those boundaries would be consistent with the plan, and impacts regarding conflicts with applicable plans, policies, or regulations would be *less than significant*.

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

Morgan Hill is included within the Santa Clara Valley Habitat Conservation Plan (HCP). However, as discussed in Section IV.f above, the sites are located on land that is designated for Urban Development in the HCP and would therefore be consistent with the HCP. Future residential development under implementation of the Housing Element would be required to comply with any relevant policies and provisions identified in the HCP, as well as General Plan goals and policies relating to habitat protection and conservation. Therefore, impacts would be *less than significant*.

**XI. MINERAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region or the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region or the state*

The proposed Project identifies sites suitable for residential development that are currently zoned to allow residential uses, and (does propose new land uses within Morgan Hill?). Therefore, there would be *no impact* to known mineral resources.

b) *Would the project 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?*

See Section XI.a above.

**XII. NOISE**

Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards of other agencies?*

The Housing Element designates adequate sites for potential future development that are already zoned for residential development. Although adoption of the Housing Element alone would not result in exposure of

persons to or generation of noise levels in excess of established standards, future development as a result of implementation of the Housing Element could generate such noise levels, primarily associated with future construction and operation activities. However, future development would be required to comply with General Plan goals and policies addressing noise safety, as well as Chapter 8.28, Noise, of the Morgan Hill Municipal Code. For that reason, and because the Housing Element itself only identifies potential housing sites and does not approve any physical development, noise impacts resulting from the adoption of the Housing Element would be *less than significant*.

b) *Would the project result in exposure of persons to or generate excessive groundborne vibration or groundborne noise levels?*

Adoption of the Housing Element alone would not generate or expose people to excessive groundborne vibration or groundborne noise levels. Any new internal roads created to serve potential future development anticipated under the Housing Element would be subject to project-specific environmental review and mitigation, if necessary, at such future time as development may be proposed. The Project therefore would not itself result directly in any new transportation-related sources of vibration. Development of future residential housing could include vibration-generating equipment associated with construction activities. However, this would not result in long-term operational vibration impacts. Further, impacts associated with future construction would be temporary and short-term. Consequently, adoption of the Housing Element would result in *less than significant* impacts.

c) *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Potential impacts from future residential development, as a result of implementation of the Housing Element, would stem mainly from the addition of vehicles along roadways in the City. However, the adoption of the Housing Element alone would not result in any direct increases to ambient noise levels. Further, because residential uses are not typically associated with high levels of stationary noise generation and would be largely developed near other residential uses, it is unlikely that any developments associated with implementation of the Housing Element would directly contribute to greater increase in ambient noise levels in their surrounding areas. Therefore, the impact would be *less than significant*.

d) *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Construction activities as a result of implementation of the Housing Element are anticipated to temporarily exceed the City's noise standards. Noise levels associated with project-related construction activities would be higher than the City's present ambient noise levels, but would subside once construction activities on each site conclude.

Given that the draft Housing Element only identifies potential housing sites and does not approve any physical development, future residential development would be subject to further environmental review to identify potential project-level impacts. Consequently, adoption of the Housing Element itself would result in less than significant impacts.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

There are no areas of Morgan Hill which fall within an airport land use plan for any of the airports located in close proximity to the City. All airports, including the Norman Y. Mineta San Jose International Airport and the San Martin Airport are located 4 or more miles away from Morgan Hill. Therefore, implementation of the

proposed Project would not result in exposure to excessive aircraft noise levels and the impact would be *less than significant*.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

There are no private airstrips located within Morgan Hill. Therefore, there would be *no impact* related to excessive noise levels related to private airstrips.

### XIII. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project induce substantial 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)?*

The draft Housing Element consists of an updated assessment of housing needs in Morgan Hill and identifies sites in the City suitable for the development of housing in order to meet the City's RHNA. The sites inventory is considered both existing General Plan and zoning designations as well as the most conservative scenario of possible decreases in allowed density as one potential outcome of the General Plan Update preferred land use plan process currently underway. The draft Housing Element does not call for an overall increase in allowed density or development capacity. Further, the Housing Element discusses the City's housing production goals and how the City would achieve regional housing needs production goals. Additionally, all sites identified under the draft Housing Element have access to existing infrastructure and would not require major extensions of roads or other infrastructure beyond that necessary to serve new development on or within the site. Finally, Morgan Hill's voter-approved RDCS population cap and annual growth allocation limits constrain population growth. Given that the Housing Element itself would not involve any development projects and would not directly result in the construction of any housing units, and that Morgan Hill has in place a growth management system that limits substantial population growth, adoption of the Housing Element alone would result in a *less than significant* impact with respect to inducing substantial population growth.

- b) *Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?*

The draft Housing Element is designed to address housing needs in Morgan Hill as determined by the RHNA. Therefore, the draft Housing Element facilitates that provision of housing. The parcels identified in the housing inventory are currently vacant, therefore would not displace substantial numbers of existing housing units and impacts would be *less than significant*.

c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The draft Housing Element itself only identifies residential development opportunity areas and would not directly displace any people or demolish any housing units or structures. Any future projects anticipated by the draft Housing Element would provide housing to meet housing goals for the City. Consequently, impacts with respect to displacing housing units or residents would be *less than significant*.

**XIV. PUBLIC SERVICES**

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of 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:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project result in substantial adverse physical impacts associated with the provision of 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:*

The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities typically need improvements (i.e. construction of new, renovation or expansion of existing) as demand for services increases. Increased demand is typically driven by increases in population. The proposed Project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve the residents of the City, thereby requiring construction of new facilities or modification of existing facilities. As discussed in Section XII, Population and Housing, above, the proposed Project would not directly or indirectly result in population growth. The proposed Project does not include the construction of any new public service facilities or expansion of existing facilities. Further, the draft Housing Element only identifies housing sites suitable for residential development that have previously been zoned to allow for residential use. Anticipated residential development under implementation of the draft Housing Element would also be subject to project-level environmental review to identify potential impacts to public services related to specific development. Therefore, the adoption of the draft Housing Element alone would not result in any direct physical impacts to public services; thus, *no impact* would occur.

**XV. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project 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?*

Because implementation of the proposed Project would not directly or indirectly result in population growth as discussed in Section XII, Population and Housing, above, it also would not increase the use of existing parks or facilities. Additionally, implementation of the proposed Project does not include nor require the construction or expansion of recreational facilities. For these reasons, implementation of the proposed Project would have *no impact* on recreation.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?*

See Section XV.a above.

**XVI. TRANSPORTATION/TRAFFIC**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit??	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>XVI. TRANSPORTATION/TRAFFIC</b>		<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
Would the project:					
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and free-ways, pedestrian and bicycle paths, and mass transit?*

The proposed Project would have no effect on the circulation system of Morgan Hill as it would not directly result in population growth. Rather, the draft Housing Element identifies suitable sites for residential development that have previously been zoned for residential use. Adoption of the draft Housing Element alone would not result in a direct increase to the City’s circulation system. As such, implementation of the proposed Project would not conflict with any applicable plan, ordinance, or policy which establishes measures of effectiveness for the performance of the circulation system. Potential future development permitted as a result of the proposed Project would allow for residential uses only in areas where residential uses are currently permitted. Consequently, impacts would be *less than significant*.

b) *Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

See Section XVI.a above.

c) *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The draft Housing Element does not include any strategy or measure that would directly or indirectly affect air traffic patterns. Therefore, *no impact* would result.

d) *Would the project substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

The proposed Project does not include any strategy that would promote the development of hazardous road design features or incompatible uses. Rather, the proposed Project would allow for housing in zoning designations where residential uses are currently permitted. Therefore, *no impact* would occur.

e) *Would the project result in inadequate emergency access?*

No part of the draft Housing Element would result in the development of uses or facilities that would degrade emergency access. As discussed above, the draft Housing Element identifies sites suitable for residential development that have already been zoned to allow for residential uses and are served by existing infrastructure, including roadways that would provide access to each site. Each project would be required to meet City standards for emergency access and undergo the standard Fire and Police Department’s review of residential projects. Therefore, there would be *no impact*.

f) *Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

The proposed Project would have no impact on policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. As stated above, the draft Housing Element identifies sites suitable for residential development that have already been zoned to allow for residential uses. Given that adoption of the draft Housing Element alone would not result in any direct physical impacts, nor does it permit physical development of any kind, there would be *no impact* associated with the adoption of the proposed Project.

<b>XVII. UTILITIES &amp; SERVICE SYSTEMS</b>				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The City of Morgan Hill is within the Central Coast Regional Water Quality Control Board (RWQCB). The proposed Project would allow for housing in zoning designations where residential uses are currently permitted. However, adoption of the draft Housing Element alone would not permit any development, but rather identifies sites suitable for residential development to meet the RHNA. The sites identified under the draft Housing Element are already served by existing infrastructure and would not require new infrastructure that could exceed wastewater treatment requirements. Further, anticipated development under the draft Housing Element would be required to comply with applicable goals and policies of the General Plan regarding water quality and supply, as well as all applicable federal and State wastewater treatment standards, including standards of the Central Coast RWQCB. Therefore, construction and operation resulting from potential future development permitted under the proposed Project would have *no impact* with regard to the wastewater treatment requirements.

- b) *Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Given the proposed Project only identifies sites suitable for residential development that have previously been zoned to allow for residential uses, and would not result in direct physical development from adoption alone, there would be no construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; thus, *no impact* would occur.

- c) *Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Given the proposed Project would not result in the direct physical development, but rather identifies sites suitable for residential development, it would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Further, the sites identified under the draft Housing Element are already served by existing infrastructure; thus, *no impact* would occur.

- d) *Would the project have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Morgan Hill's water supply derives from supplier-pumped groundwater through 12 wells, in which legal factors do not impact the availability of the water supply, since the Santa Clara Subbasin and Llagas Subbasin are not adjudicated. Additionally, no environmental factors limit the availability of supply.<sup>16</sup> However, water quality and climatic factors can affect water supply. Groundwater supply for Morgan Hill is dependent on rainfall levels and tends to be dynamic in years of high and low rainfall. The 2010 Morgan Hill Urban Water Management Plan indicates, that even during multiple dry years, water supply is still expected to exceed demand.<sup>17</sup>

Given that the draft Housing Element identifies sites suitable for residential development that have previously been zoned to allow for residential uses and does not, itself, permit physical development from adoption alone, there would be no demand for water supply from adoption of the draft Housing Element alone. Although anticipated development under the draft Housing Element could result in an increase to water demand, the 2010 Morgan Hill Urban Water Management Plan expects water supply to exceed demand through 2030. Consequently, given that no additional demand to water supply would directly occur from adoption of the draft Housing Element alone, there would be *no impact* to water supply as a result of implementing the proposed Project.

- e) *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments*

See Section XVII.a and XVII.b above.

- f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Recology South Valley provides garbage and recycling service to the City of Morgan Hill. The Kirby Canyon landfill is the predominant receiving landfill for solid waste generated in Morgan Hill and is estimated to close

---

<sup>16</sup> City of Morgan Hill, 2010 Urban Water Management Plan, page 5-1.

<sup>17</sup> City of Morgan Hill, 2010 Urban Water Management Plan, page 5-22 to 5-24.

in 2038.<sup>18</sup> Although the proposed Project could result in the increase to solid waste generation associated with anticipated residential development, adoption of the draft Housing Element alone would not result in any direct impact that would generate solid waste, nor does it permit the physical development of residential units. Given the fact that no additional solid waste generation is anticipated associated with adoption of the draft Housing Element, *no impact* to the Kirby Canyon Landfill would occur.

*g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

The proposed Project would have no direct effect on the solid waste disposal and recycling system of Morgan Hill as it would not permit, nor does it propose development that would result in an increase to population or solid waste generation. However, any future development would be required to comply with federal and State laws regulating solid waste disposal, including Assembly Bill 939, involving solid waste diversion rates. Because adoption of the draft Housing Element alone would not result in the construction of any housing units, there would be *no impact*.

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
a) Does the project have the potential to 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, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) <i>Does the project have the potential to 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, 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?</i>				

The provisions of the proposed Project would not contravene any aspects of the General Plan that would lead to impacts to wildlife, cumulative effects, or other substantial adverse effects on human beings. Anticipated development pursued under the proposed Project would adhere to the goals and policies established within the General Plan and all subsequent land use and zoning designations. Implementation of the proposed Project would therefore neither cause new impacts in regard to these issues nor would it exacerbate any

<sup>18</sup> City of San Jose, Newby Island Sanitary Landfill and the Recyclery Rezoning Project, 2009, page 191

existing impacts. Therefore, through mandatory regulatory compliance and consistency with General Plan policies, implementation of the proposed Project would have a *less-than-significant* impact with regards to the potential to 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, 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, nor have impacts that are individually limited, but cumulatively considerable, nor does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

b) *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)?*

See Section XVIII.a above.

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

See Section XVIII.a above.