



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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## DRAFT MITIGATED NEGATIVE DECLARATION

### I. DESCRIPTION OF PROJECT:

**Application #s:** GPA2018-0001, ZA2018-0001, EA2018-0001

**APN:** 728-02-002 and -003

**Project Title:** 2275 East Dunne General Plan Amendment and Rezone

**Project Location:** The 8.34-acre project site is located at the base of the eastern foothills of Morgan Hill on 2275 E. Dunne Avenue, north of Sorrel Way, in the City of Morgan Hill.

**Project Proponent:** Pillars Architecture Design, Alex Ross, 12 South First Street, #808, San José, CA 95113

**Project Description:** The 8.34-acre project site is located on 2275 East Dunne Avenue, north of Sorrel Way in the City of Morgan Hill. The project proposes a General Plan Amendment (GPA) to change the land use designation from Residential Estate to Residential Detached Low, and a rezoning from Residential Estate one acre (RE-1) to Residential Detached Low Density 12,000-square foot lot (RDL-12,000) in order to allow future subdivision(s) and residential uses on minimum 12,000-square foot lots. The analysis of this GPA and rezone assumes future development of 22 residential dwelling units on this site.

### II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

### III. CONDITIONS (Mitigation and Standard Measures):

#### A. Air Quality

##### Standard Measure to be Considered at the Time of Future Development

**SM AIR-1:** The following *Basic Construction Mitigation Measures* listed in Table 8-2 of the *BAAQMD CEQA Air Quality Guidelines* will be implemented during construction to reduce dust and other particulate matter impacts:

- During any construction period ground disturbance, the project contractor shall implement the following Best Management Practices (BMPs):
  - Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - Haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - Visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - Vehicle speeds on unpaved roads shall be limited to 15 mph.
  - Roadways, driveways, and sidewalks to be paved shall be completed as soon as possible after grading to minimize dirt and soil exposure. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - Construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - Post a publicly visible sign with the telephone numbers and contact information for the project construction manager and the Lead Agency regarding dust complaints. This construction manager shall respond and take corrective action within 48 hours.
  - The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

#### B. Biological Resources

##### Standard Measures to be Considered at the Time of Future Development

**SM BIO-1:** If project staging and construction is anticipated to take place during the avian nesting season (February 1st – August 31st), a nesting bird preconstruction survey shall be conducted by a qualified biologist to insure that nesting birds are not located within or adjacent to the project site. This survey shall be completed not more than 14 days prior to the start of any staging or construction activity. If nesting activity is observed during the preconstruction survey, the qualified biologist will coordinate with the California Department of Fish and Wildlife (CDFW) to establish appropriate buffers, monitoring,

and/or construction n phasing measures to avoid any impacts to nesting birds. The results of the preconstruction survey should be valid for 14 days.

**SM BIO-2:** Future development onsite shall submit a SCVHP application form and retain a qualified biologist to field verify the project site's land cover type and potential watercourses or drainage features using the *Criteria to Verify or Identify a Watercourse as a Stream* method as outlined in the Habitat Plan.

**SM BIO-3:** As required by the City's Tree Removal Controls, a tree removal permit is required from the Community Development Director, which includes the description of the tree replacement program and identification of any conditions imposed by the City.

### C. *Cultural Resources*

#### Standard Measure to be Considered at the Time of Future Development

**SM CUL-1:** The following standard permit condition would apply to future development of the project site to reduce and avoid impacts to unknown subsurface cultural resources.

- In the event any prehistoric or significant historic era cultural materials<sup>1</sup> are encountered during subsurface construction, all construction within a radius of 50 feet of the find shall be halted, the Director of the Community Development Department would be notified, and an archaeologist shall be retained to examine the find to make appropriate recommendations.
- If human remains are discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains were Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall identify the Most Likely Descendant (MLD) of the deceased Native American.
- If the Director of the Community Development Department finds that the cultural resource find is not a significant resource, work shall resume only after the submittal of a preliminary report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Director of the Community Development Department for consideration and approval, in conformance with the protocol set forth in the CEQA Guidelines. **(Less than Significant Impact)**

### D. *Geology and Soils*

#### Standard Measures to be Considered at the Time of Future Development

**SM GEO-1:** As required pursuant to General Plan Policy SSI-1.1, SSI-1.2, and SSI-2.1, future residential development shall prepare a design-level geotechnical investigation which shall include trenching in order to locate the fault zone and establish a "no build" zone. The

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<sup>1</sup> Significant cultural materials includes but are not limited to: aboriginal human remains, chipped stone; ground stone; shell and bone artifacts; concentrations of fire-cracked rock; ash and charcoal; shell; bone; and historic features such as privies or building foundations.

study shall be completed and submitted to the City for review as part of the tentative subdivision map review process. All recommendations in the design-level geotechnical investigation shall be implemented by the project, which shall include standard engineering and seismic safety design techniques. Future development shall also meet the requirements of applicable Building and Fire Code.

**SM GEO-2:** As part of the design-level geotechnical investigation required for future development onsite, the investigation shall include a debris flow analysis to evaluate the potential for debris flow. In the event debris flow hazard is identified, engineering measures would be implemented to reduce the hazard. Examples of engineering measures could include a combination of walls (deflection wall or catchment wall) and/or catchment basin and debris grate/catch basin.

**SM GEO-3:** Future development shall implement recommendations in the design-level geotechnical report prepared for the project, which shall include design and engineering measures to avoid and reduce adverse effects of expansive soils to future development onsite. Recommendations to address the undocumented fills shall also be implemented, which shall include removing all fills identified within the building areas and to a lateral distance of at least five feet beyond the building footprint or to a lateral distance equal to fill depth below the perimeter footing, whichever is greater.

#### *E. Hazards and Hazardous Materials*

##### Mitigation Measure to be Considered at the Time of Future Development

**Impact HAZ-1:** The surficial soil onsite may contain elevated levels of organochlorine pesticide. **(Significant Impact)**

**Mitigation Measure:** Implementation of the following mitigation measures to reduce impacts from contaminated soil (if present) would reduce potentially significant human health hazards to a less than significant level.

**MM HAZ-1:** As required by General Plan Policy SSI-4.16, during future environmental review when a development project is proposed, a Phase I Environmental Site Assessment (ESA) shall be prepared for the site in order to determine whether there are potential hazards associated with the historic agricultural use of the site. If the Phase I ESA recommends soil testing in order to define contamination, Phase II soil investigations shall be completed to document the concentrations of any hazardous contaminants in the soil. Recommendations of the Phase II for any required soil remediation shall be implemented by the project. **(Less Than Significant Impact with Mitigation)**

#### *F. Hydrology and Water Quality*

##### Standard Measure to be Considered at the Time of Future Development

**SM HYD-1:** In accordance with the City of Morgan Hill Standard Conditions of Approval and the General National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for Construction Activities, future development projects will prepare a SWPPP and an ECP. The plans will be submitted to the Director of Public Works and Central Coast Regional Water Quality Control Board (RWQCB) for review and approval, prior to issuance of a building permit. The ECP and SWPPP will demonstrate how the project will eliminate or reduce non-stormwater discharges into the stormwater system, how discharges into the stormwater system will be monitored, and what BMPs will be implemented by the project to avoid

water quality impacts during construction (e.g., street sweeping, fiber rolls, temporary cover and/or permanent cover) and post-construction periods. In conformance with existing policies, programs, and with implementation of BMPs, the project will not result in significant impacts to water quality or water discharge requirements. **(Less Than Significant Impact)**

G. *Noise*

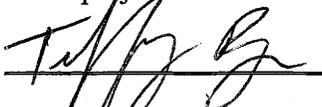
Standard Measure to be Considered at the Time of Future Development

**SM NOI-1:** The following standard construction noise suppression measures would be implemented during the construction activities to reduce noise levels:

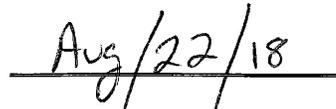
- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receptors.
- Acoustically shield stationary equipment located near residential receptors with temporary noise barriers or recycled demolition materials.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

**III. FINDING**

The City of Morgan Hill Community Development Services Department hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.



Tiffany Brown, Associate Planner  
Community Development Services  
City of Morgan Hill



Date

