City of Morgan Hill
Development Services Department

UP2019-0005: Railroad-Goyal

16500 Railroad Avenue Project

Initial Study

May 2020

Prepared by

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20 years
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INITIAL STUDY

May 2020

A. BACKGROUND

1. Project Title: Conditional Use Permit (UP2019-0005) and Design Permit for a truck depot at 16500 Railroad Avenue for AU Energy

2. Lead Agency Name and Address: City of Morgan Hill
Development Services Department
Morgan Hill, CA
17575 Peak Avenue
Morgan Hill, CA 95037

3. Contact Person and Phone Number: Terry Linder
Senior Planner
(408) 310-4667

4. Project Location: 16500 Railroad Avenue
Morgan Hill, CA 95037
APN 817-58-002

5. Project Sponsor's Name and Address: Sunny Goyal
AU Energy, LLC
4180 Albrea Street
Fremont, CA 94538
(510) 270-3411

6. Existing General Plan Designation: Industrial

7. Existing Zoning Designation: General Industrial (IG)

8. Required Approvals from Other Public Agencies: Regional Water Quality Control Board
Bay Area Air Quality Management District

9. Surrounding Land Uses and Setting:

The project site consists of approximately 2.66 acres, located at 16500 Railroad Avenue in the City of Morgan Hill, California. The site is identified by Assessor's Parcel Number (APN) 817-58-002. The City of Morgan Hill 2035 General Plan designates the site as Industrial and the site is zoned General Industrial (IG). Currently, the site is developed with one residence and two accessory structures (a garage and a storage container). Several trees exist throughout the project site, including along the site perimeter. Surrounding land uses include the existing AU Energy facility and a light industrial building to the north, a senior housing facility to the east, a seafood wholesale distributor to the south, and Union Pacific Railroad (UPRR) tracks to the west, across Railroad Avenue.

10. Project Description Summary:

The Conditional Use Permit (UP2019-0005) and Design Permit for a truck depot consists of relocating the existing AU Energy facility from 16530 Railroad Avenue to 16500 Railroad Avenue (project site), directly south of the facility's existing location. The proposed project would include demolition of the existing on-site structures to develop a two-story, 13,000-square foot (sf) freight terminal (Building A) and an 8,000-sf light industrial building (Building B). Building A would include a 4,700-sf office area, a 1,400-sf shop, 4,300-sf shop bays, and a 2,600-sf covered truck wash. Upon completion of the proposed project, existing AU Energy Operations at 16530 Railroad Avenue would cease. The proposed project would be consistent with the General Plan land use and zoning designations for the site. Approval of the proposed project would require the following discretionary actions: Design Review and a Conditional Use Permit to allow operation of a freight terminal within the IG-zoned project site.

B. SOURCES

The following documents are referenced information sources used within this analysis:

1. Apex Companies, LLC. *Limited Subsurface Investigation, 16500 Railroad Avenue, Morgan Hill, California.* November 1, 2019.
2. Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. Available at: http://www.mhcert.com/prepare/dam_failure.shtml. Accessed March 2020.
3. Association of Bay Area Governments. *Resilience Program*. Available at: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed March 2020.
4. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
5. Bureau Veritas North America, Inc. *Phase I Environmental Site Assessment, 16500 Railroad Avenue, Morgan Hill, California.* June 11, 2019.
6. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update.* January 20, 2017.
7. California Building Standards Commission. *California Green Building Standards Code*. 2019.
8. California Department of Conservation. *Santa Clara County Important Farmland Map 2016.* September 2018.
9. California Department of Forestry and Fire Protection. *Morgan Hill, Very High Fire Hazard Severity Zones in LRA.* October 9, 2008.
10. California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill (27-AA-0005).* Available at: https://www2.calrecycle.ca.gov/swfacilities/Directory/27-AA-0005/. Accessed March 2020.
11. California Energy Commission. *Title 24 2019 Building Energy Efficiency Standards FAQ*. November 2018.
12. California Historical Resources Information System. *Record search results for the proposed project located 16500 Railroad Avenue, Morgan Hill, Santa Clara County.* February 17, 2020.

13. City of Morgan Hill. *2015 Urban Water Management Plan*. 2016.
14. City of Morgan Hill. *2035 General Plan Draft EIR*. January 2016.
15. City of Morgan Hill. *2035 General Plan, City of Morgan Hill.* Adopted July 2016.
16. City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule.* February 6, 2019.
17. City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map.* March 2009.
18. City of Morgan Hill. *Emergency Operations Plan.* January 11, 2018.
19. City of Morgan Hill. *Guidelines for Preparation of Transportation Impact Reports.* Amended February 24, 2010.
20. City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report.* Adopted July 2016.
21. Department of Conservation. *State of California, Special Studies Zones, Mt. Madonna Quadrangle, Revised Official Map.* Effective January 1, 1976.
22. Dudek. *Technical Memorandum, Subject: Railroad Avenue Freight Terminal – Noise Analysis.* April 2, 2020.
23. Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette No. 06085C0607H.* Accessed March 2020.
24. Kielty Arborist Services, LLC. *Site: 16500 Railroad, Morgan Hill, CA.* August 18, 2019.
25. Native American Heritage Commission. *16500 Railroad Avenue Project, Santa Clara County.* February 11, 2020.
26. Natural Resources Conservation Service. *Web Soil Survey.* Available at: https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm. Accessed March 2020.
27. Salinas Valley Solid Waste Authority. *2018-19 Annual Report.* October 14, 2019.
28. Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport.* Amended November 16, 2016.
29. Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012.
30. Santa Clara Valley Habitat Agency. *Geobrowser*. Available at: http://www.hcpmaps.com/habitat/. Accessed March 2020.
31. Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan.* October 2015.
32. Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins.* November 2016.
33. Santa Clara Valley Water District. *C1: Anderson Dam Seismic Retrofit*.* Available at: https://www.valleywater.org/anderson-dam-project. Updated November 2018.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

As indicated by the checklist on the following pages, the proposed project would not result in significant impacts to any of the environmental factors listed below, and mitigation would not be required.

☐ **Aesthetics**	☐ **Agriculture and Forest Resources**	☐ **Air Quality**
☐ **Biological Resources**	☐ **Cultural Resources**	☐ **Energy**
☐ **Geology and Soils**	☐ **Greenhouse Gas Emissions**	☐ **Hazards and Hazardous Materials**
☐ **Hydrology and Water Quality**	☐ **Land Use and Planning**	☐ **Mineral Resources**
☐ **Noise**	☐ **Population and Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	☐ **Tribal Cultural Resources**
☐ **Utilities and Service Systems**	☐ **Wildfire**	☐ **Mandatory Findings of Significance**

D. DETERMINATION

On the basis of this initial study:

☒ I find that this environmental checklist provides substantial evidence that the proposed project can be considered exempt from the California Environmental Quality Act on the basis that it meets the criteria for the Infill Development Project Exemption (Guidelines Section 15332) and does not meet any of the exceptions for exemptions (Guidelines Section 15300.2).

☐ 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 applicant. 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" 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 pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Terry Linder, Senior Planner	City of Morgan Hill
Printed Name	For

E. BACKGROUND AND INTRODUCTION

In July 2016, the City of Morgan Hill adopted the 2035 General Plan,[1] as well as an associated Environmental Impact Report (EIR) for the updated General Plan.[2] The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq*.). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan. The City of Morgan Hill 2035 General Plan designates the site as Industrial, which permits warehouse, office, and manufacturing uses. The proposed project is a Conditional Use Permit and Design Permit to allow development of a two-story, 13,000-sf freight terminal and an 8,000-sf light industrial building. Thus, the proposed project would be consistent with the General Plan designation for the site.

The purpose of this Initial Study is to evaluate the 16500 Railroad Avenue Project (proposed project) to determine whether the proposed project is exempt from review under the California Environmental Quality Act (CEQA). Secondly, this Initial Study evaluates whether the proposed project meets any of the exceptions to exemptions listed in Section 15300.2 of the CEQA Guidelines. The summary of the analysis contained in this Initial Study and the relevant findings related to the above key inquiries is presented in the following section.

A further point is noteworthy before proceeding with the analysis. The relevant questions a lead agency must consider when determining if a particular project is exempt from CEQA are focused on the specific criteria for exemptions and the list of exceptions to an exemption within the CEQA Guidelines. Thus, for this project, the City of Morgan Hill could have focused this analysis on the criteria for the Infill Exemption in CEQA Guidelines Section 15332 and the list of exceptions in Section 15300.2. For this particular project, the City elected to prepare a full initial study checklist to provide the substantial evidence supporting its determination as to whether the project can be considered exempt from CEQA. For an overview of the focused list of criteria under 15332 and 15300.2, see Section G of this Initial Study.

F. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and required discretionary actions.

Project Location and Setting

The project site consists of approximately 2.66 acres, located at 16500 Railroad Avenue in the City of Morgan Hill, California (see Figure 1 and Figure 2). The site is identified by APN 817-58-002. The City of Morgan Hill 2035 General Plan designates the site as Industrial and the site is zoned General Industrial (IG).

Currently, the site is developed with one residence and two accessory structures. Several trees exist throughout the project site, including along the site perimeter. The two accessory structures were previously used as storage for a fence rental company (Rent A Fence). The remainder of the site consists primarily of ruderal grasses, along with various debris such as old fences and car parts. A series of storage containers are located near the southern site boundary.

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1 City of Morgan Hill. *2035 General Plan, City of Morgan Hill.* Adopted July 2016.
2 City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report.* Adopted July 2016.

Figure 1
Regional Project Location

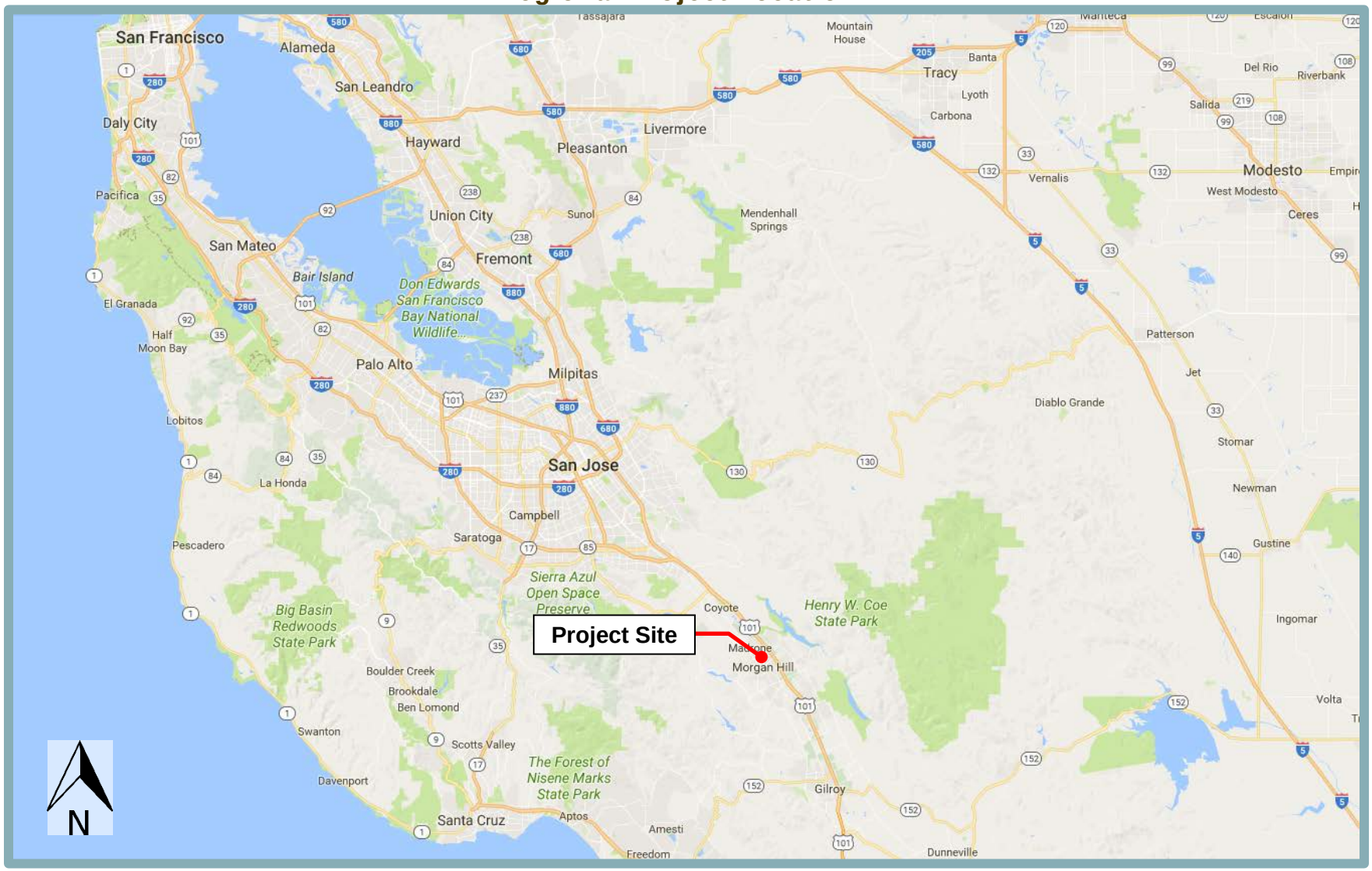


Figure 2
Project Vicinity Map

The project site is generally bounded by Railroad Avenue to the west and residential development to the east. Surrounding land uses include the existing AU Energy facility and a light industrial building to the north, a senior housing facility to the east, a light industrial seafood wholesale distributor to the south, and Union Pacific Railroad (UPRR) tracks to the west.

Project Components

The proposed project consists of relocating the existing AU Energy facility from 16530 Railroad Avenue to the project site, located directly south of the existing facility. The proposed project would include demolition of the existing on-site structures to develop a two-story, 13,000-sf freight terminal (Building A) and an 8,000-sf light industrial office building (Building B) (see Figure 3 and Figure 4). Building A would consist of a 4,700-sf office area, a 1,400-sf shop, 4,300-sf shop bays, and a 2,600-sf covered truck wash. In addition, a 12,000-gallon, above-ground fuel tank would be installed in the northeast corner of the project site.

The proposed project would occur over two phases. Phase I would include the demolition of two accessory structures and construction of Building A. Access to the project site would be provided by a new driveway along Railroad Avenue. Additionally, Phase I would develop 29 standard parking stalls, 12 truck parking stalls, three electric vehicle charging stalls, and two accessible stalls. The 28 standard parking stalls would be located north of Building A, while the 12 truck parking stalls would be located to the east of Building A. Three electric vehicle charging stalls, one additional standard parking stall, and two accessible stalls would be located west of Building A. Phase II would include demolition of the existing 1,670-sf residence and construction of Building B. Phase II would include an additional 23 standard parking stalls and one accessible space south of Building B. Both buildings would also provide bicycle parking areas. In total, the proposed project would include 58 parking stalls.

Project Operations

Currently, AU Energy operations include the transportation of gasoline products to various gas stations in the greater Bay Area. Primary operations associated with the proposed project would be similar to the existing AU Energy facility. Specifically, AU Energy truck drivers would come to the proposed facility, park their personal cars, meet with the dispatch personnel and safety team, and then leave the site in delivery trucks. Upon returning from the deliveries, drivers would check in the truck and allow the next driver to make their respective deliveries. All trucks would return empty to the facility.

Activities associated with Building A would include general office work, and light mechanical work in the shop and shop bays. The mechanical equipment within the shop and shop bays would be necessary to do light repairs and inspections, such as tire changes and oil changes. The covered truck wash station within Building A would be limited to hand wash and would not include any mechanical or automated equipment. Activities associated with Building B would include light industrial operations. Detailed operations associated with Building B are speculative at this time, as the building would be leased out as a light industrial building to a qualifying business until the AU Energy, Inc. staff grows to a point where the extra space is needed.

The proposed project would include installation of an above-ground fuel tank in the northeast corner of the project site, which would be used to fuel delivery trucks. The amount of fuel to be pumped on the project site annually would range between 200,000 and 300,000 gallons. The fuel tank would be constructed with a double wall and spill protection features, as required by State and County laws.

Figure 3
Proposed Site Plan – Phase I

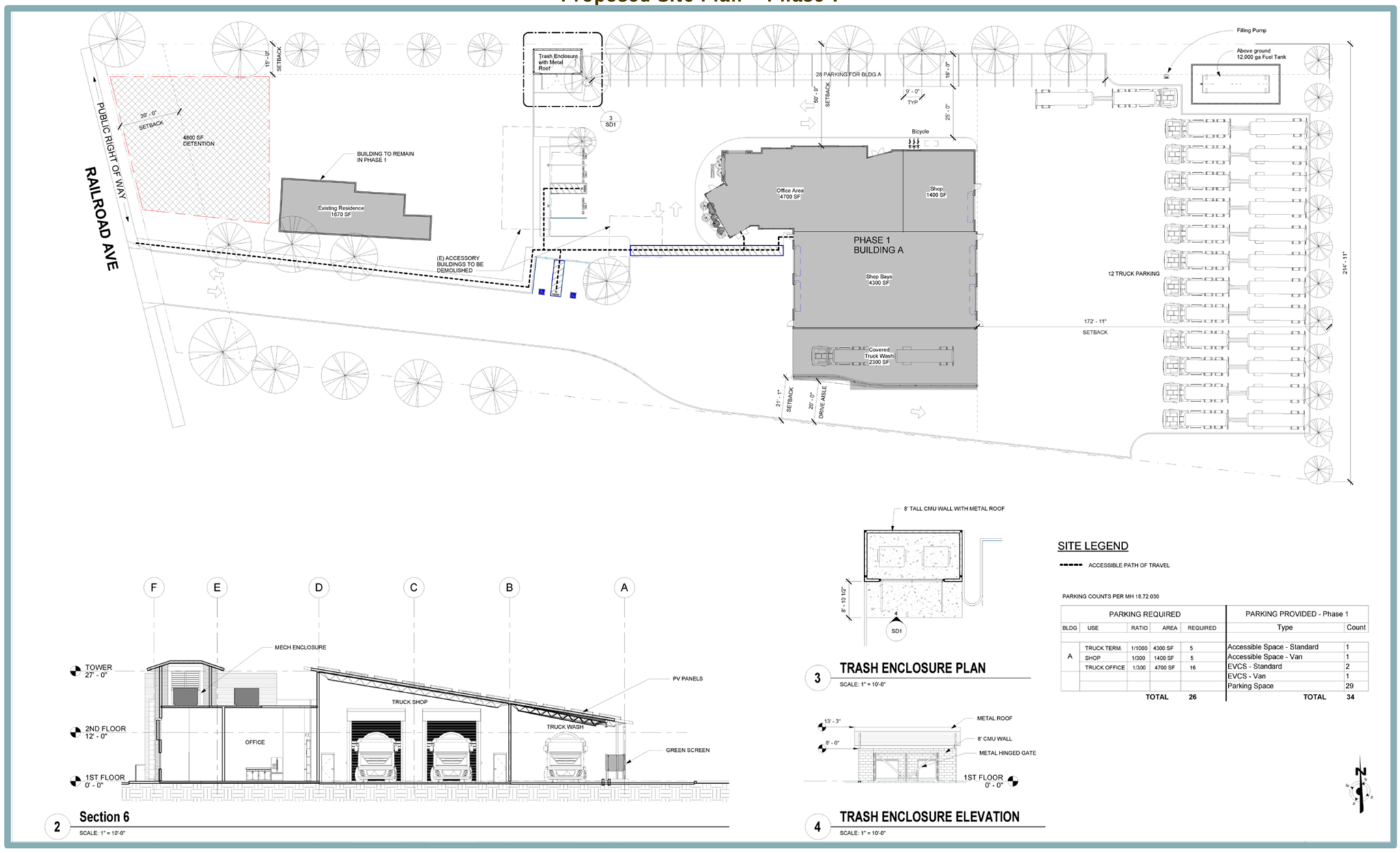
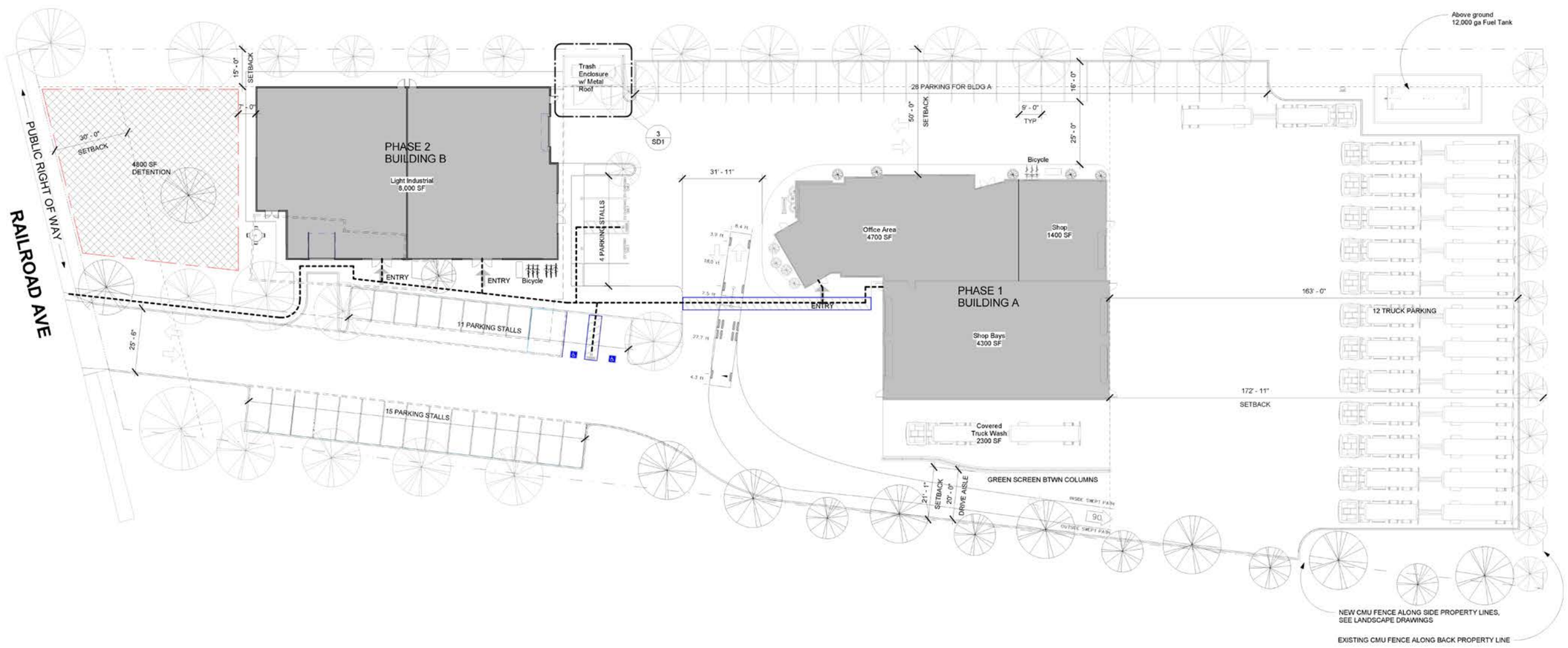


Figure 4
Proposed Site Plan – Phase II



SEE LANDSCAPE DRAWINGS FOR ALL LANDSCAPING

PARKING COUNTS PER MH 18.72.030

PARKING REQUIRED					PARKING PROVIDED - Phase 2	
BLDG	USE	RATIO	AREA	REQUIRED	Type	Count
A	TRUCK TERM.	1/1000	4300 SF	5	Accessible Space - Standard	2
	SHOP	1/300	1400 SF	5	Accessible Space - Van	1
	TRUCK OFFICE	1/300	4700 SF	16	EVCS - Standard	2
B	BUSINESS	1/250	8000 SF	32	EVCS - Van	1
					Parking Space	52
			TOTAL	58	TOTAL	58

SITE LEGEND

ACCESSIBLE PATH OF TRAVEL

The double-walled tank would have a leak detection system between the two layers and a containment system would be located under the tank in case of any small leaks. The tank would hold diesel fuel and be for the private use of AU Energy operations only; fuel stored in the tank would not be distributed to clients.

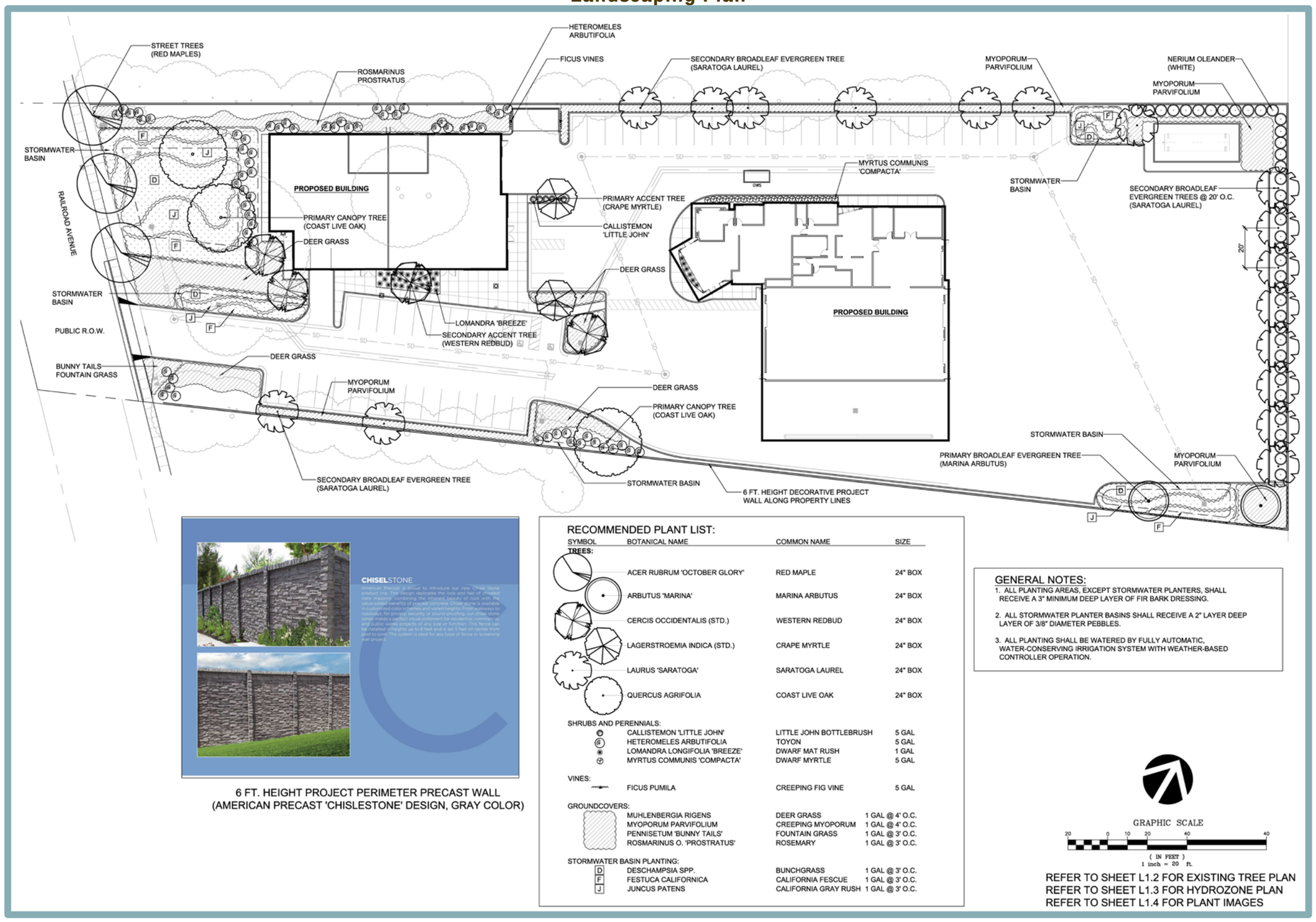
Operation of the proposed project would initially involve five to eight daily employees, which would eventually grow to 12 to 18 daily employees. Currently, operation of the existing AU Energy facility to the north includes the use of six to eight trucks per day. The initial operation of the proposed project is not anticipated to increase freight truck activity above the level currently occurring at the existing facility. However, the applicant may expand the number of daily trucks to as many as 12, and this initial study covers that potential increase. Hours of operation would generally be from 7:00 AM to 5:00 PM with an after-hours dispatcher on-site for the night shift. The first driver shift would be generally from 4:00 AM to 4:00 PM and the second shift would be from 4:00 PM to 4:00 AM. Truck drivers would be on the road for the majority of their shift and would return to the office for shift changes.

Per Section 18.74.050 of the City's Municipal Code, landscaping would be provided throughout the site in accordance with the City's Standard Details for Construction. As shown in Figure 5, the proposed project would include the planting of various trees, shrubs, and ground cover along the site perimeter, near the proposed parking areas, and within a proposed bioretention area. In addition, the project would include construction of a six-foot wall along the northern, eastern, and southern site boundaries for screening purposes and noise attenuation.

Water and sewer service for the proposed development would be provided by the City through connections to existing infrastructure located in the site vicinity. The proposed project would include new water connections from the proposed buildings to an existing 16-inch water main within Railroad Avenue (see Figure 6). In addition, the proposed project would include new connections to existing sanitary sewer lines. One six-inch sanitary sewer line would be routed from Building A to a sanitary sewer clean out located just north of the proposed building. From the clean out, a six-inch sanitary sewer line would connect to another sewer line routed from Building B and eventually connect to an existing sanitary sewer manhole within Railroad Avenue.

Stormwater from the project site would flow through various on-site drainage management areas (DMAs). The project site would include 10 DMAs with different stormwater treatment measures (see Figure 7). Five of the DMAs would direct runoff to a bioretention area; three DMAs would include self-treating measures; and another two DMAs would include pervious pavement with an underdrain. The bioretention areas would provide treatment of stormwater by allowing runoff to filter through layers of vegetated soil and gravel. Treated stormwater would be captured by a perforated underdrain and routed to a detention basin located in the western portion of the project site, which would allow for metering of flows prior to discharging runoff, by way of a new six-inch storm drain, to existing City stormwater drainage infrastructure in Railroad Avenue.

Figure 5
Landscaping Plan



6 FT. HEIGHT PROJECT PERIMETER PRECAST WALL
(AMERICAN PRECAST 'CHISLESTONE' DESIGN, GRAY COLOR)

Figure 6
Preliminary Utility Plan

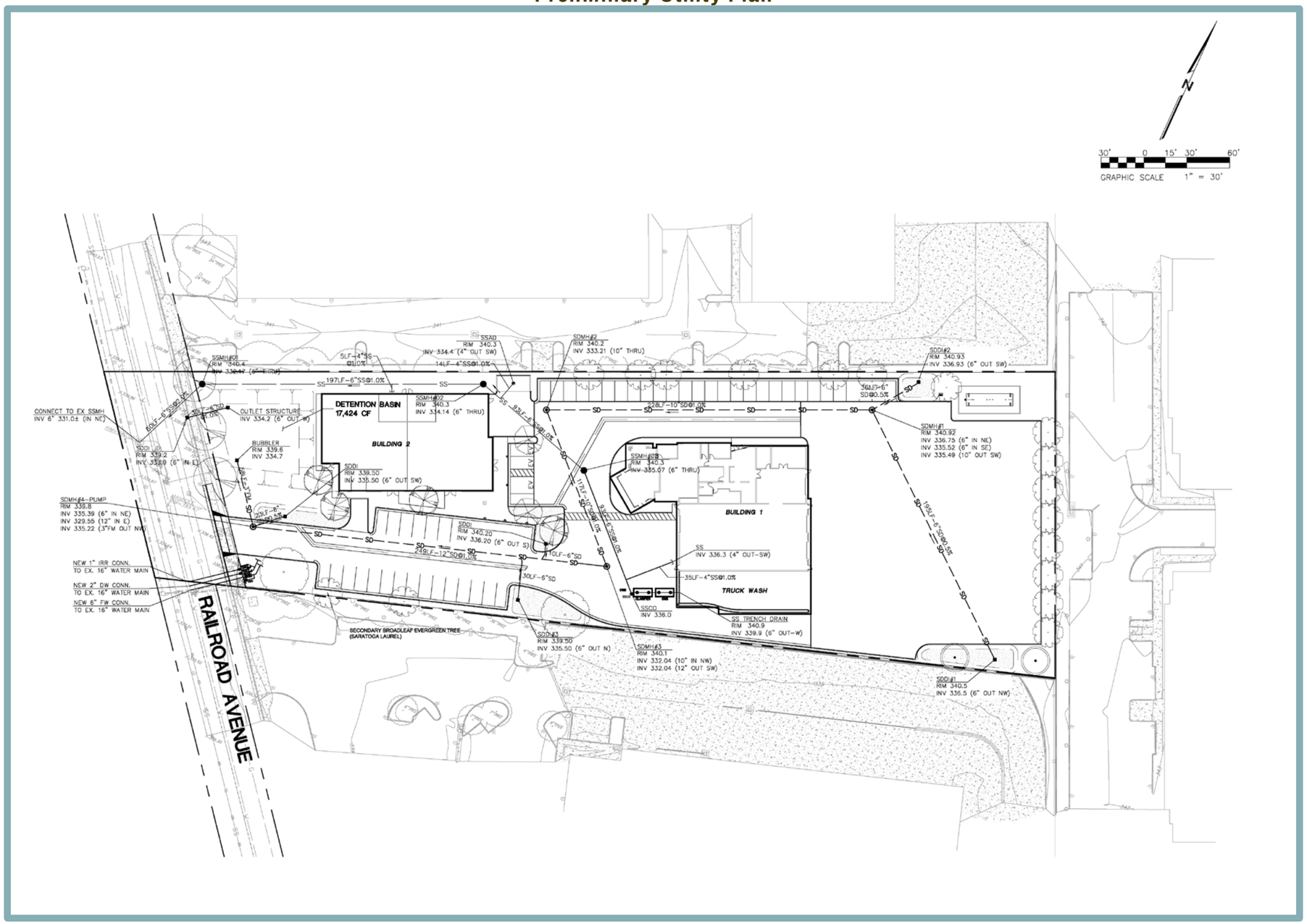
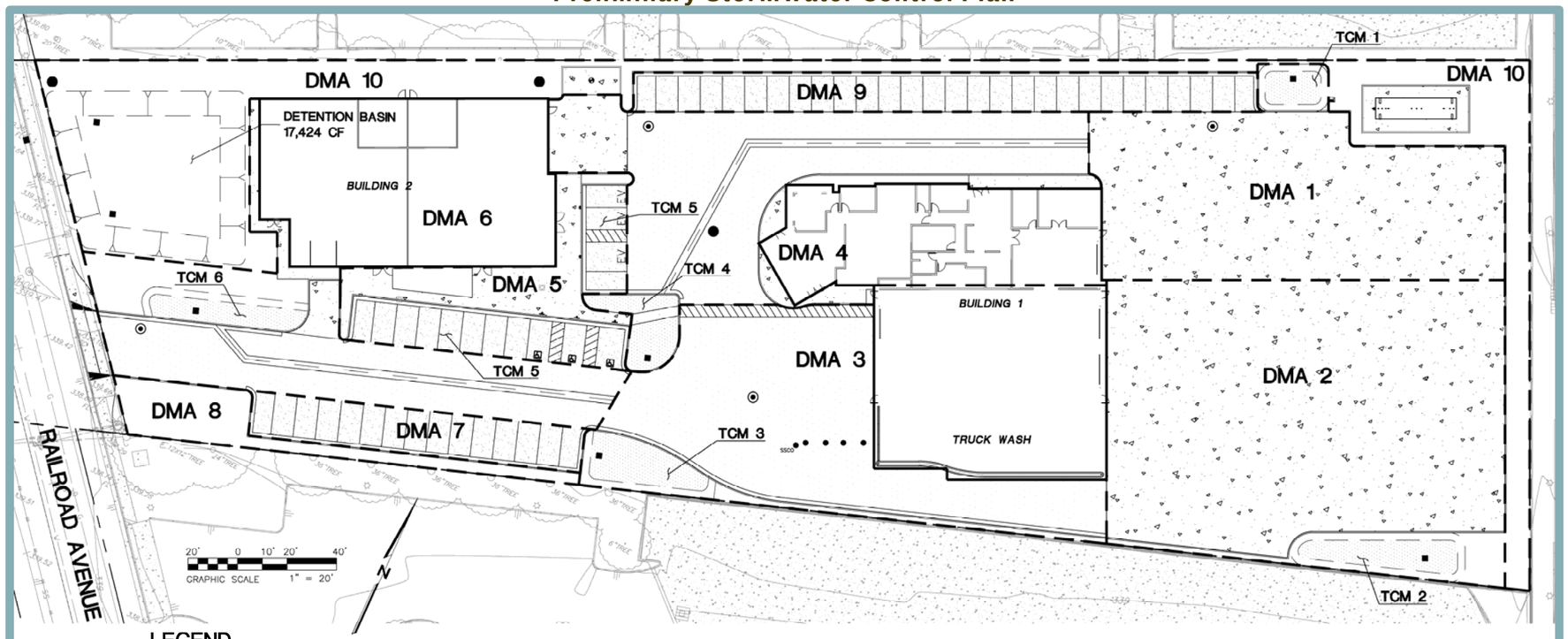


Figure 7
Preliminary Stormwater Control Plan



LEGEND

- DRAINAGE MANAGEMENT AREA LIMITS
- CONCRETE SIDEWALK/STRESS PAD
- PERVIOUS PAVEMENT
- ASPHALT PAVEMENT
- BIORETENTION
- **DMA #** DRAINAGE MANAGEMENT AREA #
- **TCM #** TREATMENT CONTROL MEASURE #

TREATMENT CONTROL MEASURE SUMMARY TABLE

DMA #	TCM #	Location	Treatment Type*	LID or Non-LID	Sizing Method**	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (Permeable Pavement) (s.f.)	Pervious Area (Other) (s.f.)	% Onsite Area Treated by LID or Non-LID TCM	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Overflow Riser Height (in)	Storage Depth Required (ft)	Storage Depth Provided (ft)	Comments
1	1	Onsite	Bioretention unlined w/ underdrain	LID	3. Flow-Volume Combo	10,912	10,361	0	551	10.30%	298	298	0.93	0.83	0.83	Storage depth needed for combo flow calculation.
2	2	Onsite	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	18,640	16,891	0	1,749	17.59%	676	679	6	0	0	
3	3	Onsite	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	17,403	15,958	0	1,445	16.42%	638	718	6	0	0	
4	4	Onsite	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	15,708	15,170	0	538	14.82%	607	591	6	0	0	
5	5	Onsite	Self-retaining areas	LID	N/A	5,131	1,799	2,585	747	4.84%	0	0	0	0	0	Self Retaining (2:1)
6	6	Onsite	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	15,812	13,528	0	2,284	14.92%	541	560	6	0	0	
7		Onsite	Pervious pavement w/ underdrain	LID	N/A	2,179	0	2,179	0	2.06%	0	0	0	0	0	Self Treating
8		Onsite	Self-treating areas	LID	N/A	1,884	0	0	1,884	1.78%	0	0	0	0	0	Self Treating
9		Onsite	Pervious pavement w/ underdrain	LID	N/A	4,038	0	4,038	0	3.81%	0	0	0	0	0	Self Treating
10		Onsite	Self-retaining areas	LID	N/A	14,264	1,130	0	13,134	13.46%	0	0	0	0	0	Self Retaining (2:1) TE Roof & Fuel Pad
					Totals:	105,971	74,837	8,802	22,332	100.00%						

Footnotes:
* "Lined" refers to an impermeable liner placed on the bottom of a Bioretention basin or a concrete Flow-Through Planter, such that no infiltration into native soil occurs.
** Sizing for Bioretention Area Required calculated using the 4% Method (Impervious Area x 0.04) unless noted otherwise.
*** Per Chapter 2.3 of the C3 Stormwater Handbook Roadway projects that add new sidewalk along an existing roadway are exempt from Provision C.3.c of the Municipal Stormwater Permit.

Requested/Required Entitlements

The proposed project would require the City's approval of the following entitlements:

- Approval of Design Review Permit.
  - Per Section 18.108.040 of the City's Municipal Code, the proposed project would be subject to Design Review by the City. The site plan would be analyzed based on standards set forth in Section 18.108.040(H). Specifically, the site plan would be analyzed based on elements of design, development location, arrangement of all structures, and design in harmony with surrounding facilities. The purpose of the Design Review is to allow the City to review all new development, signs, buildings, structures, and other facilities in order to further enhance the City's appearance, and the livability and usefulness of properties.
- Approval of a Conditional Use Permit.
  - The proposed project would require a Conditional Use Permit to allow for operation of a freight terminal within the IG zone on the project site.

G. Summary

The following section contains a summary showing that the proposed project can be considered exempt from CEQA and is not subject to any of the exceptions set forth in Section 15300.2 of the CEQA Guidelines. As demonstrated throughout this Initial Study, the proposed project qualifies for exemption under CEQA Guidelines Section 15332, Class 32.

In-Fill Development Project Exemption

Article 19 of the CEQA Guidelines, Sections 15300 through 15333, includes a list of classes of projects that have been determined to not have a significant effect on the environment, and are therefore exempt from CEQA. Section 15332 of the CEQA Guidelines provides a categorical exemption for infill development projects that meet the following criteria:

(a) The project is consistent with the applicable general plan designation and all applicable general plan polices as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

The applicability of the above criteria to the proposed project is summarized in the following sections.

Criterion 15332(a): General Plan and Zoning Consistency

The City's General Plan designates the site Industrial and the site is zoned IG. The industrial land use designation is intended for research, warehouse, manufacturing, service commercial, and office uses with a maximum floor-to-area ratio (FAR) of 0.6 and a maximum building height of 50 feet. The proposed project would be consistent with the types of uses anticipated for the project site per the General Plan. In addition, the project would result in a FAR of 0.18 (20,400 sf / 115,728 sf of net developable site area), which is compatible with the City's maximum FAR for the Industrial land use designation. The proposed buildings would have a maximum height of 30 feet and 10 inches, which complies with the City's 50-foot building height limit for the designation.

With regard to zoning, per Section 18.26.010 of the City's Municipal Code, the purpose of the IG zoning district is to provide areas for general industrial, manufacturing, wholesale, and service uses needed by the City and region, subject to regulations necessary to protect other nearby uses from hazards and noise and other disturbances. The proposed project would be consistent with the IG zoning designation and would comply with the development standards established for the IG district per Section 18.26.030 of the Municipal Code. A freight terminal is a conditionally permitted use; therefore, the applicant has submitted a Conditional Use Permit for the proposed project. In addition, the Municipal Code requires Design Review, for which the applicant has also applied.

Criterion 15332(b): Project Location, Size, and Context

The project site consists of a 2.66-acre parcel located within the Morgan Hill city limits. The site is located near existing industrial development to the north and south, and is surrounded by existing development. Thus, the proposed project meets Criterion 15332(b).

Criterion 15332(c): Endangered, Rare, or Threatened Species

Currently, the site is developed with one residence and two accessory structures. Several trees exist throughout the project site, including along the site perimeter. As discussed in Section IV, Biological Resources, of this Initial Study, the project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP) permit area. Per the SCVHP, the entirety of the project site is designated as an "Urban-Suburban" land cover type and is not subject to land cover fees.[3] Generally, due to the highly disturbed nature of the area surrounding the project site, as well as the existing development that has occurred within the project site, the project site does not provide habitat for endangered, rare or threatened species. Thus, the proposed project meets Criterion 15332(c).

Criterion 15332(d): Traffic, Noise, Air Quality, and Water Quality

The following sections present a summary of the IS analysis regarding potential effects related to traffic, noise, air quality, and water quality resulting from implementation of the proposed project. As demonstrated below, the proposed project meets Criterion 15332(d).

Traffic

As discussed in Section XVIII, Transportation, of this Initial Study, the proposed project operations would include the use of up to 12 delivery trucks for two shifts per day. Therefore, over a 24-hour period, the proposed project could result in approximately 48 truck trips. In addition, the proposed project would include up to 18 on-site employees, potentially resulting in an additional 36 average daily trips (ADT). Thus, the proposed project would result in a total of approximately 84 ADT.

Overall, due to the relatively minimal vehicle trip generation associated with the proposed uses, the project would not be expected to degrade peak period LOS at any nearby intersections or roadway sections. In addition, the proposed project is consistent with the project site's existing General Plan land use and zoning designations. Therefore, vehicle trip generation associated with the project site and associated effects on local transportation facilities have been anticipated by the City and accounted for in regional planning efforts.

Noise

As discussed in Section XIII, Noise, of this IS, operations associated with the proposed project would generate noise associated with vehicle traffic on local roadways, fleet maintenance, and

[3] Santa Clara Valley Habitat Agency. *Geobrowser Report, APN: 81732057.* September 10, 2019.

on-site truck movement. According to the Noise Report prepared for the proposed project, fleet maintenance activities associated with the proposed project are calculated to be less than 43 dB at the eastern site boundary. Thus, light mechanical and maintenance activities performed in the freight terminal bays are anticipated to comply with the City of Morgan Hill noise level standards. Furthermore, the Noise Report determined that on-site truck movement noise levels would be approximately 39 dB L_{dn} at the residential receptor property line to the east. Therefore, on-site truck movement noise levels are predicted to comply with the City of Morgan Hill maximum noise level standards.

During construction, the project would result in short-term noise level increases in the project vicinity. However, the Morgan Hill Municipal Code does not specify any short-term construction noise level limits. Construction activities would occur during normal daytime hours. In addition, construction activities related to the proposed project would include the use of sound-dampening equipment such as mufflers, air-inlet silencers, shrouds, shields, or other noise-reducing features where appropriate.

Air Quality

A detailed discussion of applicable thresholds of significance and estimated construction and operational emissions is present in Section III, Air Quality, of this Initial Study. As discussed in Section III, the proposed project would result in maximum construction and operational criteria air pollutant emissions that are well below the applicable thresholds. Because the proposed project would result in emissions below the applicable thresholds of significance, the proposed project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

Therefore, the proposed project is not anticipated to result in short-term construction-related or long-term operational emissions of air quality pollutants that would be considered to have the potential to result in significant effects on the environment.

Water Quality

Issues related to stormwater infrastructure are discussed in Section X, Hydrology and Water Quality, of this Initial Study. As noted therein, the proposed project would not significantly increase stormwater flows into the City's existing system. Stormwater from the project site would flow through various on-site DMAs. The project site would include 10 DMAs with different stormwater treatment measures. Five of the DMAs would direct runoff to a bioretention area; three DMAs would include self-treating measures; and another two DMAs would include pervious pavement with an underdrain. Stormwater would ultimately be directed to a detention basin in the western portion of the site before being discharged into the City's stormwater system The final drainage system design for the project will be subject to review and approval by the City of Morgan Hill Public Works Department to confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the proposed project would not result in any significant effects related to water quality.

Criterion 15332(e): Utilities and Public Services

Water and sewer service for the proposed development would be provided by the City through new connections to existing infrastructure within Railroad Avenue. Given the presence of existing utilities in the immediate project vicinity, the proposed project would not require substantial off-site utility improvements. In addition, given that the proposed project is consistent with the site's current General Plan land use and zoning designations, increases in demand on existing utilities

and public services associated with the project have been previously anticipated in the General Plan and accounted for in local planning efforts. Thus, the site would be adequately served by all required utilities and public services.

Exceptions to Categorical Exemptions analysis

Even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances:

> (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
> (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
> (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
> (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
> (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
> (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The following analysis addresses whether any of the exceptions to the CEQA exemption apply to the proposed project.

Criterion 15300.2(a): Location

CEQA exemptions 3, 4, 5, 6, or 11, are qualified by consideration of where the project is to be located. The project site is located within an urban developed area and is not located within a sensitive environment. Furthermore, as discussed under Criterion 15300.2(e), the project site is not located near environmental resources of hazardous or critical concern. Therefore, an exception to the exemption under CEQA Guidelines Section 15300.2(a) does not apply to the proposed project.

Criterion 15300.2(b): Cumulative Impact

Per CEQA Section 15300.2(b), in applying this exception, the cumulative impact must result from "successive projects of the same type in the same place." Both the "same type" and "same place" limitations restrict the scope of this exception.[4] The project site is located within near existing industrial uses to the north and south, an existing senior housing facility to the east, and Railroad

[4] Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition* [pg. 5-68]. March 2019 Update.

Avenue to the west. Because similar projects in similar locations are not currently present within the City of Morgan Hill, the proposed project would not result in any cumulative impacts.

Furthermore, because the proposed project is consistent with the project site's General Plan land use and zoning designations, cumulative impacts associated with buildout of the project site, as well as development of other industrial uses in the project area, have been previously anticipated by the City and analyzed in the General Plan EIR. As discussed above, the project would not require substantial off-site utility upsizing or other related improvements with the potential to result in cumulatively considerable impacts. Thus, the project does not include any unique features that would result in new or more severe cumulative impacts beyond what has been analyzed in the General Plan EIR, and an exception to the exemption under CEQA Guidelines Section 15300.2(b) does not apply to the proposed project.

Criterion 15300.2(c): Significant Effect

In listing a class of projects as exempt, the Secretary has determined that the environmental changes typically associated with projects in that class are not significant effects within the meaning of CEQA, even though an argument might be made that they are potentially significant. The plain language of *Guidelines Section 15300.2, subdivision (c)*, requires that a potentially significant effect must be "due to unusual circumstances" for the exception to apply.

The determination as to whether there are "unusual circumstances" (*Guidelines, § 15300.2, subd. (c)*) is reviewed under PRC *Section 21168.5*'s substantial evidence prong. Whether a particular project presents circumstances that are unusual for projects in an exempt class is an essentially factual inquiry. As to this question, the lead agency serves as "the finder of fact".

As the courts have noted, local conditions are relevant in determining whether the environmental effects of a proposed project are unusual or typical. In general, the project site does not contain any unique or unusual features with the potential to result in a potentially significant effect. The project site, a portion of which is currently developed with a residence and accessory structures, is similar to other infill industrial parcels to the north and south of the site. The project site does not include any aquatic features and is not included on any lists of hazardous waste sites. In addition, the Limited Subsurface Investigation prepared for the proposed project determined that the site does not contain contaminated soils. Thus, an exception to the exemption under CEQA Guidelines Section 15300.2(c) does not apply to the proposed project.

Criterion 15300.2(d): Scenic Highway

According to the California Department of Transportation (Caltrans) Scenic Highway Mapping System, officially designated State or County scenic highways do not occur in the project vicinity.[5] Thus, an exception to the exemption under CEQA Guidelines Section 15300.2(d) does not apply to the proposed project.

Criterion 15300.2(e): Hazardous Waste Sites

The California Environmental Protection Agency provides a list of data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements, pursuant to Government Code 65962.5. Per a Phase I Environmental Site Assessment (ESA) prepared for the proposed project by Bureau Veritas North America, Inc. (see Appendix C), the project site is not located on any list compiled pursuant to Section 65962.5 of the Government

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[5] California Department of Transportation. *Scenic Highways.* Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed January 2020.

Code.[6] Thus, an exception to the exemption under CEQA Guidelines Section 15300.2(e) does not apply to the proposed project.

Criterion 15300.2(f): Historical Resources

As discussed under Section V, Cultural Resources, of this Initial Study, the project site contains an existing residence and a storage building that were constructed in 1971 and a garage that was constructed in 1985. Structures that are 50 years of age or older may be eligible for consideration as historic resources under the California Register of Historic Places (CRHP) and the National Register of Historic Places (NRHP). Because the structures are less than 50 years old, the structures would not be considered historic resources under the CRHP or the NRHP. Therefore, the proposed project would not result in a substantial adverse change in the significance of a historical resource, and an exception to the exemption under CEQA Guidelines Section 15300.2(f) does not apply to the proposed project.

H. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

6 Bureau Veritas North America, Inc. *Phase I Environmental Site Assessment, 16500 Railroad Avenue, Morgan Hill, California.* June, 11, 2019.

I. AESTHETICS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	✖
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	✖
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	✖
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	✖

Discussion

a,c. The Morgan Hill General Plan does not designate official scenic view corridors or vistas. However, according to the General Plan, the hillsides that surround the City to the east and west are considered scenic. The project site is surrounded by existing development and is not located on a hillside or in the vicinity of a hillside. While distant views of the hills to the east of the City are visible to motorists, bicyclists, and pedestrians travelling along Railroad Avenue, Railroad Avenue is not considered a scenic vista route.[7] In addition, such views are partially obscured by existing on-site trees.

The project site is currently developed with one residence and two accessory structures. Surrounding land uses include the existing AU Energy facility and a light industrial building to the north, a senior housing facility to the east, a light industrial seafood wholesale distributor to the south, and UPRR tracks to the west. Generally, the site is located within an urbanized area. Currently, the project site does not have any aesthetic value, nor does the site consist of any notable visual characteristics. Development of the site with the proposed project would result in a change in one form of urban development to another. Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

The proposed project is subject to Design Review in accordance with Morgan Hill Municipal Code Section 18.108.040, which would ensure that the project is consistent with applicable design standards and guidelines in the City's Architectural Review Handbook. The Handbook is intended to create usable and attractive streetscapes, achieve higher

[7] It is important to distinguish between public and private views. Private views are views seen from privately-owned land and are typically viewed by individual viewers, including views from private residences. Public views are experienced by the collective public. These include views of significant landscape features and along scenic roads. California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that "we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: '[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.'" Therefore, it is appropriate to focus the aesthetic impact analysis on potential impacts to public views.

design quality, protect natural features through sensitive site planning, create attractive pedestrian-friendly developments, and enhance public safety. Furthermore, the proposed project is consistent with the site's current land use and zoning designations.

Based on the above, the General Plan does not designate any official scenic vistas within the City of Morgan Hill. The project site is in an urbanized area and the proposed project would be consistent with the site's current General Plan land use and zoning designations. In addition, the design review process would ensure that all project elements are consistent with the City's Architectural Review Handbook. Thus, the proposed project would not have a substantial adverse effect on a scenic vista or conflict with applicable zoning and other regulations governing scenic quality, and ***no impact*** would occur.

b. According to the California Department of Transportation (Caltrans) map of Santa Clara County prepared for the Scenic Highway Mapping System, officially designated State or County scenic highways do not occur in the project vicinity. Because the project site is not located in the vicinity of any State scenic highway, the proposed project would not damage any scenic resources within a State scenic highway. Therefore, ***no impact*** related to damaging scenic resources within a State scenic highway would occur.

d. As noted above, the project site is currently developed with a residence and two accessory structures. The project site is situated near existing development to the north, east, and south, and streetlights are provided along Railroad Avenue. Thus, the project vicinity contains existing sources of light and glare.

Demolition of the existing on-site structures and development of the proposed project would involve an increase in sources of light and glare associated with interior light spilling through windows, lighting fixtures within the proposed parking areas and drive aisles, and headlights from vehicles driving through the project site. However, such sources of light and glare would not be substantially more intensive than what currently occurs in the vicinity of the project site. In addition, new sources of lighting would be required to comply with the standards set forth in Section G of the City's Architectural Review Handbook, as well as Section 18.76.060 (Glare) and Section 15.40.310 (Open parking lots) of the Morgan Hill Municipal Code, which includes such requirements as cut-off lenses to direct light downward and minimum lighting standards for parking surfaces. Compliance with such would help to ensure that the light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted in the surrounding developed environment. Therefore, the proposed project would not introduce new sources of substantial light or glare to the site which would adversely affect day or nighttime views in the area, and ***no impact*** would occur.

II. AGRICULTURE AND FOREST RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	☐	✖
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	✖
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))?	☐	☐	☐	✖
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	✖
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 conversion of forest land to non-forest use?	☐	☐	☐	✖

Discussion

a,e. The project site is currently designated as "Urban and Built-Up Land" on the Santa Clara County Important Farmland map.[8] Furthermore, the project site is not located in an area currently zoned or designated for agricultural purposes. Given the designation of the site as Urban and Built-Up Land, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use. Therefore, ***no impact*** would occur as a result of the proposed project.

b. The project site is not under a Williamson Act contract and is not zoned for agricultural uses. The site is currently zoned IG. Therefore, buildout of the proposed project would not conflict with an agricultural use or a Williamson Act contract, and ***no impact*** would occur.

c,d. The project site is not considered forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). Therefore, the proposed project would have ***no impact*** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

[8] California Department of Conservation. *Santa Clara County Important Farmland Map 2016.* September 2018.

III. AIR QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	✖
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	✖
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	✖
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	✖

Discussion

a,b. The City of Morgan Hill is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State respirable particulate matter 10 microns in diameter (PM_{10}) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour $PM_{2.5}$ federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal $PM_{2.5}$ AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour $PM_{2.5}$.

In compliance with regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan (CAP), adopted on April 19, 2017. The 2017 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM_{10} standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 CAP. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure

continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. For development projects, BAAQMD establishes significance thresholds for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_X), as well as for PM_{10}, and $PM_{2.5}$, expressed in pounds per day (lbs/day) and tons per year (tons/yr). The thresholds are listed in Table 1. Thus, by exceeding the BAAQMD's mass emission thresholds for operational emissions of ROG, NO_X, or PM_{10}, a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.

Table 1
BAAQMD Thresholds of Significance

Pollutant	Construction	Operational	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10} (exhaust)	82	82	15
$PM_{2.5}$ (exhaust)	54	54	10

Source: BAAQMD, CEQA Guidelines, May 2017.

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 - a Statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, vehicle mix, trip length, average speed, etc. Where project-specific information is available, such information is applied in the model.[9] The proposed project's modeling assumed the following:

- Construction would commence in December of 2020 and occur over an approximately two-year period;
- The project would include demolition of the existing on-site residence and the two accessory structures (approximately 2,000 sf);
- Approximately 40 cubic yards (CY) of soil material would be exported during site preparation;
- Approximately 2.13 acres would be graded during construction activities;
- The project would comply with all applicable provisions of the 2019 California Building Standards Code (CBSC);
- The project would include installation of solar panels with a combined output of approximately 20 kWh;
- The nearest transit stop is approximately 0.5-mile from the project site.

The proposed project's estimated emissions associated with construction and operations and the project's contribution to cumulative air quality conditions are provided below. It should be noted that the project modeling was conducted prior to receipt of project specific trip generation information. Therefore, the CalEEMod results reflect default trip generation

[9] It should be noted that the project modeling assumes 22,400-sf of building area; however, the refined site plan would only include 21,000-sf of building area upon completion of the proposed project. Thus, by assuming 22,400-sf of building, this air quality analysis takes a conservative approach.

rates for the Industrial (General Light Industry) land use category, which would be higher than that of the proposed project. Thus, the CalEEMod results reflect a relatively conservative approach. All CalEEMod results are included as Appendix A to this IS.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum construction criteria air pollutant emissions as shown in Table 2. The proposed project's construction emissions would be below the applicable thresholds of significance.

Table 2
Maximum Construction Emissions (lbs/day)

Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
ROG	4.40	54	**NO**
NO_X	21.07	54	**NO**
PM_{10} (exhaust)	1.15	82	**NO**
PM_{10} (fugitive)	6.10	None	**N/A**
$PM_{2.5}$ (exhaust)	1.08	54	**NO**
$PM_{2.5}$ (fugitive)	3.33	None	**N/A**

Source: CalEEMod, March 2020 (see Appendix A).

Although thresholds of significance for mass emissions of fugitive dust PM_{10} and $PM_{2.5}$ have not been identified by the City of Morgan Hill or BAAQMD, the proposed project's estimated fugitive dust emissions have been included for informational purposes. All projects within the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's Basic Construction Mitigation Measures, which would be included in the project approval as Conditions of Approval:

1. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
2. All 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.
3. All vehicle speeds on unpaved roads shall be limited to 15 mph.
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five 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.
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
7. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The proposed project's required implementation of the BAAQMD's Basic Construction Mitigation Measures listed above for the project's construction activities, would help to further minimize construction-related emissions.

Because the proposed project would be below the applicable thresholds of significance for construction emissions, project construction would not result in a significant air quality impact.

Operational Emissions

According to the CalEEMod results, the proposed project would result in maximum operational criteria air pollutant emissions as shown in Table 3. The proposed project's operational emissions would be below the applicable thresholds of significance. As such, the proposed project would not result in a significant air quality impact during operations.

Table 3
Unmitigated Maximum Operational Emissions

Pollutant	Proposed Project Emissions		Threshold of Significance		Exceeds Threshold?
	lbs/day	tons/yr	lbs/day	tons/yr	
ROG	0.81	0.13	54	10	**NO**
NO_X	1.03	0.15	54	10	**NO**
PM_{10} (exhaust)	0.02	0.00	82	15	**NO**
PM_{10} (fugitive)	0.89	0.12	None	None	**N/A**
$PM_{2.5}$ (exhaust)	0.02	0.00	54	10	**NO**
$PM_{2.5}$ (fugitive)	0.24	0.03	None	None	**N/A**

Source: CalEEMod, March 2020 (see Appendix A).

Cumulative Emissions

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 1 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 1, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would result in emissions below the applicable thresholds of significance, the proposed project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

Conclusion

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2017 CAP. According to BAAQMD, if a project would not result in significant and unavoidable air quality impacts, after the application of all feasible

mitigation, the project may be considered consistent with the air quality plans. Because the proposed project would result in emissions below the applicable thresholds of significance, the proposed project would not be considered to conflict with or obstruct implementation of regional air quality plans. In addition, the proposed project would not result in a cumulatively considerable net increase in any criteria air pollutant. Thus, ***no impact*** would occur.

c. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest existing sensitive receptor to the project site would be the senior housing facility located approximately 65 feet to the east.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and Toxic Air Contaminants (TAC), which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

Given that the proposed project is consistent with the site's current land use and zoning designations, the proposed project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP).[10] Additionally, traffic associated with the proposed development and intersection improvements would

[10] Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan.* October 2015.

not increase traffic volumes at an affected intersection to more than 44,000 vehicles per hour. According to the General Plan EIR, the roadways in the project vicinity would experience fewer than 20,000 ADT under 2035 General Plan conditions. Given that the proposed project would only generate 84 ADT, the project would not increase traffic volumes at any nearby intersections to more than 44,000 vehicles per hour. Furthermore, areas where vertical and/or horizontal mixing is limited due to tunnels, underpasses, or similar features do not exist in the project area. Therefore, based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk.

The CARB Handbook provides recommendations on siting new sources of TACs near existing sensitive receptors. Operational-related emissions of TACs are typically associated with stationary diesel engines or land uses that involve heavy truck traffic or idling. The proposed project would not involve long-term operation of any stationary diesel engines. However, during operation of the proposed project, an on-site above-ground fuel tank would be used to refill the trucks. Per the CARB handbook, a 50-foot separation is recommended between sensitive land uses and typical gasoline dispensing facilities, defined to include fuel-pumping operations with a throughput of less than 3.6 million gallons per year.[11] The proposed fuel tank would be used to pump between 200,000 and 300,000 gallons annually, similar to the existing fuel pumping associated with the AU Energy facility to the north of the project site; thus, the proposed fuel tank would qualify as a typical gasoline dispensing facility. The nearest sensitive receptor is located approximately 65 feet to the east of the proposed pump location, which is consistent with the CARB Handbook recommendations. Therefore, project operations would not be expected to expose sensitive receptors to substantial pollutant concentrations.

With regard to mobile sources, the CARB considers land uses that experience 100 daily heavy-duty truck trips or more to be a significant source of DPM.[12] As discussed in Section XVII, Transportation, of this Initial Study, the proposed project would generate approximately 48 average daily heavy-duty truck trips. Because the proposed project would not result in 100 or more heavy-duty truck per day at the site, operation of the proposed project would not be considered a substantial source of DPM.

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[11] California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
[12] *Ibid.*

However, short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Specifically, as noted above, construction would occur over an approximately 2.5-year period. Mass grading of the project site, when emissions would be most intensive, is estimated to occur over a period of approximately 10 weeks. The exposure period typically analyzed in health risk assessments is 30 years or greater, which is substantially longer than the estimated 2.5-year construction period associated with the proposed project.

All construction equipment and operation thereof would be regulated by the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM. In addition, the project applicant would be required to prepare, and include on all site development and grading plans, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. Pursuant to Section 18.76.040 (Air contaminants) of the City's Municipal Code, the management plan must include all applicable BAAQMD rules and regulations, as well as the City's standard conditions for construction activity, listed below:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. 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.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The City of Morgan Hill Development Services Department would ensure that the conditions listed above would be noted on project construction drawings prior to issuance of a building permit or approval of improvement plans.

During construction, only portions of the project site would be disturbed at a time. Operation of construction equipment would occur on such portions of the site intermittently throughout the course of a day over the overall construction period. Because construction

equipment on-site would not operate for any long periods of time and would be used at varying locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, sensitive receptors in the area would not be exposed to pollutants for a permanent or substantially extended period of time. Furthermore, any one nearby sensitive receptor would be exposed to varying concentrations of DPM emissions throughout the construction period. According to BAAQMD, research conducted by CARB indicates that DPM is highly dispersive in the atmosphere.

In addition, the general northerly flow of the winds tends to move pollutants to the south. Prevailing winds in the region would act to dilute pollutants and transport them away from the area, so that emissions released in the project area would have a low potential to affect any single receptor. The southerly pattern of air movement would generally disperse pollutants released within the project site, away from the existing sensitive receptor to the east, and toward industrial development to the south of the project site. According to BAAQMD, research conducted by CARB indicates that DPM is highly dispersive in the atmosphere and is reduced by 70 percent at a distance of approximately 500 feet. Thus, emissions at the project site would be substantially dispersed at the nearest sensitive receptors.

Considering the short-term nature of construction activities, the regulated and intermittent nature of the operation of construction equipment, and the highly dispersive nature of DPM, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. For the aforementioned reasons, project construction would not be expected to expose sensitive receptors to substantial pollutant concentrations.

Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs from construction or operation. Therefore, the proposed project would result in ***no impact*** related to the exposure of sensitive receptors to substantial pollutant concentrations.

d. Emissions such as those leading to odors have the potential to adversely affect sensitive receptors within the project area. Pollutants of principal concern include emissions leading to odors, emission of dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections “a” through “c” above. Therefore, the following discussion focuses on emissions of odors and dust.

Pursuant to the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.[13] Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on several variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

[13] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1]. May 2017.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantification of significant odor impacts is relatively difficult. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses.

Construction activities often include diesel-fueled equipment and heavy-duty diesel trucks, which can create odors associated with diesel fumes, which could be found to be objectionable. However, as discussed above, construction activities would be temporary, and operation of construction equipment would be regulated and intermittent. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. The aforementioned regulations would help to minimize air pollutant emissions as well as any associated odors. Accordingly, substantial objectionable odors would not occur during construction activities or affect a substantial number of people. In addition, the BAAQMD rules and regulations would act to reduce construction-related dust, which would ensure that construction of the proposed project does not result in substantial emissions of dust. Following project construction, the project site would not include any exposed topsoil.

It should be noted that the proposed project would include operation of an on-site above-ground fuel tank that would be used to refill the trucks associated with the proposed operations. Such refueling would have the potential to generate temporary odors in the vicinity of the fuel tank. However, BAAQMD regulates objectionable odors through Regulation 7, Odorous Substances, which does not become applicable until the Air Pollution Control Officer (APCO) receives odor complaints from ten or more complainants within a 90-day period. Once effective, Regulation 7 places general limitation on odorous substances and specific emission limitations on certain odorous compounds, which remain effective until such time that citizen complaints have been received by the APCO for one year. Therefore, the proposed fueling activities would not result in substantial odors at the nearest off-site receptors.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and ***no impact*** would result.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	✖
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	✖
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	✖
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	✖
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	✖	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	✖

Discussion

a. The proposed project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP). Currently, the project site consists of an existing residence and two accessory structures. A small number of ornamental shrubs and trees are located throughout the project site and along the project site boundaries. The observed site conditions are consistent with the SCVHP, which designates the site as an Urban-Suburban developed land cover type. The Urban-Suburban land cover type is described in the SCVHP as developed areas "where the native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres."[14] Typically, species covered by the SCVHP are unlikely to occur within Urban-Suburban areas. Per the SCVHP Geobrowser program, the project site is not located within a designated Plant or Wildlife Survey Area for any covered species.[15] In addition, the SCHCP Geobrowser program indicates that the project site is located outside of the SCVHP Burrowing Owl Fee Area, and is not identified in the SCVHP as Occupied Nesting Burrowing Owl Habitat, Potential Burrowing Owl Nesting/Overwintering Habitat Depending on Site Conditions, or Overwintering Only Habitat.

Due to the heavily disturbed nature of the project site and the existing industrial development in the project vicinity, the project site does not provide habitat for

[14] Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan* [pg. 3-100]. August 2012.

[15] Santa Clara Valley Habitat Agency. Geobrowser. Available at: http://www.hcpmaps.com/habitat/. Accessed March 2020.

endangered, rare, or threatened species. Thus, the project site meets the infill exemption criteria (c) established by CEQA Guidelines Section 15332. It should be noted that while not considered special-status species, various migratory birds could potentially nest in the existing on-site trees and other vegetation. However, as part of the City's standard conditions of approval, a preconstruction survey for migratory birds would be required prior to removal of on-site trees.

Therefore, development of the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Thus, ***no impact*** would occur.

b,c. The western portion of the project site is primarily characterized by an existing residence and accessory structures, while the eastern portion of the site consists of ruderal grasses. The project site is surrounded by existing development to the north, east, and south, and Railroad Avenue to the west. The site does not contain any existing wetlands or riparian habitat. Accordingly, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community, or on federally-protected wetlands, and ***no impac***t would occur.

d. Movement corridors or landscape linkages are usually linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression and increasing the potential for recolonization of habitat patches. The project site does not fall within any regional corridor defined by the SCVHP. Furthermore, the project site does not support wildlife movement, as the site is surrounded by urban development and is developed with existing structures.

Given that the project site and the properties within the project vicinity are already developed and do not support any major wildlife movement corridors, buildout of the project site would not constrain native wildlife movement. As such, the proposed project would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Thus, ***no impact*** would occur.

e. Section 12.32.030 (Permit-Required) of the City of Morgan Hill's Municipal Code requires the approval of a tree removal permit before the removal of any Ordinance Sized Trees, defined as a non-indigenous tree with a circumference greater than 40 inches (approximately 12.7 inch diameter) or any indigenous tree with circumference greater than 18 inches (approximately 5.7 inches diameter). Indigenous tree means any tree native to the Morgan Hill region, such as oaks (all types), Sycamore, California Bay, Madrone, or Alder.

An Arborist Report was prepared for the proposed project by Kielty Arborist Services, LLC. (see Appendix B).[16] Based on the Arborist Report, a total of 28 trees are located on the site, or overhang the site from neighboring properties. Of the 28 trees, 19 are indigenous trees and nine are non-indigenous trees. Of the nine non-indigenous trees, two are considered Ordinance Sized Trees. The 20 Ordinance Sized Trees are either located on or overhanging the site.

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[16] Kielty Arborist Services, LLC. *Site: 16500 Railroad, Morgan Hill, CA.* August 18, 2019.

The proposed project would require the removal of 18 existing on-site trees. Of the 18 trees to be removed, 13 are considered Ordinance Sized Trees, (including 12 indigenous trees and one non-indigenous tree). For all Ordinance-Sized Trees to be removed, replacement plantings would be required in accordance with Code Section 12.32.080. The remaining seven Ordinance Sized Trees would require preservation and/or protection measures. Should additional Ordinance Sized Trees require trimming or removal, the project applicant would be required to comply with Section 12.32.030 of the City's Municipal Code related to replanting.

Therefore, the proposed project would have a ***less-than-significant*** impact related to conflicting with local policies or ordinances protecting biological resources.

f. The SCVHP was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District (SCVWD), the Santa Clara VTA, the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP provides take authorization for 18 listed and non-listed species (i.e. covered species). In addition, the SCVHP includes conservation measures to protect the covered species covered by the SCVHP, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the study area.

As noted previously, the SCVHP designates the project site as an Urban-Suburban developed land cover type. Typically, species covered by the SCVHP are unlikely to occur within Urban-Suburban areas. Per the Santa Clara Valley Habitat Agency Geobrowser program, the project site is not located within a designated Plant or Wildlife Survey Area for any covered species.[17] In addition, the project site is not located within a designated fee zone area. Therefore, the proposed project would not conflict with the SCVHP, and ***no impact*** would occur.

[17] Santa Clara Valley Habitat Agency. Geobrowser. Available at: http://www.hcpmaps.com/habitat/. Accessed March 2020.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	✖
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☐	☐	✖
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	☐	☐	☐	✖

Discussion

a-c. The site contains an existing residence and a storage building that were constructed in 1971 and a garage that was constructed in 1985. Structures that are 50 years of age or older may be eligible for consideration as historic resources under the California Register of Historic Places (CRHP) and the National Register of Historic Places (NRHP). Because the structures are less than 50 years old, the structures would not be considered historic resources under the CRHP or the NRHP.

A records search of the California Historic Resources Information System (CHRIS) was performed by the North Central Information Center (NWIC) for cultural resource site records and survey reports within the proposed project area. Based on the results of the CHRIS search, the State Office of Historic Preservation Directory (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) indicates that listed recorded buildings or structures are not located in or adjacent to the project site.[18] In addition, the NWIC base maps do not show any recorded historic buildings or structures within the project area. Given that the project site has been subject to previous disturbance, including grading and utility excavation, the potential for subsurface resources to exist is relatively limited. However, while unlikely, the potential exists for subsurface, unrecorded historic-era resources to be encountered on the project site during grading and other ground-disturbing activities associated with the proposed project.

According to the CHRIS search, the project site does not contain any recorded archaeological resources. However, as noted in the General Plan EIR, archaeological surveys conducted in Morgan Hill have identified numerous prehistoric sites with shell midden components, including human burials. Based on such findings, the potential exists for additional undiscovered archeological resources to be located in the City.

Based on the above, the potential exists for subsurface historical resources and previously unknown archaeological resources to be found on-site during grading and excavation associated with development of the proposed project. In the event that such resources are unearthed, the following City standard Conditions of Approval related to the protection of historical and archaeological resources would be implemented, consistent with Section 18.60.090 of the City's Municipal Code:

[18] California Historical Resources Information System. *Record search results for the proposed project located 16500 Railroad Avenue, Morgan Hill, Santa Clara County.* February 17, 2020.

1. An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:

    a. Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
    b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
    c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
    d. If the resource cannot be avoided, the archaeologist shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

2. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,

    a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
    b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
    c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

3. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.

4. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find).

5. The exclusion zone shall be secured (e.g., twenty-four-hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.

6. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

    a. The City of Morgan Hill Development Services Director,
    b. The contractor's point(s) of contact,
    c. The coroner of the county of Santa Clara (if human remains found), and
    d. The Native American Heritage Commission (NAHC) in Sacramento.

7. The coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has twenty-four hours to notify the NAHC.

8. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.).

9. Within twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose,

10. Within twenty-four hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.

11. If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Compliance with the above standard Conditions of Approval would ensure that construction of the proposed project would have ***no impact*** related to historical resources and unique archeological resources, as well as the disturbance of human remains.

VI. ENERGY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	✖
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	✖

Discussion

a,b. The main forms of available energy supply are electricity, natural gas, and oil. A description of the 2019 California Green Building Standards Code (CAL Green Code) and the Building Energy Efficiency Standards, with which the proposed project would be required to comply, as well as discussions regarding the proposed project's potential effects related to energy demand during construction and operations are provided below.

California Green Building Standards Code

The 2019 CAL Green Code is a portion of the CBSC, otherwise known as the CAL Green Code (CCR Title 24, Part 11), which became effective on January 1, 2020.[19] The purpose of the CAL Green Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CAL Green standards regulate the method of use, properties, performance, types of materials used in construction, alteration repair, improvement and rehabilitation of a structure or improvement to property. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CAL Green Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of electric vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory periodic inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 sf to ensure that all are working at their maximum capacity according to their design efficiencies; and
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

[19] California Building Standards Commission. *California Green Building Standards Code*. 2019.

Building Energy Efficiency Standards

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy efficiency measures from the 2016 Building Energy Efficiency Standards resulting in a 30 percent reduction in energy consumption from the 2016 standards for industrial structures. Energy reductions relative to previous Building Energy Efficiency Standards would be achieved through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls.

Construction Energy Use

Construction of the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. Project construction is not anticipated to involve the use of natural gas appliances or equipment.

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. In addition, as a means of reducing emissions, construction vehicles are required to become cleaner through the use of renewable energy resources. The In-Use Off-Road Diesel Vehicle Regulation would therefore help to improve fuel efficiency for equipment used in construction of the proposed project. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to further reduce demand on oil and limit emissions associated with construction.

The CARB prepared the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan),[20] which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The In-Use Off-Road Diesel Vehicle Regulation described above, with which the proposed project must comply, would

[20] California Air Resources Board. *The 2017 Climate Change Scoping Plan Update.* January 20, 2017.

be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, the proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

Following implementation of the proposed project, PG&E would provide electricity to the project site. Energy use associated with operation of the proposed project would be typical of light industrial uses, requiring electricity for interior and exterior building lighting, heating, ventilation, and air conditioning (HVAC), electronic equipment, machinery, refrigeration, appliances, security systems, and more. Maintenance activities during operations, such as landscape and vehicle maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by employee commutes and the movement of goods.

The proposed project would be subject to all relevant provisions of the most recent update of the CBSC, including the CAL Green Code and the Building Energy Efficiency Standards. Adherence to the most recent CAL Green Code and the Building Energy Efficiency Standards would ensure that the proposed structures would consume energy efficiently through the incorporation of such features as efficient water heating systems, high performance attics and walls, and high efficacy lighting. In addition, California has set energy-use reduction goals targeting zero-net-energy use in all new non-residential buildings by 2030. Although not required until 2030, the proposed project would include solar panels, which would put the project in substantial compliance with the goal of zero-net-energy use. Compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary.

With regard to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. In addition, as discussed in Section XVII, Transportation, of this Initial Study, the project site is located in an urban area with access to several public transit lines. The site's access to public transit could reduce VMT and, consequently, fuel consumption associated with the proposed project, thereby providing for increased pedestrian connectivity with the surrounding area and resulting in reduced vehicle use.

Conclusion

Based on the context above, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, ***no impact*** would occur.

VII. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause 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 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?	☐	☐	☐	✖
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	✖
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?	☐	☐	☐	✖
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	✖
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?	☐	☐	☐	✖
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	✖

Discussion

ai-iv. Active faults do not cross the site, and the site is not mapped within an Alquist-Priolo Earthquake Fault Zone.[21] Therefore, the proposed project would not be subject to risks related to fault rupture. Furthermore, the site is not located within the vicinity of any steep slopes that would be subject to landslide risk, nor within an area requiring special investigation for landslides or liquefaction hazards. According to the Association of Bay Area Governments (ABAG) Resilience Program's interactive Hazards Map, the project site is located in an area of relatively low liquefaction susceptibility.[22]

Due to the proximity of the site area to nearby active faults, including but not limited to the Hayward, Calaveras, and the San Andreas fault zones, strong ground shaking could occur at the site as a result of an earthquake on any one of the faults. However, the proposed project would be subject to all applicable regulations within the CBSC and Chapter 15.08 (Building Code) of the City's Municipal Code, which provide standards to protect property and public safety by regulating the design and construction of foundations, building frames, and other building elements. Therefore, ***no impact*** would occur related to exposure of people or structures to potential substantial adverse effects, including the risk

[21] Department of Conservation. *State of California, Special Studies Zones, Mt. Madonna Quadrangle, Revised Official Map.* Effective January 1, 1976.

[22] Association of Bay Area Governments. *Resilience Program.* Available at: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed March 2020.

of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides.

b. Development of the proposed project would cause ground disturbance of mostly topsoil related to construction activity. The ground disturbance would be limited to the areas proposed for grading and excavation, including building pads; curb, gutter, drainage, sewer, and water infrastructure alignments. After grading and excavation and prior to overlaying the disturbed ground surfaces with impervious surfaces and structures, the potential exists for wind and water erosion to occur, which could adversely affect downstream storm drainage facilities.

New development within the City that disturbs one or more acres of land is required to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) incorporating BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb approximately 2.66 acres and, thus, would be subject to such requirements. In addition, pursuant to Chapter 13.30 (Urban Storm Water Quality Management and Discharge Control) of the City's Municipal Code, the project applicant would be required to submit a sediment and erosion control plan to the City of Morgan Hill, Public Works Department, prior to the approval of improvement plans and issuance of building permits. The plan(s) shall be acceptable and conform to City standards to prevent significant sediment and soil erosion during construction and include the standards and guidelines found in the California Stormwater Quality Association, Stormwater Best Management Practice Handbook. Based on the above, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, ***no impact*** would occur.

c,d. As noted previously, the project site would not be subject to substantial landslide or liquefaction hazards. In addition, as noted in the General Plan EIR, the CBSC and Chapter 15.08 (Building Code) of the City's Municipal Code provide standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, and other building elements.

In order to determine the expansive potential of the on-site soils, the project site was evaluated using the Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey program.[23] The Web Soil Survey program indicates that mapped soils within the project site primarily consist of Arbuckle gravelly loam, zero to two percent slopes. Table 4 below provides a summary of the extensibility and clay content of the site, along with the corresponding shrink-swell class. As shown in the table, based on the NRCS calculated coefficients of linear extensibility and percent clay content, the project site does not contain soil that would be considered expansive.

[23] Natural Resources Conservation Service. *Web Soil Survey.* Available at: https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm. Accessed March 2020.

Table 4
Soil Properties

Soil Type	Percent of Project Site	Linear Extensibility Rating	Percent Clay Content	Shrink-Swell Class
Arbuckle Gravelly Loam	100	1.3	16.1	Low

Source: Natural Resources Conservation Service, Web Soil Survey, 2019.

In addition, Section 15.08.090 (Section 1907A.1 amended-Minimum slab provisions) of the City's Municipal Code includes requirements for minimum thickness of concrete floor slabs, as well as required reinforcement with wire mesh or an approved alternate, to help prevent damage due to shrinking and swelling.

Based on the above, the proposed project would not create substantial direct or indirect risks to life or property related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Thus, ***no impact*** would occur.

e. The proposed development would connect to existing City-maintained sewer infrastructure and would not include the use of septic tanks. Accordingly, ***no impact*** would occur related to soils incapable of adequately supporting the use of septic tanks.

f. Paleontological resources or fossils are the remains of prehistoric plant and animal life. As noted in the General Plan EIR, based on a review of the University of California's Museum of Paleontology's (UCMP) fossil locality database conducted for all of Santa Clara County, paleontological resources have not been explicitly identified as being found within the City of Morgan Hill.[24]

As noted in the City's General Plan, occurrences of fossil resources are closely tied to the geologic units. Per the Natural Resources Conservation Service Web Soil Survey, the project site is underlain by Arbuckle gravelly loam.[25] Arbuckle gravelly loam is not considered a unique geologic feature and is common within the geographic area of the City. As such, development of the proposed project would not destroy a unique geologic feature. Furthermore, the proposed project would be subject to the City's standard measures listed in Chapter V, Cultural Resources, of this IS. As noted in the General Plan EIR, such measures would ensure adverse impacts to paleontological resources are avoided. Therefore, the proposed project would not result in the direct or indirect destruction of a unique paleontological resource, and ***no impact*** would occur.

[24] City of Morgan Hill. *2035 General Plan, City of Morgan Hill* [pg. 4.5-17]. Adopted July 2016.

[25] Natural Resources Conservation Service. *Web Soil Survey.* Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed March 2020.

VIII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	✖
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☐	✖

Discussion

a,b. Emissions of Greenhouse Gases (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

The proposed project is located within the jurisdictional boundaries of BAAQMD. The BAAQMD threshold of significance for project-level operational GHG emissions is 1,100 $MTCO_2e$/yr or 4.6 $MTCO_2e$/yr per service population (population + employees). BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. If a project would generate GHG emissions above the threshold level, the project would be considered to generate significant GHG emissions and conflict with applicable GHG regulations.

The proposed project's GHG emissions were quantified with CalEEMod using the same assumptions as presented in the Air Quality section of this IS, and compared to the thresholds of significance noted above. The proposed project's required compliance with the current California Building Energy Efficiency Standards Code was assumed in the modeling. In addition, the CO_2 intensity factor within the model was adjusted to reflect the Pacific Gas & Electric Company's anticipated CO_2 emissions factor for 2023. All CalEEMod results are included in Appendix A to this Initial Study.

Neither BAAQMD nor the City has adopted thresholds of significance for construction-related GHG emissions. Nevertheless, GHG emissions resulting from construction and operations of the proposed project were modeled using the CalEEMod emissions model under the same assumptions as discussed in Section III, Air Quality, of this Initial Study. In order to evaluate the project's consistency with California's goals, the CO_2 intensity factor within CalEEMod was adjusted to reflect PG&E's progress towards achieving the State's Renewable Portfolio Standard (RPS) goals for the operational year of 2022. In addition, CalEEMod assumed the use of 100 percent renewable energy resources, as required by the 2019 CALGreen Code. All modeling outputs are included in Appendix A to this IS.

According to the CalEEMod results, the proposed project would result in unmitigated operational GHG emissions of 190.69 $MTCO_2e$/yr, which is below the 1,100 $MTCO_2e$/yr threshold of significance. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Construction would occur over approximately 2.5 years and result in total GHG emissions of 467.06 $MTCO_2e$. If the total construction emissions are added to the annual operational emissions, the project's total GHG emissions would equal 657.75 $MTCO_2e$/yr, which remains below BAAQMD's threshold of significance for operational emissions. Accordingly, neither construction nor operations of the proposed project would be anticipated to result in significant emissions of GHGs.

Based on the above, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and ***no impact*** would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	✖
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☐	✖
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	✖
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	✖
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	✖
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	✖
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	☐	☐	☐	✖

Discussion

a. Operations associated with the proposed project would include general office uses, and light mechanical work in the shop and shop bays. Detailed operations associated with Building B are speculative at this time as the building would be leased out as a light industrial building to a qualifying business until the AU Energy, Inc. staff grows to a point where the extra space is needed. Building B would also be used for AU corporate space, offices, and storage of the parent company's convenience store goods.

As discussed previously, the proposed project would include installation of an above-ground fuel tank in the northeast corner of the project site. The tank would hold diesel fuel and would only be used for private AU Energy operations. The amount of fuel to be pumped at the project site annually would range between 200,000 and 300,000 gallons. The fuel tank would be constructed with a double wall and spill protection features as required by State and County laws. The double-walled tank would have a leak detection system between the two layers and a containment system would be located under the tank in case of any small leaks. The system is used throughout the state and has a required monitoring component, with annual testing required, to confirm that the system is working properly. The system will also be monitored remotely, and if necessary, service technicians can be dispatched efficiently and effectively to diagnose and solve any issues.

Operations associated with the proposed project would be governed by the uses permitted for the site per the City's Municipal Code and General Plan. Currently, the site is zoned IG and designated Industrial by the City's General Plan. Per Section 18.26.010 of the

City's Municipal Code and the City's General Plan, the IG zoning designation and Industrial designation are intended to provide areas for general industrial, manufacturing, wholesale, and service uses needed by the City and region. The proposed project would include development of the site with industrial uses, consistent with the site's current land use and zoning designations.

It should be noted that the use and storage of hazardous materials is regulated by the Santa Clara County Hazardous Materials Compliance Division. Because the proposed project would include operation of an on-site above-ground storage tank, the project applicant would have to prepare a Hazardous Materials Management Plan (HMMP) to be uploaded to the California Environmental Reporting System (CERS). The HMMP would list the quantities of any chemicals to be held on-site, as well as spill prevention materials and training documents. In addition, Chapter 8.40 of the City's Municipal Code Section 8.40.750 establishes regulations related to the types and quantities of hazardous materials that may be stored or used within the City. Based on the allowances within Section 8.40.750, should operation of the proposed project require the use or storage of hazardous materials in excess of the excepted limits, a formal request must be made to the City, including a declaration of information regarding the type and quantities of hazardous materials to be used or stored within the project site. Such requests would be considered by the City's Development Services Department. Therefore, such materials would be safely managed in accordance with the applicable regulations and would be subject to City review depending on the type or quantity of chemicals proposed for use. Thus, the proposed project would not create a significant hazard to the public or the environment related to the routine transport, use, or disposal of hazardous materials, and ***no impact*** would occur.

b. The following discussion provides an analysis of potential hazards and hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions.

Construction Activities

Construction activities associated with the proposed project would involve the use of various products such as concrete, paints, and adhesives. In addition, heavy-duty construction equipment operating on the project site would contain hydraulic fluid, diesel fuel, and other petroleum products. Small quantities of such potentially toxic substances would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials.

Existing On-Site Hazardous Conditions

A Phase I Environmental Site Assessment (ESA) was prepared by Bureau Veritas North America, Inc. (Bureau Veritas) for the purpose of identifying potential recognized environmental conditions (RECs) associated with the project site (see Appendix C).[26] The Phase I ESA included site reconnaissance and a review of historical documentation, regulatory agency files, interviews, aerial photographs, a tier 1 vapor encroachment screen, and environmental sites radius reports. According to the Phase I ESA, the project

[26] Bureau Veritas North America, Inc. *Phase I Environmental Site Assessment, 16500 Railroad Avenue, Morgan Hill, California.* June, 11, 2019.

site was used for agricultural purposes from at least 1939 to 1971, when the residence and a storage building were developed. In 1985, the garage was constructed. One irrigation well is currently located within the project site to the east of the garage. The project site was then occupied by Roses 4 U from approximately 1996 to 2000 and as Powell Paving from 2000 to 2011. Rent-A-Fence has occupied the building since that time.

According to the Phase I ESA, several environmental concerns were noted including vehicle maintenance activities on-site, unauthorized wastewater releases to an unlined drainage area, and improper storage of vehicle fluids. As a result, a Limited Subsurface Investigation was prepared by Apex Companies, LLC (Apex – previously a division of Bureau Veritas)[27].

Potential hazards and hazardous materials identified on the project site as part of the Phase I ESA and Limited Subsurface Investigation are described in the following sections.

Contaminated Soils

The Limited Subsurface Investigation included collection of eight soil samples (two each in four locations) and four soil vapor samples from the project site.

The compounds found in the soil samples did not exceed the respective commercial/industrial environmental screening levels (ESLs) set by the Regional Water Quality Control Board (RWQCB) (January 2019), except for arsenic. Arsenic was detected in all eight samples at concentrations that ranged from 4.27 to 8.31 milligrams per kilogram [mg/kg], which exceeds the direct exposure ESL of 0.31 mg/kg for a commercial/industrial property. However, arsenic is a common metal found in local soils, with background concentrations of up to 10 mg/kg; therefore, arsenic is not considered to be a generated waste and does not require regulatory action.

With respect to the soil vapor samples, all detected volatile organic compounds (VOCs) in the soil vapor samples were below the respective commercial/industrial ESLs set by the Regional Water Quality Control Board (January 2019) for each reported compound, except for benzene. Benzene concentrations were reported in all four samples and ranged from 2.17 to 33.2 micrograms per cubic meter ($\mu g/m^3$). Only sample SB-2V exceeded the ESL of 14 $\mu g/m^3$ for a commercial/industrial use property. Sample SB-2V was collected below asphalt pavement adjacent to a concrete slab that was previously used as a repair shop with an adjoining small shop building adjacent to a small office, likely for maintenance of equipment and vehicles.

It is important to recognize that, in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (*CBIA*), the California Supreme Court held that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." (*Id.* at pp. 377-378.) As a result, the existence of contaminated soil or groundwater within

[27] Apex Companies, LLC. *Limited Subsurface Investigation, 16500 Railroad Avenue, Morgan Hill, California.* November 1, 2019.

the vicinity of a proposed project, "without any accompanying disturbance or other physical change" to the contamination, is not considered "a significant impact requiring CEQA review and mitigation." (*Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 781 [holding development of a project on a site identified on the Cortese list and that included contaminated soil would only constitute a significant impact for the purposes of CEQA if the proposed project disturbed the contaminated soil].) For example, in *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, the petitioner argued that the EIR failed to analyze health risks associated with "potential for off-site subsurface gas (methane) migration" from an adjacent former landfill site. (*Id*. at pp. 295-297.) Citing the *CBIA* decision, the Third District Court of Appeal rejected petitioner's argument because concerns that a project would be "an unhealthy place to live" exceeds CEQA's scope. (*Id*. at p. 296.) In reaching its holding, the court stated "nowhere in the [CEQA] statute is there any provision … plainly delegating power for the agency to determine whether a project must be screened on the basis of how the environment affects its residents or users." (*Ibid*., quoting *CBIA*, *supra*, 62 Cal.4th at p. 387.)

In light of the California Supreme Court's recent decision and related appellate decisions discussed above, the presence of benzene VOC would only be considered to result in a significant CEQA impact if the proposed project would exacerbate the existing condition. The proposed project would be constructed at-grade, and excavation for utilities would not be substantial. As a result, construction and operation of the proposed project will not exacerbate existing conditions beneath the project site with respect to mobilizing soil vapor.

In terms of the potential for benzene VOCs to affect future site employees, a topic which is technically outside of the scope of CEQA review, the Limited Subsurface Investigation recommends that, prior to development of occupied worker spaces, additional sampling be conducted to better characterize the area where workers have the potential for vapor intrusion to assess if a remedial action is warranted and or if engineered protective measures are warranted in the design of the proposed structure with occupied spaces. The City of Morgan Hill will require this sampling as a condition of approval for the project.

Adjoining UPRR Tracks

The project site is located approximately 70 feet east of the existing UPRR tracks. The presence of a rail line near the project site indicates the potential for hazardous materials, such as creosote which is used to preserve rail road ties, to be present. However, given the site's distance from the UPRR tracks, the project site would not be affected by chemicals associated with the rail line. Therefore, the UPRR tracks do not present a recognized environmental condition at the project site.

Water Well

According to the Phase I ESA, one irrigation well is located east of the existing garage on the project site. However, the well has not been used since at least 2011. According to the Phase I ESA, the water well does not present a recognized environmental condition at the project site. Nonetheless, the Phase I ESA recommends abandonment and removal of the existing water well by a licensed water well contractor under permit with the Santa Clara Valley Water District. The City of Morgan Hill will require the abandonment as a condition of approval for the proposed project.

Asbestos-Containing Materials and Lead-Based Paint

Asbestos is the name for a group of naturally occurring silicate minerals that are considered to be "fibrous" and, through processing, can be separated into smaller and smaller fibers. The fibers are strong, durable, chemical resistant, and resistant to heat and fire. They are also long, thin, and flexible, such that they can be woven into cloth. Because of the above qualities, asbestos was considered an ideal product and has been used in thousands of consumer, industrial, maritime, automotive, scientific, and building products. However, later discoveries found that, when inhaled, the material caused serious illness.

For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (boiler insulation, pipe lagging, and related materials) and surface materials must be designated as "presumed asbestos-containing material" unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act. Currently, the project site includes a single-family residence and two accessory structures: a garage and a storage container. The existing garage within the project site was developed in 1985, and, thus, likely does not consist of asbestos containing materials. Because the existing residence and storage container were constructed in 1971, the potential exists that asbestos-containing materials were used in the construction of the residential structure and outbuildings on-site. However, the General Plan includes Policy NRE-12.3, which requires construction and demolition projects that have the potential to disturb asbestos (from soil or building material) to comply with all the requirements of the CARB's airborne toxic control measures (ATCMs) for construction, grading, quarrying, and surface mining operations. Therefore, compliance with Policy NRE-12.3 would ensure that the proper precautions are taken prior to demolishing the existing structures.

Lead-based paint (LBP) is defined by federal guidelines as any paint, varnish, stain, or other applied coating that has one milligram of lead per square centimeter or greater. Lead is a highly toxic material that may cause a range of serious illnesses, and in some cases death. In buildings constructed after 1978, the presence of LBP is unlikely. Structures built prior to 1978, and especially prior to the 1960s, are expected to contain LBP. The existing residence and storage container were developed in 1971. However, Title 8, Section 1532.1 of the California Code of Regulations, Cal OSHA's *Lead in Construction Standard*, requires preparation of a lead exposure assessment. Therefore, compliance with Cal OSHA's *Lead in Construction Standard* would ensure that the proper precautions are taken prior to demolishing the existing structures.

Based on the age of the existing residence and storage container, LBP and asbestos-containing materials are presumed to be present. The proposed project would include demolition of the existing structures. However, with implementation of the appropriate safety measures, as required by state and local regulations, the proposed project would not expose construction workers to asbestos-containing materials or LBP.

Conclusion

Based on the above, the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, and ***no impact*** would occur.

c. The nearest school relative to the project site is Barrett Elementary School, located approximately 0.42-mile east of the site. In addition, a day care center (Building Kidz School) is located approximately 0.30-mile west of the project site. Thus, ***no impact*** would result relating to the emission or handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d. The Phase I ESA indicates that the project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, ***no impact*** would result from implementation of the proposed project.

e. The public airport nearest to the project site is the San Martin Airport, which is located approximately 3.70 miles south of the project site at 13030 Murphy Avenue. The project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport Comprehensive Land Use Plan.[28] In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not result in an airport-related safety hazard for people residing or working in the project area, and ***no impact*** would occur.

f. Implementation of the proposed project would not result in any substantial modifications to the City's existing roadway system. The proposed project would not interfere with potential evacuation or response routes used by emergency response teams. In addition, the project would not conflict with the City's Emergency Operations Plan.[29] The proposed project is consistent with the site's current General Plan land use and zoning designations; thus, development of the site and associated effects on emergency evacuation routes has been anticipated per the General Plan and analyzed in the General Plan EIR. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and ***no impact*** would occur.

g. The City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High Fire Hazard Severity Zone (FHSZ).[30] The project site is substantially surrounded by urban development, thereby limiting the sources of fuel (e.g., dry grass) that could be ignited. Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and ***no impact*** would occur.

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28 Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport.* Amended November 16, 2016.

29 City of Morgan Hill. *Emergency Operations Plan.* January 11, 2018.

30 City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map.* March 2009.

X. HYDROLOGY AND WATER QUALITY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	✖
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	✖
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	☐	✖
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	✖
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	✖
iv. Impede or redirect flood flows?	☐	☐	☐	✖
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	✖
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	✖

Discussion

a. The proposed project's potential to result in water quality impacts during construction and operations is discussed in further detail separately below.

Construction

Project construction activities such as grading, excavation, and trenching for site improvements would result in the disturbance of on-site soils. The exposed soils have the potential to affect water quality in two ways: 1) suspended soil particles and sediments transported through runoff; or 2) sediments transported as dust that eventually reach local water bodies. Spills or leaks from heavy equipment and machinery, staging areas, or building sites also have the potential to enter runoff. Typical pollutants include, but are not limited to, petroleum and heavy metals from equipment and products such as paints, solvents, and cleaning agents, which could contain hazardous constituents. Sediment from erosion of graded or excavated surface materials, leaks or spills from equipment, or inadvertent releases of building products could result in water quality degradation if runoff containing the sediment or contaminants should enter receiving waters in sufficient quantities. Impacts from construction-related activities would generally be short-term and of limited duration.

Water quality degradation is regulated by the federal NPDES Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the

State Water Resources Control Board (SWRCB) through nine Regional Water Quality Control Boards (RWQCBs). As discussed in Section VII, Geology and Soils, of this IS, new development within the City that disturbs one or more acres of land is required to comply with the NPDES General Construction Permit and prepare a SWPPP incorporating BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb approximately 2.66 acres, and, thus, would be subject to the State NPDES General Permit conditions.

The proposed project would also be subject to all regional and local water quality regulations. In order to meet water quality objectives for the region, the City of Morgan Hill, City of Gilroy, and County of Santa Clara have prepared and are implementing a Revised Regional Storm Water Management Plan (SWMP). The SWMP incorporates the efforts of the City of Morgan Hill, the City of Gilroy, and the unincorporated portion of Santa Clara County, within the watershed of the Pajaro River and Monterey Bay, to meet the Phase II Storm Water Permit requirements for small municipal separate storm sewer systems (MS4s). The Upper Pajaro River Watershed is located within the jurisdiction of the Central Coast Regional Water Quality Control Board (CCRWQCB). The City of Morgan Hill implements the SWMP through an extensive program that entails: 1) the establishment of SWMP goals for the City; 2) public education and outreach; 3) public involvement and participation; 4) illicit discharge control; 5) construction site storm water runoff control; 6) post-construction storm water management in development; and 7) pollution prevention. For construction activities, the SWMP presents BMPs that are required for the control of storm water runoff quality during construction.

Operation

After project completion, impervious surfaces on the project site could contribute incrementally to the degradation of downstream water quality during storm events. During the dry season, vehicles and other urban activities may release contaminants onto the impervious surfaces, where they would accumulate until the first storm event. During the initial storm event, or first flush, the concentrated pollutants would be transported via stormwater runoff from the site to the stormwater drainage system and eventually a downstream waterway. Typical urban pollutants that would likely be associated with the proposed project include sediment, pesticides, oil and grease, nutrients, metals, bacteria, and trash. In addition, stormwater runoff could cause soil erosion if not properly addressed and provide a more lucrative means of transport for pollutants to enter the waterways.

The proposed project would be managed in accordance with Resolution R3-2013-0032 issued by the California Regional Water Quality Control Board, Central Coast Region. This resolution formally adopts post-construction stormwater management requirements for development projects in the Central Coast Region. The requirements identify 10 Watershed Management Zones (WMZs) in the covered area, and specify stormwater management requirements for each zone, depending on the size of the development project. Because the proposed project site is located in an area classified as WMZ-1, stormwater management at the project site must include site design and runoff features to limit the amount of runoff from the project site as well as on-site water quality treatment to reduce pollutant loads in the stormwater runoff using a Low Impact Development (LID) treatment system such as biofiltration. In WMZ-1, the treatment system must retain 95 percent of the runoff from the project site and also maintain peak runoff flows such that they do not exceed pre-project flows.

A preliminary Stormwater Control Plan (SWCP) has been prepared for the proposed project (see Figure 7). Per the SWCP, the project site would be divided into 10 DMAs with different stormwater treatment measures. Five of the DMAs would direct runoff to a bioretention area, three DMAs would include self-treating measures, and the last two DMAs would include pervious pavement with perforated underdrains. The treatment areas would be routed with storm drain lines to connect to the City's existing infrastructure (see Figure 6). The bioretention areas would provide treatment of stormwater by allowing runoff to filter through layers of vegetated soil and gravel. Treated stormwater would be captured by a perforated underdrain and routed to a detention basin located in the western portion of the project site, which would allow for metering of flows prior to discharging runoff, by way of a new six-inch storm drain, to existing City stormwater drainage infrastructure in Railroad Avenue.

The design, construction, operation, and maintenance of the proposed stormwater system would need to be addressed in a final SWCP to be submitted to the City of Morgan Hill in accordance with the stormwater management requirements set forth in Chapter 18.140 of the City's Municipal Code. The final SWCP would demonstrate how the stormwater system would meet the specified water quality, runoff retention, and peak flow management requirements. Prior to the issuance of building permits, the stormwater controls would be verified by the City of Morgan Hill to confirm design of the controls in accordance with the specified standards, and the controls would be subject to later operation and maintenance inspections by the property owner.

The final design of the proposed drainage system would be reviewed and approved by the City of Morgan Hill Land Development Engineering Division, which would ensure that the proposed drainage system complies with all applicable regional and local standards and requirements with respect to incorporating sufficient permanent stormwater treatment control BMPs. Therefore, water quality standards or waste discharge requirements would not be violated, and water quality would not be substantially degraded as a result of operations of the proposed project or intersection improvement area.

Conclusion

Based on the above discussions, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction and operations. Therefore, ***no impact*** would occur.

b,e. The City's water supplies currently consist entirely of groundwater. Approximately 25 percent of the City's supply is extracted from the Coyote Valley subarea of the Santa Clara Subbasin, and approximately 75 percent is extracted from the Llagas Subbasin. The project site is located within the Llagas Subbasin. Neither of the subbasins are in a condition of overdraft, and groundwater levels are not expected to drop.[31] It should be noted that water supply is discussed in Section XIX, Utilities and Service Systems, of this Initial Study.

Groundwater within the Llagas Subbasin is managed by the SCVWD. The 2016 Groundwater Management Plan (GWMP), prepared pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA), describes the SCVWD's comprehensive

[31] City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report* [pg. 4.9-18]. Adopted July 2016.

groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, located entirely in Santa Clara County and identified by the Department of Water Resources (DWR) as Basins 2-9.02 and 3-3.01, respectively. Pursuant to the DWR, the Llagas Subbasin is designated as a high-priority basin.[32]

Major recharge facilities within the Llagas Subbasin include the Uvas and Chesbro Reservoirs, in-stream recharge in Llagas and Uvas Creeks, the Madrone Channel, the San Pedro and Main Avenue groundwater recharge ponds, and the Uvas-Llagas pipeline, which is capable of diverting water from Uvas Reservoir to Llagas Creek. The project site is not located in the vicinity of any such facilities. In addition, the proposed stormwater drainage system would allow for a portion of the captured runoff to infiltrate underlying soils in a manner similar to what currently occurs on-site.

Given that groundwater levels within the subbasin underlying the project site are currently stable, and that the proposed project would provide for opportunities for on-site recharge, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the Llagas Subbasin. In addition, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Thus, ***no impact*** would occur.

ci-iii. The project site consists of an existing residence and two accessory structures. Development of the proposed project would include approximately 74,837 sf of impervious surfaces, which would alter the existing drainage pattern of the site. However, as discussed above, the proposed project would include 10 different DMAs with different stormwater treatment measures. For example, the proposed project would include bioretention areas, self-treating areas, and a detention basin for proper treatment of on-site stormwater. Therefore, the proposed stormwater system would treat and retain runoff from the project site and would be required to maintain peak runoff flows such that they do not exceed pre-project flows in accordance with the stormwater management requirements adopted by Resolution R3-2013-0032.

Furthermore, stormwater runoff associated with the site would be required to comply with the City's SWMP standards. As such, the project would not significantly increase stormwater flows into the existing system. The final drainage system design for the project will be subject to review and approval by the City of Morgan Hill Engineering Land Development Division, who will confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Thus, ***no impact*** would occur.

civ. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number 06085C0607H, the project site is located within Zone X, which is not

[32] Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins* [pg. ES-1]. November 2016.

considered a Special Flood Hazard Zone (SFHA).[33] As such, the proposed project would not impede or redirect flood flows, and ***no impact*** would occur.

d. A seiche is defined as a wave generated by rapid displacement of water within a reservoir or lake, due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The project site is not located near a water body that is susceptible to seiche hazard. In addition, the distance to the nearest coastline does not subject the site to tsunami hazards. The project site is within the dam failure inundation hazard zone for Anderson Reservoir as indicated within the dam failure inundation hazard maps.[34]

The dams in Santa Clara County are managed by the SCVWD. The dams are inspected twice each year and are continuously monitored for seepage and settling and inspected immediately following significant earthquakes. A seismic stability evaluation performed in 2007 for Anderson Dam indicated that the downstream and upstream embankments could become unstable during a very large magnitude earthquake and the rupture of faults underlying the dam may have adverse impact on the outlet pipes and intake structure. The SCVWD has initiated a capital project, the Anderson Dam Seismic Retrofit Project (ADSRP), to complete the planning, design, and construction of the seismic retrofit of the dam. Construction work for the ADSRP is planned to start in 2021.[35]

Until recently, in order to protect the public from potential effects until the ADSRP is complete, a storage restriction of approximately 45 feet below the dam crest has been in place, with a reduced storage capacity of 61,810 acre-feet. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake. Most recently, federal dam regulators have ordered Anderson Reservoir, the largest reservoir in Santa Clara County, to be completely drained starting October 1, 2020.[36]

Based on the above, the proposed project would not be exposed to substantial risks related to flooding as a result of the failure of a dam, tsunamis, or seiches. In addition, as discussed under question ‘cvi’ above, the proposed project would not include development of structures or placement of fill within a 100-year floodplain. Therefore, the project would not result in the release of pollutants due to project inundation, and ***no impact*** would occur.

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33 Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette No. 06085C0607H.* Accessed March 2020.

34 Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. Available at: http://www.mhcert.com/prepare/dam_failure.shtml. Accessed March 2020.

35 Santa Clara Valley Water District. *C1: Anderson Dam Seismic Retrofit*.* Available at: https://www.valleywater.org/anderson-dam-project. Updated November 2018.

36 https://www.mercurynews.com/2020/02/24/breaking-feds-order-anderson-reservoir-to-be-drained-due-to earthquake-risk/; accessed March 31, 2020.

XI. LAND USE AND PLANNING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	✖
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	✖

Discussion

a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community, or isolate an existing land use. Currently, the project site consists of an existing residence and two accessory structures. Given that the existing residence does not belong to a larger community, the proposed project would not physically divide an established community. Thus, ***no impact*** would occur.

b. Currently, the project site is designated Industrial per the City's General Plan and zoned IG. The Industrial land use designation allows a variety of research warehouse, manufacturing service, commercial, and other job-generating uses. The proposed project would adhere to the General Plan designation by retaining and expanding the range of industrial uses within the project area. As such, the type and intensity of growth that would be induced by the proposed project has been anticipated per the General Plan and associated environmental effects have been analyzed in the General Plan EIR. As discussed throughout this Initial Study, the proposed project would not result in any significant environmental effects.

The proposed project would generally be consistent with General Plan policies. For example, the proposed project would be consistent with Policies NRE-11.1, NRE-11.2, NRE-11.3 which addresses TACs and existing/proposed sensitive uses, as well as Health Risk Assessments. As discussed in Section III, Air Quality, of this Initial Study, an on-site above-ground fuel tank would be used to refill the trucks during operation of the proposed project. Per BAAQMD guidance, the screening amount for fuel-pumping operations is approximately 3.5 million gallons per year. The proposed project would comply with the BAAQMD Screening threshold by only involving pumping between 200,000 and 300,000 gallons per year. In addition, because the proposed project would only generate 84 ADT, the project would not be considered to generate a significant amount of heavy-duty truck trips and would comply with Policy NRE 11.4. Furthermore, AU Energy staff that oversee freight truck activity would be required to monitor on-site truck activities to ensure compliance with Policy NRE-11.5 by limiting truck idling to five minutes. The project would include vegetation along the project site boundaries that would help to absorb any potential pollutants released as a result of operations, consistent with Policy NRE-11.6.

In addition to consistency with General Plan policies, the proposed project would be consistent with other applicable policies and regulations adopted for the purpose of avoiding or mitigating environmental effects. For example, the proposed project would be required to comply with all applicable development standards established by Section 18.28.030 of the City's Municipal Code such as maximum lot coverage, maximum building heights, and building setback requirements. In addition, the proposed project would comply with Section 12.32.030 regarding the removal of Ordinance Sized Trees.

Therefore, the proposed project would not cause a significant adverse environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and ***no impact*** would occur.

XII. MINERAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	✖
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?	☐	☐	☐	✖

Discussion

a,b. The City's General Plan does not identify any regionally or locally important mineral resources within the City of Morgan Hill. The Santa Clara County General Plan does identify mineral resources of importance; however, the project site is not in proximity to the quarries currently in operation. Consequently, the proposed project would not result in the loss of a known mineral resource that would be of value to the region nor would the project result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, ***no impact*** to mineral resources would occur as a result of the proposed project.

XIII. NOISE. *Would the project result in:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	✖
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	✖
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✖

Discussion

The discussion presented below is based primarily on a Noise Analysis prepared for the proposed project by Dudek (see Appendix D).[37]

a. The following section includes a discussion of noise standards and criteria applicable to various land uses, as well as potential traffic noise and non-transportation noise sources associated with the proposed project.

Sensitive Receptors

Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the primary intended use of the land. Places where people live, sleep, recreate, worship, and study are considered to be sensitive to noise because intrusive noise can be disruptive to such activities. Within the project vicinity, the nearest sensitive receptors include the senior housing facility to the east of the site.

Existing Noise Environment

The ambient noise environment in the immediate project vicinity is defined by traffic on the local roadway network (Butterfield Boulevard and Highway 101). Additional noise sources include light industrial noise, emergency vehicle pass-bys, and general community noise. To quantify the existing noise environment at the project site, Dudek conducted a long-term (24-hour) noise level measurement at one location and short-term noise level measurements at three different locations (see Figure 8). Table 5 below provides a summary of the noise measurement results.

[37] Dudek. *Technical Memorandum, Subject: Railroad Avenue Freight Terminal – Noise Analysis.* April 2, 2020.

Figure 8
Noise Measurement Sites

Table 5
Summary of Existing Noise Measurement Data

Site	Date	L_{dn}	Average Measured Noise Levels (dB)					
			Daytime (7 AM to 10 PM)			Nighttime (10 PM to 7 AM)		
			L_{eq}	L_{max}	L_{90}	L_{eq}	L_{max}	L_{90}
Long-Term Monitoring								
LT-1	11/19/19 to 11/20/19	61.1	55.0	70.3	48.6	54.6	68.8	51.5
Short-Term Monitoring								
ST-1	11/20/19	--	51.6	60.2	46.7	--	--	--
ST-2	11/20/19	--	51.6	60.6	47.4	--	--	--
ST-3	11/20/19	--	59.0	69.6	50.6	--	--	--

Source: Dudek, 2019.

City Noise Standards and Criteria

Chapter 9, Safety, Service, and Infrastructure, of the City's General Plan contains the following policies that would be applicable to the proposed project:

SSI-8.1 Exterior Noise Level Standards. Require new development projects to be designed and constructed to meet acceptable exterior noise level standards (see Table SSI-1 [of the General Plan]), as follows:

- Apply a maximum exterior noise level of 60 dBA L_{dn} in residential areas where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). Where the City determines that providing an L_{dn} of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, an L_{dn} of 65 dBA may be permitted.
- Indoor noise levels should not exceed an L_{dn} of 45 dBA in new residential housing units.
- Noise levels in new residential development exposed to an exterior L_{dn} 60 dBA or greater should be limited to a maximum instantaneous noise level (e.g., trucks on busy streets, train warning whistles) in bedrooms of 50 dBA. Maximum instantaneous noise levels in all other habitable rooms should not exceed 55 dBA. The maximum outdoor noise level for new residences near the railroad shall be 70 dBA L_{dn}, recognizing that train noise is characterized by relatively few loud events.

SSI-8.2 Impact Evaluation. The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.

SSI-8.5 Traffic Noise Level Standards. Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn}, or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.

SSI-8.6 Stationary Noise Level Standards. Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.

SSI-8.7 Other Noise Sources. Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.

SSI-8.9 Site Planning and Design. Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver, c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas, d) orienting buildings to shield outdoor spaces from the noise source, and e) minimizing the noise at its source.

In addition to the policies listed above, Section 18.76.090 (Noise) of the City's Municipal Code contains maximum noise levels for non-transportation noise sources. The City's quantitative exterior noise standards are reproduced below in Table 6. Importantly, this section of the Code states that noise standards in the below table (i.e., Table 18.76-1 of the Code) do not apply to noise generated by vehicle traffic in the public right-of-way or from temporary construction, demolition, and vehicles that enter and leave the site of the noise-generating use (e.g., construction equipment, trains, trucks).

Table 6
Noise Level Performance Standards

Receiving Land Use	Maximum Noise Level at Lot Line of Receiving Use
Industrial and Wholesale	70 dBA
Commercial	65 dBA
Residential or Public/Quasi Public	60 dBA

Notes:
- The planning commission may allow an additional 5 dBA noise level at the lot line if the maximum noise level shown above cannot be achieved with reasonable and feasible mitigation.

Source: City of Morgan Hill Municipal Code.

Furthermore, Section 8.28.040.D of the Morgan Hill Municipal Code, limits construction activity noise as follows:

> "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of seven a.m. and eight p.m., Monday through Friday and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision.

Construction activities may occur in the following cases without violation of this provision:

a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the Chief Building Official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.

c. The city council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine a.m. to six p.m., provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.

d. Public work projects are exempt from this section and the public works director shall determine the hours of construction for public works projects.

Project Construction Noise

During construction of the proposed project, heavy-duty equipment would be used for demolition, grading, excavation, paving, and building construction, which would result in temporary noise level increases while in operation. Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on the proximity of construction activities to that point. Standard construction equipment, such as graders, backhoes, loaders, and haul trucks would be used on-site.

Table 7 shows maximum noise levels associated with typical construction equipment. Based on the table, activities involved in typical construction would generate maximum noise levels up to 85 dB at a distance of 50 feet. As distance increases between equipment, or increases separation of areas with simultaneous construction activity, dispersion and distance attenuation reduce the effects of combining separate noise sources. The noise levels from a source decrease at a rate of approximately 6 dB per every doubling of distance from the noise source.

Table 7 Construction Equipment Noise	
Type of Equipment	**Maximum Level, dB at 50 feet**
Backhoe	78
Compactor	83
Compressor (air)	78
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Pneumatic Tools	85
Source: ***Federal Highway Administration, Roadway Construction Noise Model User's Guide, January 2006.***	

The nearest noise-sensitive receptors are located approximately 65 feet east of the project site boundary. However, Chapter 8.28 of the Morgan Hill Municipal Code prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

Given the restrictions on construction hours, and the Municipal Code's determination that construction activities are not subject to the City's noise standards, the project would have no impact related to a substantial temporary increase in noise generation.

Project Operational Noise

Operations associated with the proposed project would generate noise associated with vehicle traffic on local roadways, fleet maintenance, and on-site truck movement. The aforementioned potential noise sources are discussed in further detail below.

Off-Site Traffic Noise

Per General Plan Policy SSI-8.5, noise level increases resulting from traffic associated with a new project would be considered significant if: a) the noise level increase is 5 dB Ldn or greater, with a future level of less than 60 dB Ldn, or b) the noise level increase is 3 db Ldn or greater, with a future noise level of 60 dB Ldn or greater. As noted above, the ambient noise environment is currently dominated by traffic noise generated from Butterfield Boulevard, resulting in a noise level of 61.1 dB at the eastern site boundary. Traffic noise levels in the project area were modeled based on the Federal Highway Administration (FHWA) traffic noise prediction model and the City of Morgan Hill average daily traffic volumes. Based on the City of Morgan Hill average daily traffic volumes for Butterfield Boulevard, and standardized vehicle mix assumptions, 48 additional heavy truck trips related to project operations would result in a 0.2 dB noise level increase. Thus, the project's increase in traffic would increase traffic noise levels on surrounding roadways from 61.1 dB to 61.3 dB, which is below the standards identified in General Plan Policy SSI-8.5.

Fleet Maintenance

As part of the Noise Analysis, Dudek performed noise measurements to document noise levels at the existing truck freight terminal to the north of the site. Sounds generated by the light mechanical and fleet maintenance activities associated with the existing facility were audible for brief periods of time; however, the noise levels were below the

background noise levels of the existing ambient noise environment. The background noise levels near the existing maintenance activities were measured to be approximately 51 dB. The location of the maintenance bays for the proposed project would be set back 172 feet from the eastern site boundary, in comparison to the existing bays, which are approximately 110 feet from the property line. Accounting for an attenuation rate of 6 dB per doubling of distance, the additional distance would result in an approximately 3 to 4 dB reduction in noise levels at the eastern property line.

Furthermore, the five-foot-tall noise barrier currently in place at the eastern site boundary would be capable of providing an additional 5 dB noise reduction, for a combined noise level reduction of 8 dB to 9 dB in comparison to existing maintenance operations associated with the AU Energy property to the north of the project site. Although the existing five-foot wall would be adequate to reduce noise levels below the City's threshold, the proposed project would include construction of a new six-foot wall at the location of the existing wall. The six-foot wall would further reduce noise levels associated with fleet maintenance. Therefore, fleet maintenance activities associated with the proposed project are calculated to be less than 43 dB at the eastern site boundary. Thus, light mechanical and maintenance activities performed in the freight terminal bays are anticipated to comply with the City of Morgan Hill noise level standards.

On-Site Truck Movement

The proposed project would include 12 truck parking stalls along the eastern site boundary. For a conservative analysis of potential on-site truck movement noise levels, the Noise Analysis assumed 12 trucks would arrive and depart within a peak one-hour time period. Based on the source characterization measurements performed for arrival and departure events, single-event sound exposure levels (SEL) for an arrival are approximately 76 dB and 78 dB for a departure (at a distance of 50 feet). Using the measured SELs, 12 arrivals occurring during a peak one-hour period would result in an hourly equivalent noise level of 51 dB L_{eq}; 12 departure events would result in a noise level of approximately 53 dB L_{eq}. Overall on-site truck movement noise levels are calculated to be approximately 55 dB L_{eq} at a distance of 50 feet, which would be below the noise level performance standard of 60 dBA at the property line of a receiving residential land use, established in Section 18.76.090 (Noise) of the Municipal Code.

According to the Noise Analysis, each truck will be utilized during two to three shifts throughout a 24-hour period, with one of the shift changes occurring during nighttime hours at 4:00 AM. Conservatively assuming that each of the 12 trucks would be arriving and departing three times per day, on-site truck movement noise levels are calculated to be approximately 52 dB L_{dn} at a distance of 50-feet from the engine/exhaust.

With the site configuration including a 10-foot setback at the eastern site boundary and the length of the tractor trailer, the engine/exhaust would be located at least 65-feet from the eastern site boundary. An attenuation rate of 6 dB per doubling of distance would result in on-site truck movement noise levels ranging from approximately 33 dB to 41 dB L_{dn} at the eastern site boundary. Accounting for the sound level reduction provided by the existing property line noise barrier, on-site truck movement noise levels would be further reduced at the residential receptor property line to the east. Therefore, on-site truck movements are predicted to comply with the City of Morgan Hill maximum noise level standards as presented in General Plan Policy SSI-8.1 and the Municipal Code.

Conclusion

Based on the above, operation of the proposed project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the City's General Plan and the Municipal Code. Therefore, ***no impact*** would occur as a result of the proposed project.

b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration is measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV.

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 8, which was developed by Caltrans, shows the vibration levels that would normally be required to result in damage to structures. As shown in the table, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

The proposed project would only cause elevated vibration levels during construction, as the proposed project would not involve any uses or operations that would generate substantial groundborne vibration. Although noise and vibration associated with the construction phases of the project would add to the noise environment in the immediate project vicinity, construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours.

The primary vibration-generating activities associated with the proposed project would occur during grading, paving, placement of utilities, and construction of foundations. Table 9 shows the typical vibration levels produced by construction equipment at various distances. The most substantial source of groundborne vibrations associated with project construction would be the use of vibratory compactors. Use of vibratory compactors/rollers could potentially be required during construction of the proposed drive aisles.

Table 8
Effects of Vibration on People and Buildings

PPV		Human Reaction	Effect on Buildings
mm/sec	in/sec		
0.15 to 0.30	0.006 to 0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy	Virtually no risk of "architectural" damage to normal buildings

		people	
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of "architectural" damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize "architectural" damage
10 to 15	0.4 to 0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage
Source: Caltrans. Transportation Related Earthborne Vibrations. TAV-02-01-R9601. February 20, 2002.			

Table 9
Vibration Levels for Various Construction Equipment

Type of Equipment	PPV at 25 feet (in/sec)	PPV at 50 feet (in/sec)
Large Bulldozer	0.089	0.029
Loaded Trucks	0.076	0.025
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.029
Jackhammer	0.035	0.011
Vibratory Hammer	0.070	0.023
Vibratory Compactor/roller	0.210	0.070
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.		

Use of vibratory compactors/rollers could be required during construction of the proposed on-site parking areas and driveways. However, such activity would occur at approximately 50 feet from the existing structures located to the north of the project site. At a distance of 50 feet or greater from the vibration source, groundborne vibrations associated with construction equipment would be less than 0.2 in/sec PPV, and, thus, would not cause architectural damage to structures or annoyance to nearby sensitive receptors. Based on the above, the proposed project would not expose people to or generate excessive groundborne vibration or groundborne noise levels, and ***no impact*** would occur.

c. The public airport nearest to the project site is the San Martin Airport, which is located approximately 3.70 miles south of the project site at 13030 Murphy Avenue. The project site is located well outside of the AIA identified in the South County Airport Comprehensive Land Use Plan.[38] In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with air traffic, and ***no impact*** would occur.

[38] Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport.* Amended November 16, 2016.

XIV. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☐	✖
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	✖

Discussion

a. The proposed project would include the development of a two-story freight terminal and a light industrial office building. Development of the site for industrial purposes would not result in direct population growth; however, the proposed project would include the development of new business space (Building B) which could attract residents to the area for employment opportunities. Building A would represent the relocation of an existing building and, thus, would not attract new residents. Although the project may attract residents as a result of the increase in job opportunities, the increase in jobs would be relatively small, compared to the City's existing population. Furthermore, given that the project is consistent with the site's current land use and zoning designations, potential growth associated with development of the site has been anticipated by the City and analyzed in the City of Morgan Hill General Plan EIR. Therefore, the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly, and ***no impact*** would occur.

b. The proposed project would require demolition of an existing residence and two accessory structures. However, removal of a single residence would not be considered to displace substantial numbers of existing people or housing. Considering the small number of current residents that would be displaced, replacement housing would be available from the existing housing stock in Morgan Hill. As such, the proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and ***no impact*** would occur.

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	☐	✖
b. Police protection?	☐	☐	☐	✖
c. Schools?	☐	☐	☐	✖
d. Parks?	☐	☐	☐	✖
e. Other Public Facilities?	☐	☐	☐	✖

Discussion

a-e. The City of Morgan Hill contracts with CAL FIRE (California Department of Forestry and Fire Protection) for fire protection services. Three fire stations are located within the City boundaries: El Toro Station, located at 18300 Old Monterey Road; Dunne-Hill Station, located at 2100 Dunne Avenue; and the CAL FIRE Station at 15670 Monterey Road. The nearest fire station (CAL FIRE Station) is located approximately 0.8-mile to the southeast of the site. The Morgan Hill Police Department is located at 16200 Vineyard Boulevard, approximately 0.2-mile southeast of the site.

The incremental increase in demand associated with the proposed project would not necessitate new or physically altered facilities and would not be substantial enough that the current response times could not be maintained. Accordingly, the response time from the CAL FIRE station would be anticipated to be within the City's preferred response time of five minutes or less. In addition, the proposed buildings would include a fire sprinkler system which would decrease the likelihood of fire-related incidents to occur at the site.

The project site is also located in close proximity to the Morgan Hill Police Department, and, thus, police response times would be comparable to nearby existing developments. Furthermore, given that the project is consistent with the site's current General Plan land use and zoning designations, impacts related to provision of new or physically altered fire and police protection facilities has been previously analyzed in the General Plan EIR. The General Plan EIR concluded that buildout of the City would have a less-than-significant impact related to the provision of such public services. Furthermore, the project applicant would be required to pay development impact fees, which are used to help pay for infrastructure, including fire facilities, police facilities, and other public facilities needed to support new development within the City. The proposed project would not include the construction of housing and, thus, would not substantially increase demand for schools, parks, or other public facilities.

Based on the above, the proposed project would have ***no impact*** with respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, and other public facilities.

XVI. RECREATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	☐	✖
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	✖

Discussion

a,b. As noted previously, the proposed project would not introduce new residents to the project area, and, thus, would not increase demand on existing parks and recreation facilities within the City of Morgan Hill. In addition, the proposed project would be consistent with the City's General Plan land use designation for the site and impacts related to parks and recreational facilities have been previously analyzed in the General Plan EIR. The General Plan EIR concluded that buildout of the City would have a less-than significant impact on parks and recreational facilities.

Given that the project would be consistent the General Plan and would not introduce new residents to the area, such that increased use of neighborhood and regional recreational parks or other recreational facilities would occur, ***no impact*** would occur related to recreational resources.

XVII. TRANSPORTATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☐	✖
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	✖
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	✖
d. Result in inadequate emergency access?	☐	☐	☐	✖

Discussion

a. The proposed project would include demolition of the existing on-site structures to develop a two-story, 13,000-sf freight terminal and an 8,000-sf speculative light industrial building. A discussion of the proposed project's trip generation and potential impacts on pedestrian, bicycle, and transit facilities is discussed in further detail below.

Project Trip Generation

The proposed project operations would include the use of up to 12 delivery trucks for two shifts per day. Therefore, over a 24-hour period, the proposed project would result in approximately 48 truck trips. In addition, existing AU Energy operations consist of approximately 5-8 daily employees. The proposed project would include both the existing staff and new staff. As such, this analysis conservatively assumes a total maximum of 18 daily employees. Because the proposed project could include up to 18 daily employees, the potential exists for an additional 36 ADT to occur. The estimated 36 ADT also includes the anticipated traffic generation associated with Building B. Thus, the proposed project would result in a total of approximately 84 ADT. Furthermore, peak hour trips associated with operations would include approximately 12 truck trips and 10 percent of the ADT for daily employees (3.6 trips) for a total of approximately 15.6 peak hour trips.

According to the City of Morgan Hill Guidelines for Preparation of Transportation Impact Reports, a transportation impact analysis is required for projects that add between 50 and 99 net new peak hour trips to the roadway system where nearby intersections are operating at LOS D or worse, or projected to operate at LOS D or worse with traffic added by approved developments, or when a project generates 100 or more net new peak hour trips (consistent with Santa Clara VTA policy).

Due to the relatively low number of project-generated trips, the project does not require the preparation of a transportation impact report, and it is reasonable to conclude that significant impacts to the surrounding roadway network would not result from the project. This is supported by the fact that the General Plan EIR concludes that with full buildout of the General Plan, including the project site, the intersections surrounding the project area (San Pedro Avenue/Butterfield Boulevard; and Railroad Avenue/Tennant Avenue), where the majority of project traffic would occur, would operate acceptably.[39]

[39] City of Morgan Hill. *Morgan Hill 2035 Environmental Impact Report [*Table 4.14-10]. January 2016.

Pedestrian, Bicycle, and Transit Facilities

Bus service in the City of Morgan Hill is provided by the Santa Clara Vehicle Transportation Authority (VTA), which operates local bus service with regional connections to destinations north and south of Morgan Hill. Bus stops are located along Monterey Road. Specifically, two bus stops are located approximately 0.5-mile from the project site at the intersection of Monterey Road/Spring Avenue and Monterey Road/Cosmo Avenue. In addition, the project site is served by Monterey-Salinas Transit (MST) Bus Service which provides services between the Morgan Hill Caltrain Station and the Monterey Transit Plaza in Monterey. The site is located approximately 1.4 miles southeast of the Morgan Hill Transit Center, which serves as a hub for one local bus route and one community bus route. Therefore, the project site would be located in close proximity to transit stops, regional bus service through Santa Clara VTA and MST bus service would be available, and the project would not conflict the City's existing transit system.

Railroad Avenue currently includes a bicycle lane along the project site frontage. The proposed project would retain the existing sidewalk and bicycle facilities located at the site frontage. As such, the proposed project would not conflict with transit, bicycle, or pedestrian facilities.

Conclusion

Based on the above, ***no impact*** would occur related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. It should be noted that currently, the provisions of Section 15064.3 apply only prospectively; determination of impacts based on VMT is not required Statewide until July 1, 2020.

Pursuant to Section 15064.3(b)(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. Bus service is currently provided in the project region by the VTA, and the site is located approximately 0.5-mile from the nearest bus stop. As noted previously, bike lanes are provided along Railroad Avenue and Monterey Road. The availability of such transit, bicycle, and pedestrian infrastructure in the site vicinity would help to reduce VMT associated with workers travelling to and from the project site. Furthermore, the site is located adjacent to existing residential neighborhoods to the northeast. Should employees live in the project area, the site's proximity to residential neighborhoods would be anticipated to reduce VMT associated with the proposed project.

Additionally, the proposed project would help to consolidate AU Energy, Inc. trucking operations. The proposed project would provide a permanent location for the business and allow staff that are spread out between Sacramento and Santa Maria to be centralized in one location. By consolidating operations into one location, the proposed project would reduce the amount of travel that currently occurs, thereby reducing VMT.

Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and ***no impact*** would occur.

c,d. Primary access to the project site would be provided by a driveway at Railroad Avenue. From the driveway, a new drive aisle would extend eastward and loop around Building A in the eastern portion of the site. The proposed on-site circulation system has been designed to accommodate large truck turning circle requirements, and the project would provide sufficient area to accommodate delivery truck/emergency vehicle backup and turning movements. As such, adequate emergency vehicle access would be provided at the project site.

Construction traffic associated with the proposed project would include heavy-duty vehicles that would share the area roadways with normal vehicle traffic, creating potential conflicts with other roadway users, as well as transport of construction material, and daily construction employee trips to and from the site. However, construction material and equipment would be staged on the project site, reducing conflicts with local traffic. In addition, the proposed project would be required to comply with all relevant City policies related to construction traffic management. Given compliance with required roadway design and City standards, the proposed project would not substantially increase hazards and would not result in inadequate emergency vehicle access at the project site.

Based on the above, the proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and would not result in inadequate emergency access. Therefore, ***no impact*** would occur.

XVIII. TRIBAL CULTURAL RESOURCES. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	☐	☐	✖
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	✖

Discussion

a,b. As discussed in Section V, Cultural Resources, of this Initial Study, the project site does not contain any existing permanent structures or any other known resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), and does not contain known resources that could be considered historic pursuant to the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Based on a search of the NAHC Sacred Lands File, the project site could contain tribal cultural resources.[40] However, the records search of the CHRIS database for cultural resource site records and survey reports within the project area indicated that a low potential exists for unrecorded tribal cultural resources to occur within the project site.[41] Compliance with Section 18.60.090 of the City's Municipal Code would ensure that the proper measures are taken should tribal cultural resources be discovered within the project site.

Given compliance with the City's standard conditions of approval related to cultural resource discovery, ***no impact*** to tribal cultural resources would occur.

[40] Native American Heritage Commission. *16500 Railroad Avenue Project, Santa Clara County.* February 11, 2020.
[41] California Historical Resources Information System. *Record search results for the proposed project located at 16500 Railroad Avenue, Morgan Hill, Santa Clara County.* February 17, 2020.

XIX. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	✖
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☐	✖
c. 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?	☐	☐	☐	✖
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	✖
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	✖

Discussion

a-c. Brief discussions of the water, wastewater, stormwater drainage, electrical, and telecommunications facilities that would serve the proposed project are included below.

Water

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 14 groundwater wells, 10 potable water storage tanks, 10 booster stations, and over 160 miles of pressured pipes ranging from two to 14 inches in diameter. The City's water distribution system meets the needs of existing customers. The City has planned and constructed water projects in conjunction with new street construction in anticipation of future growth and water needs.

According to the City's Urban Water Management Plan, the City's projected water supply far exceeds the water demand for normal, single-dry, and multiple-dry years until at least 2040.[42] For example, during a normal year in 2020, the anticipated supply exceeds the anticipated demand by 55,351 acre-feet per year. Given that the proposed project is consistent with the site's current land use and zoning designations, the type and intensity of growth that would be induced by the proposed project was generally considered in the 2035 General Plan and associated water use has been analyzed in the General Plan EIR. Therefore, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and sufficient water supplies would be available to serve the project from existing entitlements and resources.

[42] City of Morgan Hill. *2015 Urban Water Management Plan* [pg. 7-4 to 7-7]. 2016.

Wastewater

The City of Morgan Hill sewer collection system consists of approximately 160 miles of gravity sewers, over 3,000 manholes, nearly 3 miles of force mains, and 14 lift stations. The sewer lines range in size from four inches to 30 inches in diameter and the piping system includes 26 siphons. The City's collection system moves the City's wastewater south to the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Facility (WWTF) located in southern Gilroy. SCRWA is a joint powers authority formed by the cities of Morgan Hill and Gilroy to collectively treat the wastewater of both cities.[43] The City of Morgan Hill has an allocation of 3.56 million gallons per day (MGD) from the WWTF. The average dry weather flow from the City of Morgan Hill was approximately 2.7 MGD in 2015.[44]

The proposed project would connect to existing sewer lines located within the site vicinity. Based on the current and projected sewage flows associated with the WWTF, the incremental increase in wastewater generation associated with the development of the proposed project would not require the construction of new or expansion of existing wastewater treatment facilities, as capacity is already sufficient to serve the proposed project. Furthermore, given that the project is consistent with the site's current General Plan land use and zoning designations, the type and intensity of growth that would be induced by the proposed project has been generally considered in the 2035 General Plan and associated wastewater generation has been analyzed in the General Plan EIR. The General Plan EIR determined that impacts related to wastewater treatment capacity would be less than significant.

Stormwater

Issues related to stormwater infrastructure are discussed in Section X, Hydrology and Water Quality, of this Initial Study. As noted therein, the proposed project would not significantly increase stormwater flows into the City's existing system. The final drainage system design for the project will be subject to review and approval by the City of Morgan Hill Public Works Department to confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the proposed project would not 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.

Electricity, Natural Gas, and Telecommunications

Electricity service for the proposed project would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. It should be noted that the proposed project would not use natural gas, as natural gas is prohibited in all new construction effective March 1, 2020, pursuant to City Ordinance No. 2306. The project would not require major upgrades to, or extension of, existing infrastructure.

Conclusion

Based on the above, the type and intensity of growth that would be induced by the proposed project was generally considered in the 2035 General Plan and associated wastewater generation and water use has been analyzed in the General Plan EIR. Thus,

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43 City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule.* February 6, 2019.

44 City of Morgan Hill. *2035 General Plan Draft EIR*. January 2016.

the increase in water demand and wastewater generation associated with the proposed project would not be considered substantial. In addition, the project is located within a developed urban area and would not require major expansion or extension of existing water, wastewater, electrical, or telecommunications facilities in the project area.

Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater, electric power, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Sufficient water supplies would be available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Furthermore, adequate wastewater capacity would be available to serve the project's projected demand. Thus, ***no impact*** would occur.

d,e. Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. Per the Landfill's current 2018 Solid Waste Facility (SWF) Permit, the Landfill has a maximum permitted tonnage limit of 1,574 tons per day, a remaining capacity of 6,923,297 cubic yards, and an estimated closure date of 2055. [45] For fiscal year 2018/2019, 225,784 tons of waste were disposed of at the Landfill.[46] The proposed project would not produce enough solid waste for the landfill to exceed capacity. As such, sufficient permitted capacity exists at the Johnson Canyon Sanitary Landfill to accommodate the proposed project's incremental increase in solid waste disposal needs. As such, the proposed project would comply with applicable federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed project would have ***no impact*** related to solid waste.

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[45] California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Available at: https://www2.calrecycle.ca.gov/swfacilities/Directory/27-AA-0005/. Accessed March 2020.

[46] Salinas Valley Solid Waste Authority. *2018-19 Annual Report.* October 14, 2019.

XX. WILDFIRE. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	✖
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	✖
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	✖
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	✖

Discussion

a-d. As discussed in Section IX, Hazards and Hazardous Materials, of this Initial Study, the City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High FHSZ.[47] Furthermore, CalFire's Fire and Resource Assessment program indicates that the project site is not located in a High or Very High FHSZ.[48] The nearest High or Very High FHSZ is located approximately 1.3-mile to the west. The proposed project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.44 of the City's Municipal Code, including installation of fire sprinkler systems.

As noted in Section IX, implementation of the proposed project would not interfere with potential evacuation or response routes used by emergency response teams. The project would not conflict with the City's Emergency Operations Plan.[49] In addition, the project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for employees. Given that the project site is located within a developed urban area and is situated adjacent to existing roads, water lines, and other utilities, the proposed project would not result in substantial fire risks related to installation or maintenance of such infrastructure. Therefore, the proposed project would not be subject to substantial risks related to wildfires, and ***no impact*** would occur.

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47 City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map.* March 2009.

48 California Department of Forestry and Fire Protection. *Morgan Hill, Very High Fire Hazard Severity Zones in LRA.* October 9, 2008.

49 City of Morgan Hill. *Emergency Operations Plan.* January 11, 2018.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	✖
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)?	☐	☐	☐	✖
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	✖

Discussion

a. As discussed in Section IV, Biological Resources, of this Initial Study, the proposed project would not result in any significant impacts to special-status species or other biological resources. In addition, the site does not contain known historical or cultural resources. Although unlikely, the possibility exists that subsurface excavation of the site during grading and other construction activities could unearth deposits of cultural significance. However, this Initial Study explains how the City's Municipal Code requires standard measures for development projects that would ensure no impacts to such resources would occur. Therefore, the proposed project would result in ***no impact*** related to degradation of the quality of the environment, substantial reduction of habitat or plant and wildlife species, and elimination of important examples of the major periods of California history or prehistory.

b. As discussed in Section XI, Land Use and Planning, of this Initial Study, the proposed project would be consistent with the site's current IG General Plan land use and zoning designations. As such, the type and intensity of growth that would be induced by the proposed project has been generally anticipated per the General Plan and associated cumulative environmental effects have been analyzed in the General Plan EIR. Furthermore, as demonstrated in this Initial Study, the proposed project would not result in any significant environmental impacts. When viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the proposed project would not contribute to cumulative impacts in the City of Morgan Hill, and ***no impact*** would occur.

c. The proposed project site would be developed in a generally urbanized and built-up area of the City of Morgan Hill. Development of the proposed project would not be expected to result in substantial adverse impacts to human beings, either directly or indirectly. The potential for substantial environmental effects on human beings is addressed within this Initial Study and no impacts would occur. As such, ***no impact*** would result.

Appendix A

Air Quality and Greenhouse Gas Modeling Results

Appendix B

Arborist Report

Appendix C

Phase I Environmental Site Assessment and Limited Subsurface Investigation

Appendix D

Noise Analysis