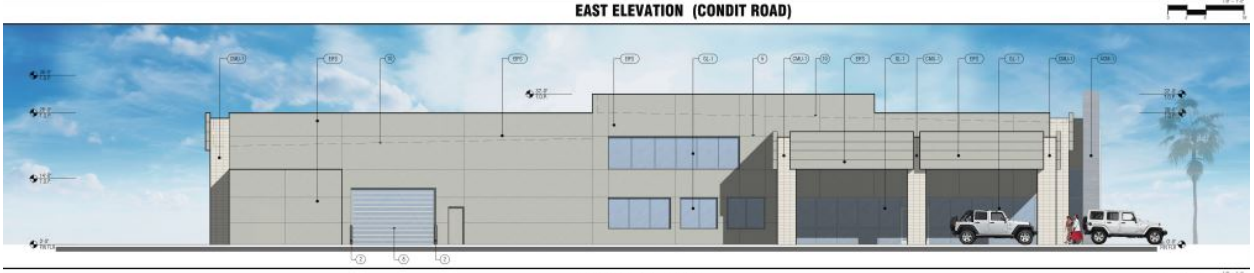
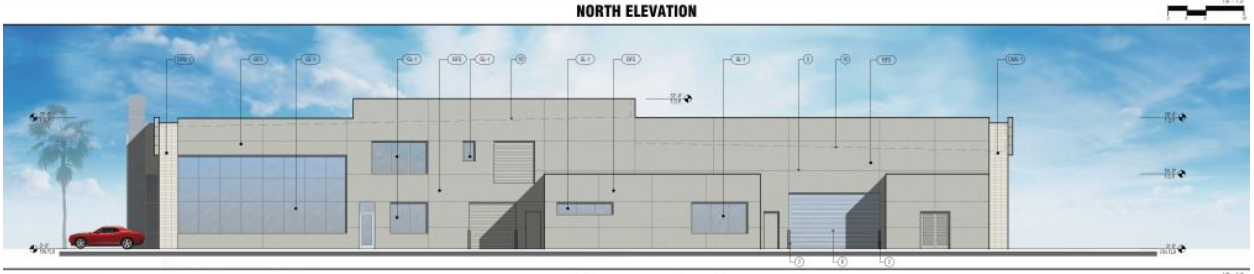
DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
TOWBIN DODGE DEALERSHIP (CONDIT-DODGE) PROJECT
August 2018

WEST ELEVATION (FREEWAY)

EAST ELEVATION (CONDIT ROAD)



NORTH ELEVATION



SOUTH ELEVATION (FORD DEALERSHIP)

PREPARED FOR:
CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT
17575 PEAK AVE
MORGAN HILL, CA 95037

PREPARED BY:
M-GROUP
307 ORCHARD CITY DR, SUITE 100
CAMPBELL, CA 95008

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PROJECT DESCRIPTION AND BACKGROUND

Table 1:
Project Summary

Project Title:	Condit-Dodge Towbin Dodge Dealership
Lead agency name and address:	City of Morgan Hill, Planning Department, 17575 Peak Ave, Morgan Hill, CA 95037
Contact person and phone number:	Emily Foley (408) 340-5642 x111
Project Location:	Condit Road (APN 728-17-034)
Project sponsor's name and address:	Towbin Motors 5550 W Sahara Avenue, Las Vegas
General plan description:	C-Commercial
Zoning:	PD- Planned Development
Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)	The proposed project includes construction of a two-story wood framed 36,662 square foot car dealership and service building. In addition, the project will have 482 surface parking spaces.
Surrounding land uses and setting; briefly describe the project's surroundings:	The Region The Towbin Dodge Dealership Project (project) is located within the City of Morgan Hill (City) in Santa Clara County. The project site is located along Condit Road just northeast of U.S. Highway (Hwy) 101 (Figure 2: Local Vicinity). The approximately six acre site is bordered by: Hwy 101 on the west, The Ford Store Morgan Hill (Ford Store) on the south, a vacant lot (former orchard) on the north, and agricultural uses on the east. The site is currently designated *Commercial* under the City's 2035 General Plan, and zoned as *PUD – Planned Unit Development*.
Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):	• Demolition notification to the Bay Area Air Quality Management District (BAAQMD) would be necessary for soil disruption.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 13 for additional information.

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

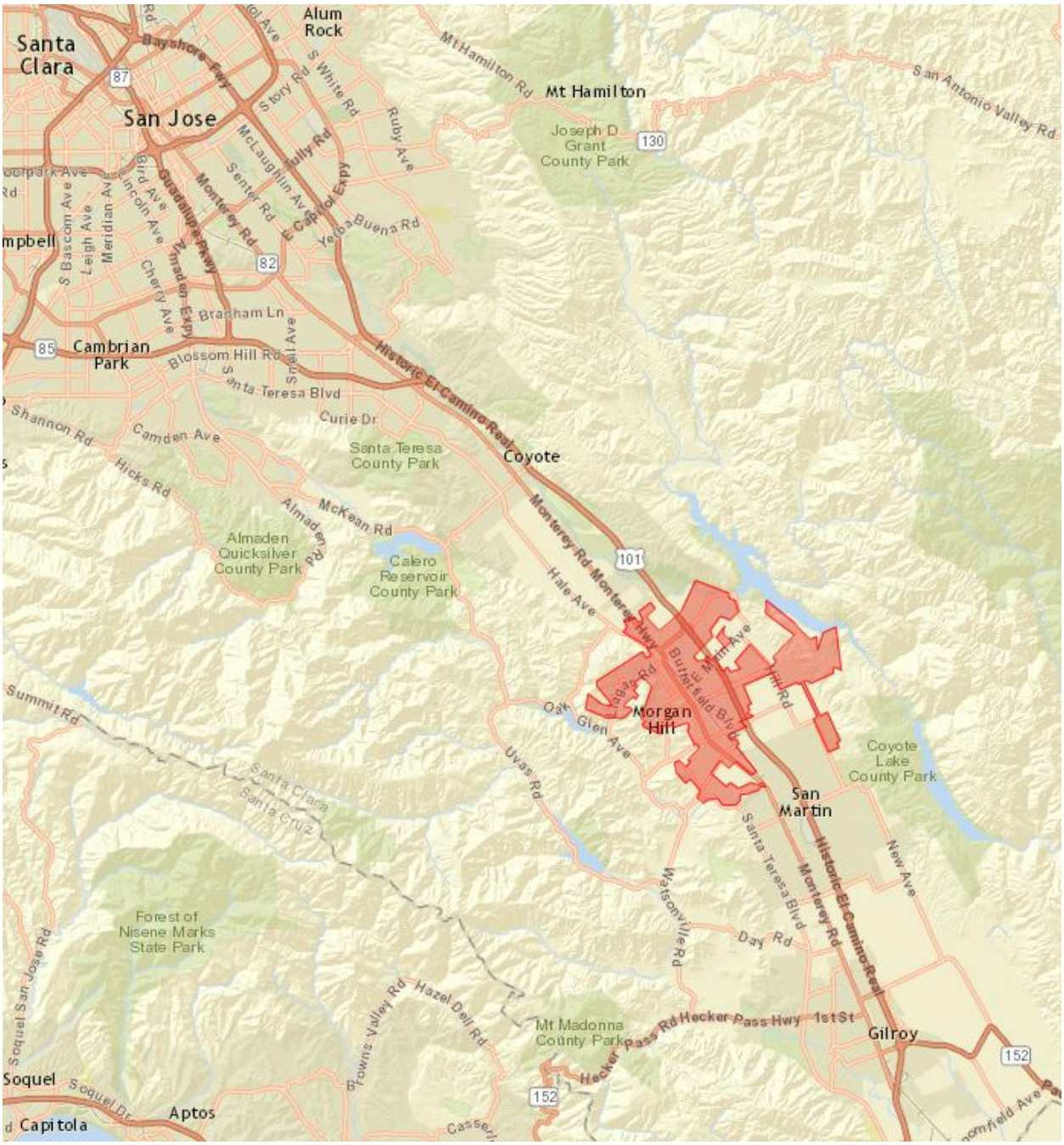
DETERMINATION:

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Terry Linder	**Date:** 8/8/18
Printed Name: Terry Linder	**City of Morgan Hill**

Figure 1:
Regional Map



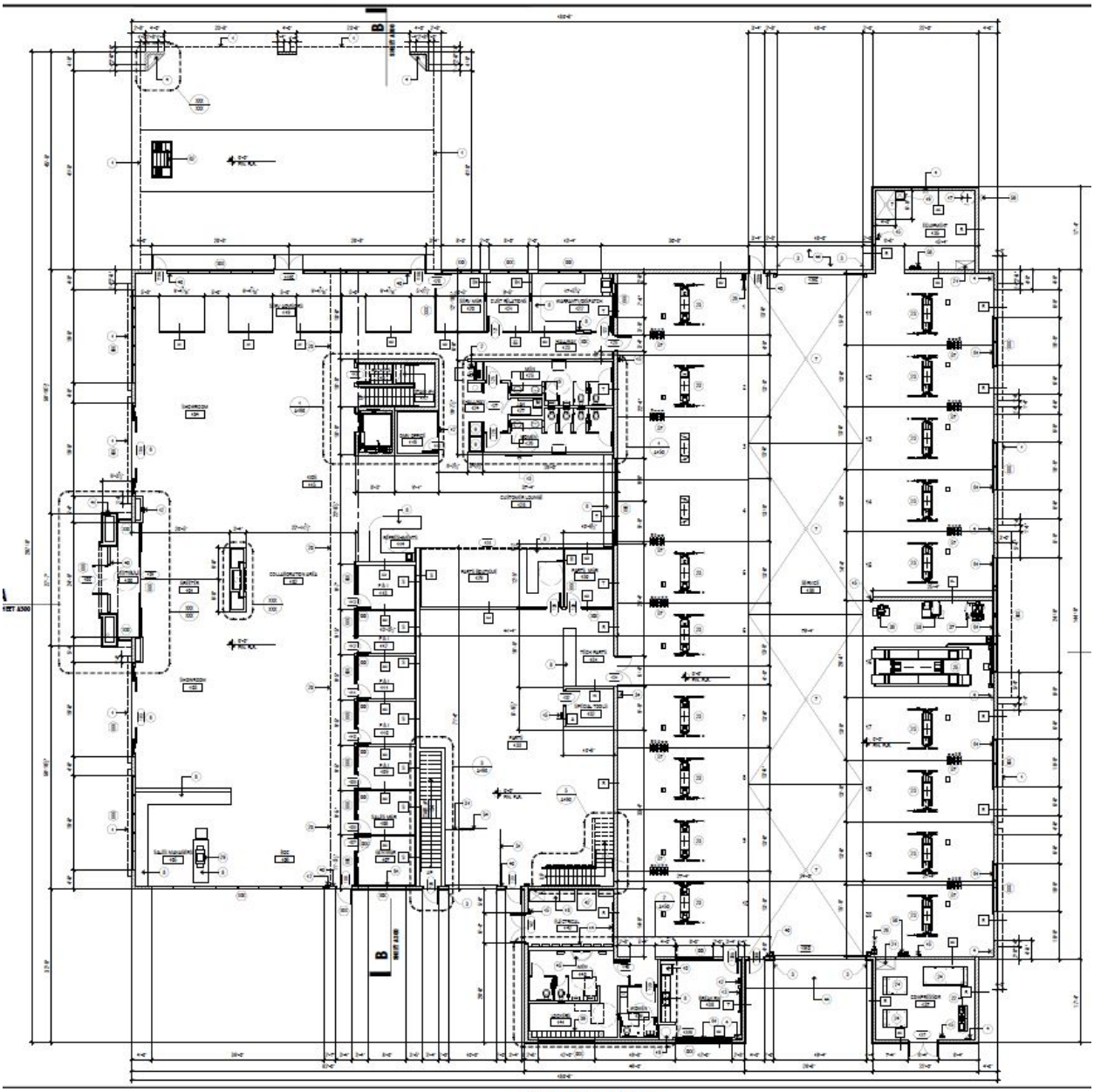
Source: County of Santa Clara Interactive Map Viewer, 2017

Figure 2:
Local Vicinity

Source: County of Santa Clara Interactive Map Viewer

Figure 3:
Proposed Project Plans

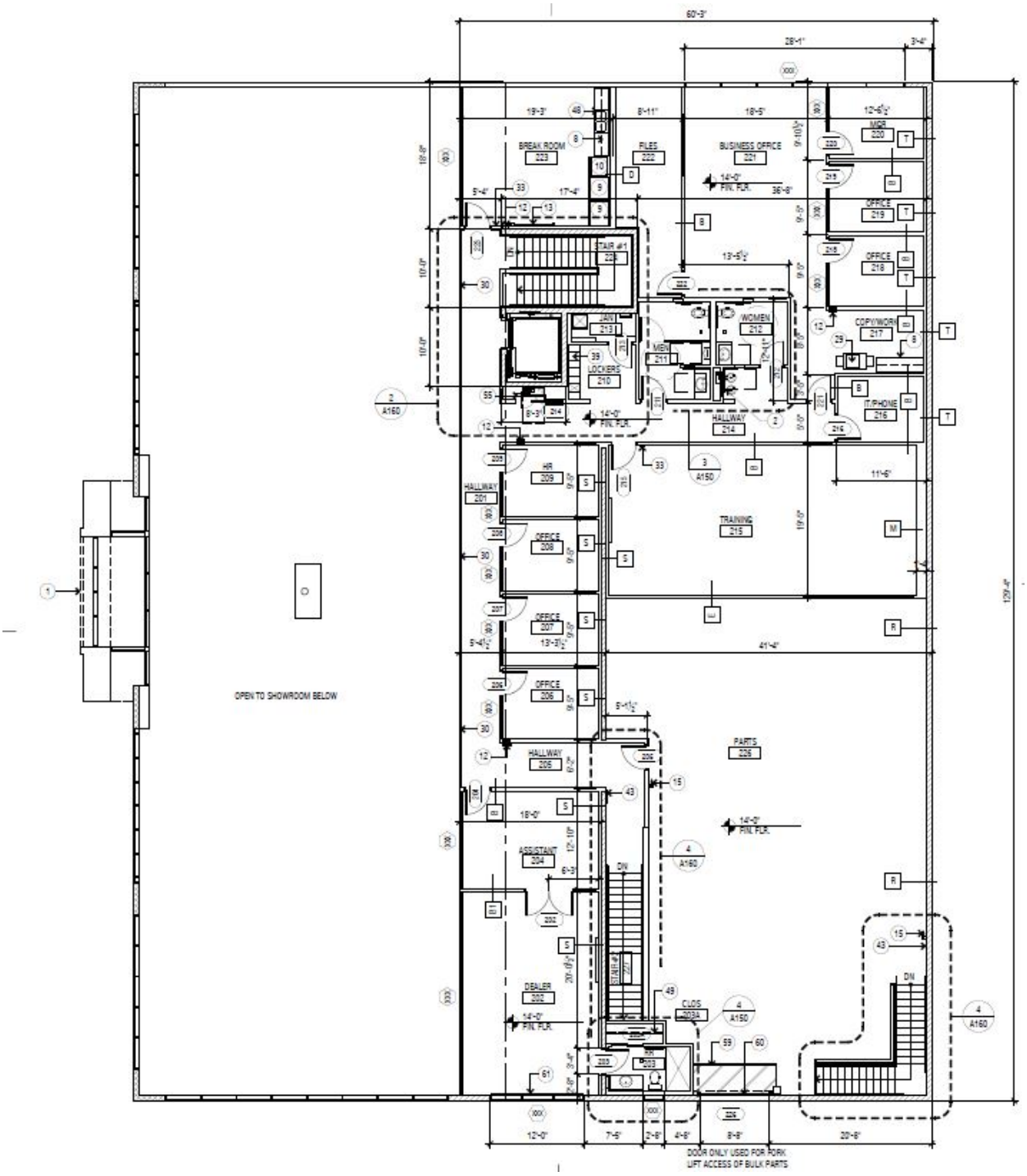
Ground Floor



GROUND FLOOR PLAN

Towbin Dodge Dealership (Condit-Dodge) Project

Second Floor



Source: Applicant's submittal June 2018.

Figure 4:
Proposed Elevations

Source: Applicant's submittal: June 2018.

PROJECT DESCRIPTION

Location and Existing Setting

The Condit-Dodge Project (project) is located within the City of Morgan Hill (City) in Santa Clara County. The project site is located along Condit Road just northeast of U.S. Highway (Hwy) 101 (Figure 2: Local Vicinity). The approximately six acre site is bordered by: Hwy 101 on the west, The Ford Store Morgan Hill (Ford Store) on the south, a vacant lot (former orchard) on the north, and agricultural uses on the east. The site is currently designated *Commercial* under the City's 2035 General Plan, and zoned as *PUD – Planned Unit Development*.

Access to the project site is provided from Condit Road and an easement linking this property to the adjacent Ford Store. The site is comprised of one parcel (APN 728-17-034), currently undeveloped with the remains of a walnut orchard. The site will need to be connected to nearby existing utilities and public services. Also, the site is at grade level with Condit Road. The surroundings are characterized by another car dealership (the Ford Store), hospitality (La Quinta Inn and Holiday Inn), residential, agricultural and restaurant types of uses. The site is adjacent to the man-made Madrone Channel (a 30-foot wide easement) owned and maintained by the Santa Clara Valley Water District.

Planned Development

A Planned Development (PD) was established for the site in 2009 (Ordinance No. 1926). The PD established the development plan and guidelines for the construction of up to three auto dealerships. The PD show the general location and sizes of all lots in the development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, parking areas, landscape areas and other purposeful uses on the project. Accordingly, the development plan depicted an automobile dealership with 32,525 square feet at the project location.

Condit-Dodge Project

The proposed project includes construction of a 36,662 square foot two-story car dealership and service building with 20 service bays (Figure 3, Proposed Project Plan). In addition, the project will have 482 surface parking spaces. The site includes a permanent detail canopy structure along the south property line that could accommodate up to four vehicles.

The project would also include a show room area, snack dispensing area and seating area, offices, parts storage and related areas, employee areas and kids' activity area. The maximum building height would be 32 feet and 8 inches. The project includes the location of one freestanding monument sign (design is not available) as well as locations for two wall signs on the building. Refer to Figures 3 through 4 for the site plan, and elevations. Project components are listed in *Table 1: Condit-Dodge Project Components*.

Table 1:
Condit-Dodge Project Components

Feature Name	Characteristics
Surface Level	
Site Parking	482 spaces 258 vehicle display spaces 224 standard customer/employee spaces 6 accessible spaces
First Floor (29,522 Gross square feet)	

Feature Name	Characteristics
Auto Showroom and Sales	5,512 square feet
Auto Service and Repair	12,352 square feet
Parts Storage	2,471 square feet
Offices	6,339 square feet
Service Reception Canopy	2,848 square feet
Second Floor (7,140 square feet)	
Offices, Training room, Circulation	4,967 square feet
Parts Storage	2,173 square feet

Access and Parking

The project site would maintain the access along Condit Road and provide a new sidewalk to continue the path established by sidewalk along the adjacent Ford Store property. A new driveway would provide access to the 482 surface parking stalls. Of this, 224 spaces would be for customers and employees, and 258 spaces would be for inventory and display.

Site Preparation

The project consists of removal of the existing trees and brush, grading, and other earthwork to achieve desired elevations. The project would require no removal soil and approximately 1,250 cubic feet of fill soil. Fill on the site would include utility trench backfill, slab sub-grade materials and finished drainage and landscaping grading. No impact-pile driving is proposed for the project.

Project Construction Access

During construction, the project site would be accessed from Condit Road. Any construction traffic, lane closures, or street staging would require approved traffic control plans and an encroachment permit from the City.

Staging

If required, staging plans will be provided to the City. However, project sponsors intend to stage the project on-site. The staging areas would be used for construction equipment set up. An encroachment permit would be obtained from the City for any staging/construction-vehicle parking within Condit Road right of way, if necessary. Notices regarding closure to the public of street parking would be posted in compliance with City regulations in advance of utilization. Staging areas would be returned to pre-construction condition upon project completion.

Schedule

Construction will be limited to the following hours per City Ordinance: 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 holidays. Construction is expected to take no more than one year.

Construction Equipment

The project would require the use of heavy equipment at various stages of construction such as demolition, excavation, and concrete installation. Equipment anticipated on site would include excavators, rubber tired dozers, dump trucks and scrapers during grading; forklift, rough terrain forklifts, skid steer loaders, concrete pump and screeds for concrete installation and tractors/loaders/backhoes during construction. A water tank and dewatering pumps would also be utilized, when necessary.

Landscaping

The site contains remains of an orchard, but no existing vegetation would be retained as landscaping. The project includes the planting of approximately 43 new trees. These include ten street trees along Condit Road, seven trees southern lot line adjacent to the Ford Store, 8 trees planted along the northern project boundary, 9 trees planted along the eastern project boundary to soften views from the freeway, and an additional six palm trees in the parking lot closest to the entry of the building. Other low maintenance, water conserving native and native-like groundcover, shrubs, and low plantings are proposed for the project site.

City's Standard Conditions of Approval

Appropriate City Standard Conditions of Approval are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Standard Conditions of Approval are adopted as requirements for an individual project when it is approved by the City and are designed to substantially mitigate environmental effects.

In reviewing project applications, the City determines which Standard Conditions of Approval are applied, based upon zoning district, type of permit/approval required for the project, and specific project characteristics.

All relevant Standard Conditions of Approval have been incorporated as part of the proposed project. Because Standard Conditions of Approval are mandatory City requirements, the impact analysis discusses any Standard Conditions that will be imposed to mitigate the impact. If a Standard Condition of Approval would reduce a potentially significant impact to less than significant, the impact is determined to be less than significant and no additional mitigation is imposed. Standard Conditions of Approval are not listed as mitigation measures, but have been included in the Mitigation Monitoring Reporting Plan for tracking and enforcement purposes.

The Standard Conditions of Approval incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Morgan Hill Municipal Code which include ordinances governing tree removals, grading, building, and construction, California Building Code, and Uniform Fire Code, et al.), which have been found to substantially mitigate environmental effects.

Where there are peculiar circumstances associated with the subject project that have a potential to result in significant environmental impacts despite implementation of the Standard Conditions of Approval, this environmental document identifies feasible project-specific mitigation measures to reduce impacts to less-than-significant levels.

Project Entitlements

The project would require the following entitlements:

- Architectural and Site Review Permit

CEQA ENVIRONMENTAL CHECKLIST

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A No Impact answer in the last column reflects this determination.

Where there is a need for clarifying discussion, the discussion is included following the applicable section of the checklist. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts.

The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

I. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Resources:

- Project Plans dated April 27, 2018
- Site Visit
- Auto Park PD Guidelines March 25, 2009

Environmental Setting

The study area for the analysis of aesthetic resources includes areas with views of the project site. In general, the study area includes a variety of land uses, including residential areas east of the project site, commercial development adjacent to the project area, and agricultural uses to the north. The site is visible from U.S. Highway 101, separated by Madrone Channel (a man-made channel maintained by Santa Clara Valley Water District (SCVWD). The project site is currently vacant.

The surrounding areas consist of low density commercial along the west side of Condit Road and medium density residential along the east side of Condit Road with vacant property directly across the site along Condit Road

The project site currently contains a former orchard with walnut trees. The proposed project includes the development of a 36,662 square foot car dealership and service shop with surface parking on all sides of

the building. The project includes new landscaping within the surface parking areas and within the off-site improvement area. Site lighting is also proposed to illuminate the parking lot areas.

Environmental Impacts and Mitigation

Checklist Items a and b:

Less than Significant Impact. The City of Morgan Hill 2035 General Plan has not designated any scenic vistas within the project area. The project is not located on an officially designated California State or County Scenic Highway[1], nor is the project area eligible for such designation. Additionally, there are no areas in the view shed of the project area recognized as Santa Clara County scenic routes. The project area is within a developed environment adjacent to urban uses. The visual setting of the project area contains a range of current and former agricultural uses and low-density commercial and residential structures, and views within the project area are limited. Public views of the project are available along U.S. Highway 101 and Condit Road are partially obscured by the adjacent Ford Store.

Scenic resources in the project vicinity include long-range views of the local hillsides to the east and west, including El Toro Mountain.

The proposed project would change the visual character of the site, which currently is undeveloped. However, the proposed two-story, 36,662 square foot building would be consistent with the PD zone development standards and existing development in the vicinity in terms of scale, design, and use, and therefore would not result in a significant impact on the visual quality of the site.

Existing foreground views from the project site consist of a neighboring multi-story hotel, the Ford Store, residences, and the freeway. These views are representative of similar views available from surrounding properties. While the addition of a two-story car dealership would obscure some of these views, there are no scenic vistas that could be obscured as a result of the proposed project.

Checklist Item c:

Less than Significant Impact. The project site is located within an area that is somewhat urbanized and contains at least one other car dealership. The project is consistent with the PD zone for the site, which plans for two more car dealerships on this block of Condit Road adjacent to the freeway.

The design of the project building is a standard design for a Dodge car dealership that integrates glass, aluminum paneling, exterior insulation and finish system (EIFS) paneling accented by CMU.

A monument sign is proposed at the northwestern corner of the site, to be visible to the freeway. At this time only the location is known since the details of this sign are not included in the scope of the project. The PD Guidelines do not call for a freeway sign to be on this property, such sign would require a PD Amendment to be evaluated separately.

Based on this discussion, it is expected that the project would not substantially degrade the existing visual character or quality of the site and surroundings.

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[1] California Department of Transportation (Caltrans). September 2011, *California Scenic Highway Mapping System.* Website: http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm. Accessed: November 3, 2017.

Checklist Item d:

Less than Significant Impact. The proposed building façades would be finished with glass, aluminum, EIFS, and ground-face CMU. The ground-face CMU would be white in color and used in columns to break up the EIFS and provide depth.

The project site is located in a low density urban environment that includes existing sources of light and glare associated with nearby land uses. Nearby sources of light include exterior lighting on commercial buildings, street lighting on the adjacent U.S. Highway 101 and Condit Road, passing vehicle headlights, and outdoor lighting on surface parking lots and buildings. The adjacent agricultural uses do not produce noticeable light.

The project would include general night lighting, which would be visible from the surrounding area. With respect to glare, the proposed car dealership includes oversized windows, large expanses of reflective glass, and a strip of reflective material around the entry arch. The proposed project would be required to comply with the City of Morgan Hill Zoning Code standards and regulations relating to lighting, the PD Guidelines regarding lighting, and the project would require the Planning Director's Design Review approval.

Interior nighttime lighting of the dealership would not constitute a source of substantial nighttime glare, as the building is significantly set back from the street. Exterior lighting would include pole light fixtures located on the east and south property lines, and distributed throughout the parking lot. There is a greater intensity proposed on the Condit Road facing side compared to the rear of the property. These lights would be designed with cut-off fixtures to reduce spillover to adjacent properties.

Construction work could be conducted up to 8pm during the nighttime, so limited impacts associated with light and glare would result from construction. However, at operation the proposed project would have the potential to introduce new lighting sources through the development of new on-site sources. The amount and location of onsite lighting would be addressed during the City's Design Review process as required by **the PD Guidelines L-1 and L-2 as Standard Conditions**. The PD Guidelines limit the intensity to equal to or less than that of the Ford Store. Additionally, shielding is required to prevent effects on neighboring properties.

Cumulative Impacts

Less than Significant. Operation of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in a significant cumulative impact on aesthetic resources due to increases in light and glare. The geographic scope of potential cumulative impacts on aesthetics includes the project site vicinity and nearby vicinities. All cumulative projects identified in the vicinity have the potential to increase light and glare over existing conditions. These projects could increase the total amount of light and glare in the area and thus contribute to a potentially significant cumulative impact. Cumulative projects in the vicinity, in the City of Morgan Hill and unincorporated Santa Clara County, would undergo design review prior to project approval to ensure light and glare conditions are minimized. The cumulative impact would be less than significant.

Standard Conditions:

PD Guideline L-1: As a part of the Design Permit review process for any future dealership, the applicant shall provide for City review and approval a photometric plan identifying lighting levels resulting from all exterior lighting. Lighting levels at the new dealerships shall be equal to or less intensive than the lighting

levels at the existing Ford Store dealership. Also, lighting standards for the Planned Development (P)D shall include the following:

a. Parking lot lights located between the building and Condit Road and/or Diana Avenue shall not be more than 18 feet in overall height, expect that lights located within 85 feet of Condit Road and/or Diana Avenue shall not be more than 15 feet in overall height (e.g. 2'-6" base with 12'-6" pole or 3-'0" base with 12'-0" pole). All other parking lot lights shall not exceed an overall height of 20 feet.
b. The existing lights at the Ford Store dealership shall remain at their current height as approved under Building Permit No. BLD2003-01108.
c. Flood lights aimed at the sky or used to spot light display areas are expressly prohibited. Accent up-lighting of buildings and/or landscaping may be permitted subject to review and approval of the required Design Permit.

PD Guideline L-2: All lighting shall be shielded and directed in such a manner so as not to produce harmful effects upon neighboring property. Adjustments to the lighting intensity may be required after commencement of the use.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	☐	☐	☐	☒

Environmental Setting

The study area for agricultural and forest resources encompasses the area of ground disturbance for construction and the surrounding area.

The proposed project would be located in an urban area of Santa Clara County within the City of Morgan Hill. The project site is classified as Other Land by the California Department of Conservation[2]. The area consists of land not included in any other mapping category such as low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is also mapped as Other Land. Adjacent to the site is Urban and Built-Up Land to the south, and 14.7 acres of Unique Farmland across Condit Road to the northeast. Across Diana Road to the north but not directly

[2] California Department of Conservation. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/ Accessed: October 23, 2017.

adjacent to the project site, there are 9.3 acres of Farmland of Local Importance and 32.1 acres of Grazing Land. There are no lands under Williamson Act Contracts, or zoned as Timberland on or near the project site.

Environmental Impacts and Mitigation
Checklist Items a, b, c, d, and e:
Less than Significant. There is a property designated as Unique Farmland across Condit Road from the proposed project site that fronts Murphy Road. However, it is outside of the City limits and is designated as Residential Medium density (detached) with Potential Open Space/Heritage Agricultural Site overlay in the City's General Plan. The proposed project would not affect any farmland or areas zoned for agricultural uses or timberland production and forest. There are no Prime Farmlands, Farmlands of Statewide importance or Forest or Timberland Production lands on or near the proposed project site, as indicated in the *Department of Conservation California Important Farmland Finder* map[3].

In addition, the nature of the proposed project would not cause a change in the existing environment that would result in the conversion of farmland or forest land to non-agricultural or forest use because no farmland or forest land exists on the project site.

The Williamson Act is a program that allows land used for farming or ranching to be taxed at a rate based on the actual use of the land for agricultural purposes as opposed to its unrestricted market value. The site of the proposed project is not under a Williamson Act contract[4]. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

The project would have no impact on agricultural and forestry resources in the project area nor would it contribute to a cumulative impact on agricultural and forestry resources in the project area.

Mitigation Measures:
No mitigation required.

Cumulative Impacts
Less Than Significant Impact. Southern Santa Clara County is characterized by being primarily rural/suburban with pockets of urbanized area and agricultural land. This project is adjacent to the East of 101 Planning Area, and primarily designated Residential Detached Medium (up to 7 du/ac). The General Plan envisions development of a Master Plan for this area when new residential development is proposed. Additionally, the plan envisions design of the area in a way that reflects and preserves the agricultural history of the area and integrate ongoing agricultural uses into future development. (GP CNF-16)

Mitigation Measures:
No mitigation required.

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[3] California Department of Conservation. California Important Farmland Finder. Website: http://maps.conservation.ca.gov/ciffdlrp/ciff.html Accessed:November 20, 2017.
[4] Santa Clara County Department of Planning and Development. Williamson Act Properties. Website: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce Accessed: October 23, 2017

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

References:

- Towbin Dealerhsip Project Community Risk Assessment, Illingworth & Rodkin, Inc. Air Quality, November 27, 2017

Environmental Setting

Overview

The proposed project is located in the City of Morgan Hill, which is within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin, which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa Counties and portions of Sonoma and Solano Counties.

The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards.

Federal and state ambient air quality standards have been established by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) for six air pollutants, commonly referred to as "criteria" air pollutants: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter that is less than 10 microns in diameter (PM_{10}) and particulate matter that is less than 2.5 microns in diameter ($PM_{2.5}$), and lead (Pb).

Attainment Status and Air Quality Plan

The USEPA and CARB classify an area as attainment, unclassified, or nonattainment, depending on whether or not the monitored ambient air quality data show compliance, insufficient data available, or non-compliance with the corresponding ambient air quality standards, respectively.

The SFBAAB is designated as either in attainment or unclassified for most criteria pollutants with the exception of O_3, $PM_{2.5}$, and PM_{10}, for which these pollutants are designated as non-attainment for either the state or federal standards. Air basins that are in non-attainment for criteria pollutants are required to develop plans to achieve attainment of the ambient air quality standards.

The BAAQMD's most recent air quality plan prepared is the *2017 Clean Air Plan*, which was adopted in May 2017. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., ozone and particulate matter or PM_{10} and $PM_{2.5}$), reducing exposure of sensitive receptors to toxic air contaminants (TACs), and reducing greenhouse gas (GHG) emissions such that the region can meet Assembly Bill (AB) 32 goals of reducing emissions to 1990 levels by 2020.

The primary goals of the *2017 Clean Air Plan* are to protect public health and protect the climate. According to the BAAQMD's *CEQA Air Quality Guidelines*, if a project meets the screening criteria and is consistent with the methodology used to develop the screening criteria, then its air quality impacts may be considered less than significant. The 2017 *BAAQMD CEQA Air Quality Guidelines*[4] (discussed in more detail below) indicates that if a project would not result in significant and unavoidable air quality impacts, the project would be considered consistent with the *2017 Clean Air Plan*.

Environmental Impacts and Mitigation:
The CEQA Guidelines state that, where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the determinations of environmental impact. In 1999, the BAAQMD developed guidelines for determining significance for local projects titled Bay Area Air Quality Management District California Environmental Quality Act Air Quality Guidelines. These guidelines are periodically updated.

The BAAQMD issued the Guidelines as a minimum consideration for analyzing air quality impacts. They include updated thresholds of significance based on substantial evidence to assist in the review of projects under CEQA. Thresholds for Criteria Pollutants are presented below in Table III-1 for construction and operation.

Table III-1:
Air Quality Thresholds of Significance

Pollutant	Construction	Operation
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**
ROG	54	54
NOx	54	54
PM10 (exhaust)	82	82
$PM_{2.5}$ (exhaust)	54	54
PM_{10} /PM2.5 (fugitive dust)	Best Management Practices	None

Source: Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May, 2017

The SFBAAB is currently designated as a nonattainment area for state and national ozone standards and national particulate matter ambient air quality standards. SFBAAB's nonattainment status is attributed to

[4] BAAQMD. *BAAQMD CEQA Air Quality Guidelines*, May 2017.

the region's development history. Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis.

The following are the significance criteria that are used to judge this project's impacts:

Single Source Impacts

If the operational-related emissions of TACs or $PM_{2.5}$ exceed any of the thresholds of significance listed below, the proposed project would result in a significant impact and mitigation would be required:

- An excess cancer risk level of more than 10.0 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$.

Cumulative Source Impacts

A project would have a cumulatively considerable impact if the combined total of all sources within a 1,000-foot radius of the fence line of a source or from the location of a receptor, plus the contribution from the project, exceeds the following thresholds:

- An excess cancer risk levels of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0.
- An incremental increase of more than 0.8 $\mu g/m^3$ annual average $PM_{2.5}$.

Note that the project was revised during the course of evaluation of air quality impacts. The square footage was evaluated at 30,421. However, based on discussions with the author of the air quality study, the change in square footage does not affect the outcomes since the construction duration and equipment used does not change.

Checklist Item a:

Less than Significant Impact. The most recent clean air plan is the Bay Area 2017 Clean Air Plan that was adopted by BAAQMD in May 2017. The proposed project would not conflict with the latest Clean Air planning efforts since the project would have emissions well below the BAAQMD thresholds (see Items b & c). The project, at approximately 36,662 square feet, is too small to exceed any of the significance thresholds and, thus, it is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

Checklist Items b and c:

Less than Significant Impact With Mitigation Incorporated. The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM10 under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of DPM and $PM_{2.5}$.[5] The closest sensitive receptors to the project site are residences located to the southeast, with additional residences located to the north, east and west. Dispersion modeling was conducted to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

Construction activity is anticipated to include demolition, grading and site preparation, building construction, and paving. Construction period emissions were modeled using the California Emissions Estimator Model, Version 2016.3.1 (CalEEMod). A build-out construction schedule including equipment usage assumptions was developed based on information provided by the project applicant and CalEEMod defaults for a project of this type and size. The proposed project land uses were input into CalEEMod, which included 30,421 square feet (sf) entered as "Automobile Care Center" and 185,414 sf entered as "Parking Lot" on a six-acre site. In addition, 1,250 cubic yards (cy) of soil import is anticipated and was entered into the model. Additionally, 70 cement truck roundtrips are expected during building construction and 1,250 cy of asphalt during paving. The CalEEMod model assumes 16 cy/truck. While the project's square footage has increased in size since the running of the model, communications with the air quality consultant confirmed that the additional square footage would not change the conclusions of the analysis.

<u>Construction Emissions</u>

The CalEEMod model provided total annual PM_{10} exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages of 0.0316 tons (63 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive $PM_{2.5}$ dust emissions were calculated by CalEEMod as three pounds for the overall construction period.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce these emissions. **Mitigation Measure AQ-1** would implement BAAQMD-recommended best management practices.

Table III-2:

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

Construction Phase Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction emissions (tons)	0.282 tons	0.705 ton	0.09 tons	0.04 tons
Average daily emissions (pounds)	4.5 lbs.	11.4 lbs.	1.4 lbs.	0.65 lbs.
BAAQMD Thresholds (pounds per day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
Notes: Assumes 123 workdays.				

Operational Phase Emissions

Operational air emissions from the project would be generated primarily from autos driven by future customers and employees. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. Additional operational phase emission factors include "energy", "water usage", and "solid waste generation". CalEEMod was used to predict emissions from operation of the proposed project assuming full build-out. Stationary sources of air pollution (e.g., back-up generators) have not been identified with this project.

Vehicle Model Year

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. The earliest year the project could possibly be constructed and begin fully operating would be 2018. Emissions associated with build-out later than 2017 would be lower.

Trip Generation Rates

The CalEEMod default trip generation rates for an auto dealership in Santa Clara County were used. The default trip lengths and trip types specified by CalEEMod were used.

Annual Emissions

Results of modeling are included in Table III-3 below. Table III-3 reports the predicted emissions in terms of annual emissions in tons and average daily operational emissions, assuming 365 days of operation per year. It should be noted that no credit was taken for existing uses, so net emissions would actually be lower. As shown in Table III-3, average daily and annual emissions of ROG, NOx, PM_{10}, or $PM_{2.5}$ emissions associated with operation would not exceed the BAAQMD significance thresholds.

Table III-3:
Operational Phase Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Annual Project Operational emissions (tons)	0.30 tons	0.53 tons	0.25 tons	0.07 tons
BAAQMD Thresholds (tons per year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Exceed Threshold?	**No**	***No***	**No**	**No**
Average Daily Project Operational Emissions (pounds)[1]	1.6 lbs.	2.6 lbs.	1.3 lbs.	0.38 lbs.
BAAQMD Thresholds (pounds per day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
[1] Assumes 365-day operation.				

Checklist Item d:
Less Than Significant Impact. The BAAQMD CEQA Air Quality Guidelines include guidance to address community risk to sensitive receptors from common sources of Toxic Air Contaminants (TACs) in the Bay Area. These include traffic, industrial sources and gas stations. The primary concern is chronic exposures that lead to significant lifetime cancer risk and/or increased annual $PM_{2.5}$ exposure. Therefore, the types of exposures addressed are chronic, i.e., long-term exposure of nearby sensitive receptors to project emissions or long-term exposure of project sensitive receptors to nearby sources of TACs.

Vehicle dealership customers could include sensitive receptors that are susceptible to exposure of TACs. However, dealerships would include sensitive receptors on a short-term basis only, and therefore, there would not be chronic exposures that could lead to significant community risk impacts.

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources of TACs, such as generators, are proposed as part of the project.

Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are residences located to the southeast, with additional residences located to the north, east and west.

<u>Estimated Cancer Risk and Hazards</u>

Figure 1 within the Illingsworth Study shows the locations where the maximum-modeled DPM and $PM_{2.5}$ concentrations occurred. The maximum DPM concentration occurred at a residence southeast of the project site. Using the maximum annual modeled DPM concentrations, the maximum increased cancer risk at the location of the maximally exposed individual (MEI) was calculated using BAAQMD-recommended methods. The cancer risk calculations are based on applying the BAAQMD-recommended age sensitivity factors to the TAC concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. BAAQMD-recommended exposure parameters were used for the cancer risk calculations, as described in *Attachment 1* of the Illingsworth Study. Due to the anticipated duration of project construction activities, infant exposures were assumed in calculating cancer risks for residential exposures. Because an infant (0 to 2 years of age) has a breathing rate that is greater than the breathing rate for the 3rd trimester, the contribution to total cancer risk from an infant

exposure is greater than if the initial exposure assumed for the 3rd trimester is assumed. It was conservatively assumed that an infant exposure to construction emissions would occur over the entire construction period.

Results of this assessment indicate that the maximum increased residential cancer risk would be 1.4 in one million for an infant exposure and less than 0.1 in one million for an adult exposure. The maximum residential excess cancer risk would not exceed the significance threshold of 10.0 in one million.

Estimated Annual $PM_{2.5}$ Concentration

The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.01 $\mu g/m^3$. This maximum annual $PM_{2.5}$ concentration would not exceed the BAAQMD significance threshold of greater than 0.3 $\mu g/m^3$.

Non-Cancer Hazards

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.0087 $\mu g/m^3$. The maximum computed HI based on this DPM concentration is less than 0.01, which is much lower than the BAAQMD significance criterion of a HI greater than 1.0.

The project would have a *less-than-significant* impact with respect to community risk caused by project construction activities with implementation of BAAQMD standard best management practices (**Mitigation Measure AQ-1**).

Checklist Item e:
Less Than Significant Impact. According to the BAAQMD, typical land uses that may result in significant odor impacts include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing, fiberglass manufacturing, painting/coating operations, rendering plants, and coffee roasters. The proposed project does not include the types of activities or industries that the BAAQMD has considered to create odors. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. This would be a less-than-significant impact

Mitigation Measures:
Implementation of the following measures will reduce potentially significant impacts to less than significant levels.

> **Mitigation Measure AQ-1: Include basic measures to control dust and exhaust during construction.**
>
> During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by Bay Air Quality Management District (BAAQMD) and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant

level. The contractor shall implement the following best management practices that are required of all projects:

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 miles per hour (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 five (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 mechanic and determined to be running in proper condition prior to operation.

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.

Cumulative Impacts

Less Than Significant Impact. As stated above, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards for regional criteria pollutants in the Bay Area. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The cumulative impact analysis is provided under the discussion for (c), above.

Mitigation Measures:

No mitigation required.

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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 Game 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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

References:

- California Natural Diversity Database data search for APN 728-17-029
- Morgan Hill General Plan 2035 EIR

Environmental Setting

The proposed project site is undeveloped with a former orchard. The project site contains remaining trees and grasses and brush. The project site is surrounded by existing urban development and U.S. Highway 101 is located to the west, on the other side of a man-made channel owned and managed by the Santa Clara Valley Water District. There are no structures existing onsite.

Special Status Species

Several species of plants and animals within the State of California have low populations and/or limited distributions. Such species may be considered rare and are vulnerable to extinction as the State's human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and federal laws have provided the California Department of Fish and Wildlife (CDFW) and the U.S.

Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species that are native to the state.

A number of native plants and animals have been formally designated as "threatened" or "endangered" under state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as "species of special concern" by the CDFW. The California Native Plant Society (CNPS) has developed its own set of native plants considered rare, threatened, or endangered (CNPS 2014). Collectively, these plants and animals are referred to as "special status species."

The Morgan Hill General Plan EIR includes a review of the California Natural Diversity Database (CNDDB) which indicates that seven special status species have historically been documented in Morgan Hill, which includes the project site. The project site is in the irrigated agriculture zone and lacks specialized habitats. Most of the species documented within the Morgan Hill area are associated with habitat types that do not occur within the project site but are present within the region, such as wetlands, grasslands, oak woodlands, chaparral, and riparian forest and scrub; none of which occur on the project site.

The burrowing owl (Athene cunicularia), a California species of special concern, was observed 0.9 miles away from the project site in 1998, 2000, and 2001. No burrowing owls were observed at this site in 2008 or 2009.

The California Tiger Salamander (Ambystoma caliorniense), a Federally threatened species, California threatened species, and California species of special concern, was observed 1.2 miles away from the project site. This site is considered extirpated.

Tree Ordinance

Chapter 12.32 – Restrictions on Removal of Significant Trees within the Morgan Hill Municipal Code provides the regulatory framework for protecting trees in Morgan Hill. According to this chapter, an ordinance sized tree means any live woody plant rising above the ground with a single stem or trunk of a circumference of forty inches or more for nonindigenous species and eighteen inches or more for indigenous species measured at four and one-half feet vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes. All commercial tree farms, nonindigenous tree species in residential zones and orchards (including individual fruit trees) are exempted from the definition of tree for the purpose of this chapter.

Any ordinance sized tree proposed for removal must obtain a permit from the City, however, a permit is not required when it is proposed as a part of developments which have been reviewed and approved by the planning commission or community development director and the tree removal conforms with the landscape plans of those developments.

Environmental Impacts and Mitigation

Checklist Item a:

Less Than Significant Impact. The site includes both fallow land and former walnut orchard. The habitat could contain raptors and burrowing owls because of existing trees and burrows created by squirrels. No burrowing owls have been found onsite, however there is potential for nesting based on previous local activity.

While it is unlikely burrowing owls would locate on the project site prior to construction, construction of the project could result in harm or injury to burrowing owls, should they be present. Therefore with the implementation of ***Mitigation Measure BIO-1***, the potential impact of the project to burrowing owls is reduced to a level of less than significant. While there has been no indication of migratory birds or raptors onsite, because of the presence of mature trees on a vacant property, the potential for nesting raptor or other migratory bird nests is possible, therefore, implementation of ***Mitigation Measure BIO-2***, would reduce this impact to less than significant.

No other species are considered likely to exist on the site.

Checklist Items b and c:
No Impact. The proposed project would have no impact on any riparian habitat or other sensitive natural communities or federally protected wetlands since they do not occur on the project site. The project would not interfere with the movement of any native resident or migratory fish or wildlife species, or impede the use of native wildlife nursery sites because the project site is partially surrounded by existing development and not located within a wildlife corridor.

Checklist Item d:
No Impact. The proposed project would have no impact on any riparian habitat or other sensitive natural communities or federally protected wetlands since they do not occur on the project site. The project would not interfere with the movement of any native resident or migratory fish or wildlife species, or impede the use of native wildlife nursery sites because the project site is partially surrounded by existing development and not located within a wildlife corridor.

Checklist Item e:
No Impact. The project site does not have any trees that would be subject to the City's Restrictions on Removal of Significant Trees.

Checklist Item f:
No Impact. The proposed project is under the jurisdiction of the Santa Clara Valley Habitat Conservation Plan (SCVHC), which is both a habitat conservation plan and natural community conservation plan. This project is within the Urban Growth Boundary of Morgan Hill, and is designated as Urban Development in the SCVHC. The SCHVC chapter 4 contains standard conditions, which may apply to this project. The project is subject to "Land Cover Fees" based on its designation in the Plan. Because the SCVHC designates this area for Urban Development and will pay impact fees, there is no impact on any habitat conservation plan and natural community conservation plan.

Mitigation Measures:
Implementation of the following measures will reduce potentially significant impacts to less than significant levels.

Mitigation Measure BIO-1: Nesting Raptors or Other Migratory Birds.

- Construction related activities should take place during the non-breeding season (September 1-January 31) to the greatest extent feasible.
- A preconstruction nesting bird survey shall be completed by a qualified biologist prior to demolition or any construction activity that occurs during the breeding season (February 1 through August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a

qualified biologist no more than 15 days before initiation of construction activities. Surveys shall include the project site, staging area, and 500 feet surrounding the project site. If nests are observed, the biologist in consultation with California Department of Fish and Wildlife (CDFW), will determine an adequate buffer zone and other minimization measures to ensure that nest will not be disturbed during project construction.

Mitigation Measure BIO-2: Burrowing Owls (Prior to Construction)

A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the Community Development Department. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).

Mitigation Measure BIO-3: Burrowing Owls (During Construction)

Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.

Mitigation Measure BIO-4: Burrowing Owls (During Construction)

If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of the 250-foot buffer shall be allowed. Construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active.

Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the Santa Clara Valley Habitat Conservation Plan (SCVHP) is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat Agency along with a passive relocation plan in accordance with Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.

V. CULTURAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

References:

- Morgan Hill 15' Quadrangle 1955. USGS https://prd-tnm.s3.amazonaws.com/StagedProducts/Maps/HistoricalTopo/2/13258/4771868.pdf
- Morgan Hill 2035 General Plan
- City of Morgan Hill. Archaeological Sensitivity Map. April 2000.

Environmental Setting

Archaeological Resources

There have been several noteworthy studies of the archaeological resources in Morgan Hill. Within this body of research, cultural, temporal, and spatial units were separated from each other and assigned them to six chronological periods: Paleo-Indian (10000 to 6000 B.C.), Lower, Middle and Upper Archaic (6000 B.C. to A.D. 500), and Emergent (Upper and Lower, A.D. 500 to 1800).5 According to a report by Circa: Historic Property Development, the first inhabitants to the Morgan Hill area arrived approximately 10,000 years ago, shortly after the Ice Age.

Tribes in the area were hunter gatherers and relied on local terrestrial and marine flora and fauna. Waterfowl, including Canadian geese, mallards, greenwinged teal, and American widgeon, were captured in nets using decoys to attract them. Native peoples constructed watercraft from tule reeds and possessed bow and arrow technology, fashioned blankets from sea otter pelts, and fabricated basketry from twined reeds of various types. They also assembled a variety of stone and bone tools in their assemblages. Buried remnants of this lifestyle would constitute archeological resources.

Archaeological surveys conducted in Morgan Hill have identified numerous prehistoric sites with shell midden components, including human burials. This finding indicates there is potential for additional undiscovered archeological resources in the City. Based on the City's Archaeological Sensitivity Map, the project site is not within an archaeologically sensitive area.

Historic Resource Evaluation

The project site has been an operating orchard and does not contain any structures. Therefore, it has no historical resources.

City of Morgan Hill Municipal Code
Chapter 18.60.090 (Evaluation of and standard conditions of approval for development projects located within archaeologically sensitive areas, and/or within or adjacent to known archaeological sites includes protocols in the event that artifacts are discovered during construction.

Environmental Impacts and Mitigation
Checklist Item a:
No Impact.
A significant impact would occur if the project would cause a substantial adverse change to a historical resource, herein referring to historic-period architectural resources or the built environment, including buildings, structures, and objects. A substantial adverse change includes the physical demolition, destruction, relocation, or alteration of the resource.

The 1955 Morgan Hill USGS 7.5-minute topographic quadrangle fails to depict any buildings or structures within the project area; therefore, there is a low possibility of identifying any buildings or structures 45 years or older within the project area.

Checklist Item b:
Less Than Significant Impact. This section discusses archaeological resources, both as historical resources according to Section 15064.5 as well as unique archaeological resources as defined in Section 21083.2(g). A significant impact would occur if the project would cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource.

The Native American Heritage Commission was consulted for contact information for local tribe representatives. Those tribal representatives were contacted and no further correspondence has occurred.

No archaeological surveys have been conducted for the project site. However, in the unlikely event that archaeological or human remains are uncovered that could represent a potential significant impact, then the implementation of **Standard Conditions CR-1** and **CR-2** from the City's Municipal Code would reduce the impact to less than significant.

Checklist Item c:
Less than Significant Impact. A significant impact would occur if the proposed project would destroy a unique paleontological resource or site, or a unique geologic feature. Paleontological resources are the fossilized evidence of past life found in the geologic record.

According to the General Plan EIR, A review of the University of California's Museum of Paleontology's (UCMP) fossil locality database was conducted for all of Santa Clara County. No paleontological resources have been explicitly identified as being found within Morgan Hill. Nonetheless, the Project Area could contain undiscovered paleontological resources. **Standard Conditions CR-1** and **CR-2** applies to any finds, including paleontological resources.

Checklist Item d:
Less Than Significant Impact. There is no indication from the archival research results that any part of the project site has been used for human burial purposes in the recent or distant past. It is unlikely that human remains would be encountered during construction of the proposed project. However, the possibility of

inadvertent discovery cannot be entirely discounted, and would result in a potentially adverse impact. In the event of the discovery of human remains during project construction activities, the Morgan Hill Code section 18.60.090 provides standard conditions that would reduce potential impacts on human remains to a less than significant level.

Standard Conditions:
Implementation of the following measures will reduce potentially significant impacts to less than significant levels.

Standard Condition CR-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 community development director. The action plan shall be in conformance with California Public Resources Code 21083.2.

Standard Condition CR-2
2. All development projects located within an archaeological sensitivity area and/or containing known archaeological resources on-site shall also be subject to the following measures as standard conditions of project approval:
    a. This project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. 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,
        i. 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.
        ii. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
        iii. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

b. 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,

c. 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),

d. 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,

e. 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:

   i. The city of Morgan Hill Community Development Director,

   ii. The contractor's point(s) of contact,

   iii. The coroner of the county of Santa Clara (if human remains found),

   iv. The Native American Heritage Commission (NAHC) in Sacramento, and

   v. The Amah Mutsun Tribal Band,

f. 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,

g. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.),

h. 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,

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

j. 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.

Cumulative Impacts

Less than Significant. Construction of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in a significant cumulative impact on cultural resources.

The geographic scope of potential cumulative impacts on historical resources, archeological resources, paleontological resources, and human remains encompasses the project site vicinity and nearby vicinities. All cumulative projects identified in the vicinity are assumed to cause some degree of ground disturbance during construction and thus contribute to a potential cumulative impact on cultural resources. With the implementation of ***Standard Conditions CR-1*** *and* ***CR-2***, the proposed project's contribution to the potential cumulative impact would be less than cumulatively considerable (i.e., less than significant with mitigation).

Standard Conditions:

Incorporation of the standard conditions (as described previously) would reduce the potential significant impact to less than significant.

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
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 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

References:

- Geotechnical Investigation Report for Proposed Full Service CDJR Facility (Bruin Geotechnical Services) (March 2017)
- General Plan 2035 EIR

Environmental Setting

Site Setting

The Geotechnical report performed four borings, each 30 feet deep, on the site and encountered native alluvial materials which were varied from moist to very moist, and loose to dense. The soils encountered were clayey sand with gravel (SC) of various descriptions.

Seismic Setting

The site, as is the entire San Francisco Bay area, is located within a seismically active region between and San Andreas Fault and the Calaveras Fault. The site is less than two miles west of the Coyote Creek fault, and approximately three miles west of the central Calaveras Fault zone. This site is not located in an Alquist-Priolo zone.

Soils
Based on the soil information obtained from the exploratory borings drilled at the site, the soil profile is classified as a "clayey sand with gravel".

Groundwater
Groundwater was not encountered at any of the four soil borings. Historic data indicates that the groundwater levels are at least 50 feet below ground surface.

Regulatory Framework
California Building Code
The 2015 International Building Code is published by the International Conference of Building Officials, and is the widely adopted model building code in the United States. The 2016 California Building Code is another name for the body of regulations known as the California Code of Regulations. The California Building Code incorporates by reference the International Building Code requirements with necessary California amendments. Title 24, Part 2, is a portion of the California Building Standards Code. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under state law, all building standards must be consolidated in Title 24 or they are not enforceable.

Compliance with the 2016 California Building Code requires that (with very limited exceptions) structures for human occupancy be designed and constructed to resist the effects of earthquake motions. The Seismic Design Category for a structure is determined in accordance with either;5California Building Code Section 1613 - Earthquake Loads: or, American Society of Civil Engineers Standard No. 7-05, Minimum Design Loads for Buildings and Other Structures. In brief, based on the engineering properties and soil-type of soils at a proposed site, the site is assigned a Site Class ranging from A to F. The Site Class is then combined with Spectral Response (ground acceleration induced by earthquake) information for the location to arrive at a Seismic Design Category ranging from A to D, of which D represents the most severe conditions. The classification of a specific site and related calculations must be determined by a qualified person and are site-specific.

City of Morgan Hill Municipal Code
Building Code
Chapter 15.08 - Building Code adopts the 2016 California Building Code, with amendments, as the Morgan Hill Building Code. The Building & Fire Prevention Department is responsible for administration and enforcement of the Morgan Hill Building Code. The Building Department maintains the requirements for filing for a building permit including grading plans.

Environmental Impacts and Mitigation
Checklist Item a:
The proposed project is, as is all of the Bay Area, in a seismically active region and has a reasonably high potential of experiencing significant strong earthquake shaking in the future.

Item a) i.: **No Impact.** The site is not located within an Alquist-Priolo zone. The nearest mapped fault (Coyote Creek) is located approximately three miles from the site; therefore, the potential of fault rupture within the site area is considered to be very low.

Item a) ii.: **Less than Significant Impact.** The site could experience very strong ground shaking from future earthquakes during the anticipated lifetime of the project. The intensity of ground shaking

will depend on the magnitude of earthquake, distance to epicenter, and response characteristics of the on-site soils. While it is not possible to totally preclude damage to structures during major earthquakes, strict adherence to good engineering design and construction practices will help reduce the risk to damage. The 2016 California Building Code defines the minimum standards of engineering practice.

Item a) iii.: **No impact.** Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength due to increased pore water pressure resulting from cyclic stress applications induced by earthquakes or other vibrations. In the process, the soil acquires mobility sufficient to permit both vertical and horizontal movements, if not confined. Soils most susceptible to liquefaction are loose, uniformly graded, fine-grained, sands, and loose silts with very low cohesion. In general, liquefaction hazards are most severe in the upper 50 feet of the soil profile. In deeper deposits, the greater overburden soils tend to isolate the ground surface from the impact of any liquefaction in deeper soils, and the overburden pressures tend to limit shear strains that occur during liquefaction.

The State of California seismic hazards zone map for the Morgan Hill quadrangle shows the project area is not in a liquefaction zone.

Item a) iv.: **No Impact.** The State of California seismic hazards zone map for the Morgan Hill quadrangle shows the project area is not in an earthquake-induced landslide zone.

Checklist Item b:
Less than Significant Impact. Construction would include earthwork activities, which could expose soils to the effects of erosion and loss of topsoil if not managed appropriately. The potential for substantial soil erosion or the loss of topsoil is considered to be minimal. The site is one acre in size, and would use stormwater pollution prevention techniques. Incorporation of these requirements would ensure erosion-control is conducted. Once constructed, surface soils at the site would be covered by the proposed structure, parking, driveways, and landscaping that would prevent long term erosional effects from occurring. Therefore, with implementation of this regulatory requirement, the potential impact would be less than significant.

Checklist Item c:
Less than Significant Impact. The potential for landslide is considered to be non-existent because the site area is flat. As discussed in the geotechnical report, the risk of liquefaction is low, and differential soil settlement is less than one inch. Additionally, by following the recommendations of the Geotechnical Report and the California Building Code, impacts would be less than significant.

Checklist Item d:
Less than Significant Impact. The site's soils have a potential expansion classification of "low". Additionally, by following the recommendations of the Geotechnical Report and the California Building Code, impacts would be less than significant.

Checklist Item e:
No Impact. No septic tanks or alternative sewer systems are proposed as part of the project, therefore there would be no impact on septic tanks or alternative waste water disposal systems.

Mitigation Measure:
No mitigation required.

Cumulative Impacts

Less Than Significant Impact. The project site is located in a seismically active area, and the proposed project, along with past, present and reasonably foreseeable future projects, could expose people and structures to potentially adverse effects associated with earthquakes, including seismic ground-shaking and seismic-related ground failure. The impact of the risks associated with exposure to potential seismic, geological, and soils hazards is generally localized because of the dependence on site-specific conditions and generally do not combine with other projects to become cumulatively considerable. Site-specific geotechnical studies required by the City determine how each project would be designed to minimize exposure of people to these impacts. All current and future projects would be constructed in accordance with the most recent version of the California Building Code seismic safety requirements, as well as in accordance with the recommendations contained in project specific geotechnical reports that address site-specific hazards. Therefore, cumulative impacts related to geology and soils would be less than significant.

Mitigation Measures:
No mitigation required.

VII. GREENHOUSE GAS EMISSIONS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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 gases?	☐	☐	☒	☐

References:

- Towbin Dealerhsip Project Community Risk Assessment, Illingworth & Rodkin, Inc. Air Quality, November 27, 2017

Environmental Setting

Global Climate Change

Greenhouse gases (GHGs) trap heat in the atmosphere, which in turn heats up the surface of the Earth. GHGs are generated both from natural geological and biological processes and through human activities including the combustion of fossil fuels and industrial and agricultural processes. California is a substantial contributor of global GHGs, emitting over 400 million tons of carbon dioxide (CO_2) per year[6].

Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit (ºF) over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well mixed, their impact on the atmosphere is mostly independent of the point of emission.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO_2, methane (CH_4), and nitrous oxide (N_2O). During the period of the last 2,000 years there was a marked rise in in concentrations of these gases since 1750 (start of industrialization). Prior to 1750, it was found that CO_2 concentrations ranged from 270 parts per million (ppm) to 280 ppm[7]. For the period from approximately 1750 to the present, global CO_2 concentrations increased from a pre-industrialization period concentration of 280 ppm to 380 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range (ibid).

Regulations and Significance Criteria

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide equivalent (CO_2eq)[8] concentration is required to keep global

[6] California Energy Commission (CEC), *California Greenhouse Gas Inventory for 2000-2011*, August, 2013.

[7] United States Environmental Protection Agency (USEPA): Climate Change Science Overview. http://www.epa.gov/climatechange/science/overview.html#human-causes Accessed December 4, 2014.

[8] Carbon Dioxide Equivalent (CO_2eq) – A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

mean warming below two (2) degrees Celsius (ºC), which in turn is assumed to be necessary to avoid dangerous climate change.

State of California

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), CARB has established a statewide GHG emissions cap for 2020 equivalent to 1990 statewide emissions, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, that identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill (SB) 32 into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state's Climate Change Scoping Plan. The updated plan will provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by CARB in 2017.

Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035[9].

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area and it identifies policies and strategies to reduce per-capita, vehicle-generated GHG emissions and establishes a forecasted development pattern for the region.

MTC and ABAG originally adopted Plan Bay Area in 2013. Plan Bay Area established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Building upon the development strategies outlined in the original Plan Bay Area, Plan Bay Area 2040 was adopted in July 2017 as a focused update with revised planning assumptions incorporating key economic and demographic trends.

Regional and Local Plans

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. Several key activities of BAAQMD related to GHG emissions are described below.

[9] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

- Regional Clean Air Plans: BAAQMD and other agencies prepare clean air plans as required under the state and federal Clean Air Acts. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the state of California, the 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

- BAAQMD CEQA Air Quality Guidelines: The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Morgan Hill and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing greenhouse gas emissions, mitigation measures, and background information.

Table VII-1:
Bay Area Air Quality Management District Proposed GHG Thresholds

Project Type	Construction-Related	Operational-Related
Projects other than Stationary Sources[1]	None	Compliance with Qualified Climate Action Plan OR 1,100 $MTCO_2eq/yr$ OR 4.6 $MTCO_2eq/SP^2/yr$
Stationary Sources[1]	None	10,000 $MTCO_2eq/yr$
$MTCO_2eq/yr$ = metric tons of carbon dioxide equivalent per year		

Notes:

1: According to the proposed BAAQMD CEQA Guidelines, a stationary source project is one that includes land uses that would accommodate processes and equipment that emit GHG emissions and would require a BAAQMD permit to operate. Projects other than stationary sources are land use development projects that do not require a BAAQMD permit to operate.

2: SP = service population (residents + employees)

Source: Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017

City of Morgan Hill 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts resulting from planned development within the City, including the following:

- *Circulation System and Complete Streets Policy TR-2.1* – A balanced multi-modal system offers viable choices for residents, employees, customers, visitors, and recreational users. Use smart growth and Sustainable Communities principles throughout the City to provide a balanced transportation system which assures access to all, and which integrates all appropriate modes of transportation into an effectively functioning system, including modes such as auto, ride sharing, public rail and bus transit, paratransit, bicycling, and walking.
- *Pedestrian Network Policy TR-9.2* – Promote walking as an alternate transportation mode for its contribution to health and reduction of energy consumption and pollution.
- *Climate Change Policy NRE-15.1:* - Maintain a greenhouse gas reduction trajectory that is consistent with the greenhouse gas reduction targets of Executive Orders B-30-15 (40 percent below 1990 levels by 2030) and S-03-05 (80 percent below 1990 levels by 2050) to ensure the City is consistent with statewide efforts to reduce greenhouse gas emissions.
- *Climate Change Policy NRE-15.2* – Encourage land use transportation patterns that reduce dependence on automobiles.
- *Climate Change Policy NRE-15.4* – Promote land use patterns that reduce the number and length of motor vehicle trips.
- *Climate Change Policy NRE-15.10* – Continue to work with the Santa Clara Valley Transportation Authority on regional transportation solution that will reduce vehicle miles travelled and greenhouse gas emissions.
- *Energy Efficiency Policy NRE-16.7* – Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

Checklist Item a:

Less than Significant Impact. GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines. CalEEMod modeling was used to predict GHG emissions from operation of the site assuming full build-out of the project.

Construction Phase Emissions

GHG emissions associated with construction were computed to be up to 130.78 MT of CO2e. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. Best management practices assumed to be incorporated into construction of the proposed project include, but are not limited to: using local building materials of at least 10 percent and recycling or reusing at least 50 percent of construction waste or demolition materials.

Operational Phase Emissions
The CalEEMod model was used to predict annual emissions associated with operation of the fully-developed site under the proposed project. In 2018, as shown in Table VII-2, annual emissions resulting from operation of the proposed project are predicted to be 486 MT of CO2e. These emissions would not exceed the BAAQMD threshold of 1,100 MT of CO2e/yr and, therefore, this would be considered a less-than-significant impact.

Table VII-2:
Annual Project GHG Emissions

Source Category	**2018 Project Emissions**
Area	<1
Energy Consumption	132
Mobile	284
Solid Waste Generation	58
Water Usage	10
Total	486.2595
BAAQMD Threshold	1,100 MT CO_2e/year

Checklist Item b:
Less than Significant Impact. The proposed project would be located in the City of Morgan Hill, which has not adopted a qualified GHG emissions reduction strategy, so consistency with such a plan cannot be assessed. GHG emission impacts associated with the project were analyzed pursuant to the thresholds proposed by BAAQMD. If the proposed project's operational GHG emissions would exceed this threshold then, consistent with BAAQMD Guidelines, it would be considered to have a cumulatively considerable contribution of GHG emissions and a significant cumulative impact on climate change. The cumulative GHG impact would be less than significant. The project would not result in greenhouse gas emissions that will conflict with an applicable plan, policy, or regulation and will not result in the generation of greenhouse gases that will have a significant impact on the environment.

Mitigation Measures:
No mitigation required.

Cumulative Impacts
Less Than Significant Impact. As stated above, GHG impacts are considered to be exclusively cumulative impacts. The cumulative impact analysis is provided under the discussions for (a) and (b), above.

Mitigation Measures:
No mitigation required.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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 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 for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

References:

- Phase I Environmental Site Assessment for Southern Portion of APNs 728-17-029 and 728-17-030 (January 2017) (Bureau Veritas)
- Limited Subsurface Investigation for Southern Portion of APNs 728-17-029 and 728-17-030 (January 2017) (Bureau Veritas)

Environmental Setting

Based on a review of historical sources, the subject property was identified to consist of an orchard in 1939. By 1956, two-thirds of the property was used as an irrigated hay field and remained in use through at least 2012. The other one-third remained an orchard through at least the late 1960's, and is still partially covered by unmaintained orchard trees. The Phase I ESA also identified a soil stockpile from an unknown source on the site, which was analyzed in a concurrent Limited Subsurface Investigation (LSI).

Based on the Phase I, a LSI was performed for the site. The front one-third closest to Condit Road as well as the soil stockpile tested positive for, above the allowable levels of, arsenic and chromium.

Database searches were also performed using *GeoTracker* and *EnviroStor* to identify potential contamination in the project area. There are no sites of potential concern within the project area.

Regulatory Setting

The Santa Clara County Environmental Health Department, Regional Water Control Board, State Department of Toxic Substances Control, Bay Area Air Quality Management District and US Environmental Protection Agency provide regulations regarding hazards and hazardous materials.

Environmental Impacts and Mitigation

Checklist Item a:

Less than Significant Impact with Mitigation Incorporated.

Project Construction.

Project construction would involve the routine transportation, storage, use, and disposal of small quantities of hazardous materials such as construction equipment fuels and lubricants, hydraulic fluid, and solvents. The storage and handling of these materials would be managed in accordance with applicable state and federal laws for safe handling of hazardous substances, which include developing project-specific hazardous materials management and spill control plans, storing incompatible hazardous materials separately, using secondary containment for hazardous materials storage, requiring the contractor to use trained personnel for hazardous materials handling, and keeping spill clean-up kits available on-site. Adherence to existing regulatory requirements will reduce the potential impact during construction to less than significance.

Project Operation.

Once developed, the site would involve storage and use of relatively limited quantities of hazardous materials—such as cleaners, toners, paints, lubricants, automotive fluids, kitchen and restroom cleaners, pesticides and other maintenance materials--contained within manufacturers' containers managed through a Hazardous Materials Business Plan as required by local, state, and federal regulations. With adherence to existing regulatory requirements, the potential impact during project operation would be less than significant.

Checklist Item b:

Less than Significant Impact with Mitigation Incorporated. There are no existing buildings on site, and therefore no hazards associated with existing buildings.

Construction activities would include ground disturbing activities, which could expose workers and/or the public to contaminated soil and/or groundwater. The LSI report indicated known chemicals that would exceed the environmental screening level (ESL) in soils, specifically arsenic and chromium on only the third of the property closest to Condit Road. Boring was limited to one foot in depth, and groundwater was not encountered. The geotechnical report states that groundwater was not encountered at 30 foot borings and therefore encountering groundwater during construction is not expected. Arsenic and chromium are chemicals are known to have the potential to cause harm to humans in elevated levels. Workers may potentially be exposed to these chemicals, and therefore there is a potential significant impact. The implementation of ***Mitigation Measure HAZ-1*** would reduce the impact to less than significant.

Checklist Item c:

Less than Significant Impact with Mitigation Incorporated. The closest school to the project site, Nordstrom Elementary School, is located approximately a quarter mile to the southeast. There may be limited emission of hazardous materials associated with construction, but no hazardous materials or emissions associated with the operation of the car dealership. Due to the limited use of hazardous materials and associated emissions, as well as the implementation of current regulatory practices including standard protection measures for hazardous materials, and with implementation of ***Mitigation Measure HAZ-1,*** the associated risk to nearby schools would be less than significant.

Checklist Item d:
No Impact. The project site is not located on the *EnviroStor* or *Geotracker* databases of hazardous materials sites and was not determined to have any record of prior releases according to the Phase I Environmental Site Assessment. Additionally, no soil will be moved off-site, and the project area will be paved over, with the exception of landscaped areas.

Checklist Item e:
No Impact. This project is not located in an airport land use plan or within two miles of an airport. San Martin Airport is located 3.77 miles from the project site. Therefore, there would be no hazard to people residing or working on the site due to an airport.

Checklist Item f:
No Impact.
The project site is not located within the vicinity of a private airstrip. Therefore, there would be no safety hazard to people residing or working on the site due to a private airstrip.

Checklist Item g:
Less than Significant Impact.
Operations
The project would not result in any interference with emergency response or evacuation plans as it would comply with all fire and building code requirements and standards.

Checklist Item h:
No Impact. No wildlands are located within the project area; therefore the project would have no impact associated with wildland fires.

Mitigation Measures:
Implementation of the following measures will reduce potentially significant impacts to less than significant levels.

Mitigation Measure HAZ-1: Construction workers on-site could be exposed to residual migrating contaminants in the soil and groundwater during grading and construction on the site. Excavation at the site could expose the public or the environment to hazardous materials.

MM HAZ-1a: Conduct specific testing of soil prior to issuance of grading permit and if residual contaminants are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) or the

California Department of Toxic Substances Control (DTSC). Copies of the environmental investigations shall be submitted to the City of Morgan Hill Planning Division.

The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include:

Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.

- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SMP would be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP would detail procedures and protocols for management of soil containing environmental contaminants during site development activities.

All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

A No Further Action letter (or equivalent assurance) from SCCDEH or DTSC documenting completion of cleanup activities shall be provided to the City of Morgan Hill Planning Department prior to issuance of grading permit.

MM HAZ-1b: Prior to issuance of a grading permit, a groundwater management and dewatering plan shall be developed to protect construction workers if groundwater is encountered, and to meet the permit requirements if groundwater is determined to require treatment prior to discharge to the sewer system. The SCCDEH would be informed of any groundwater contaminants and oversee the groundwater management plan.

MM HAZ-1c: A copy of the Site Management Plan and any associated environmental investigations shall be provided to the City of Morgan Hill Planning Division.

MM HAZ-1d: Prior to issuance of a grading permit, the project proponent would implement Mitigation Measures HAZ-1a-c and would be required to provide a monitoring plan to the satisfaction of the City of Morgan Hill Planning Division.

Cumulative Impacts

Less Than Significant Impact with Mitigation Incorporated. As discussed above, the project would have the potential to release hazardous substances and materials that would adversely affect the environment or public. With implementation of existing regulatory requirements, both the construction and operation of the project would minimize the potential for any unauthorized releases. Hazards and hazardous material impacts typically occur in a local or site-specific context (versus a cumulative context) because of

variances with site-specific use and for localized effects associated with most land uses. Implementation of regulatory requirements of DTSC, the Regional Water Quality Control Board (RWQCB), Caltrans, and Santa Clara County Environmental Health would similarly address site-specific hazards and emergency access and operation for present and reasonably foreseeable future projects. Anticipated development projects that would occur in the surrounding region would not significantly increase human health or safety risks with adherence to these existing regulatory requirements.

The cumulative impacts related to hazards and hazardous materials would be less than significant with implementation of **Mitigation Measure HAZ-1**.

Mitigation Measures:
Implementation of the previously described **Mitigation Measure HAZ-1** would reduce the impacts to less than significant.

IX. HYDROLOGY AND WATER QUALITY: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) 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?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒

References:

C.3 Regulated Projects Checklist for Project (June 2015)

Environmental Setting

The project site is relatively level and is approximately six-acres in size. The site is bordered to the east by Condit Road, and to the west by a drainage channel and U.S. Highway 101. The drainage channel is man-made and is owned and managed by the Santa Clara Valley Water District (SCVWD). There are two

watersheds that cover the City of Morgan Hill. The project is located in the Uvas-Llagas Watershed, part of the Pajaro River Watershed, which drains southwards towards Monterey Bay. There are four reservoirs in the vicinity of Morgan Hill. Two of the them, the Chesbro and Uvas Reservoirs, are in the Uvas-Llaga Watershed. The second watershed is the Coyote Creek watershed and contains Anderson Reservoir and Coyote Reservoir. The project site is subject to inundation from the Anderson Reservoir.

The SCVWD has prepared an Emergency Action Plan for the Anderson Dam. The City of Morgan Hill has an Office of Emergency Services, which established the framework for Emergency Operations Plans in the area. A seismic stability study was conducted on Anderson Dam in 2011. The results indicated that an earthquake of magnitude 7.25 on the Calaveras Fault could cause embankment deformation due to liquefaction. As a result of the seismic study, SCVWD initiated the Anderson Dam Seismic Retrofit Project 2012 to correct deficiencies in downstream and upstream slope stabilization, raising the dam crest and spillway walls by approximately seven-feet and construction a new intake pipeline with three intake ports and two new outlet pipelines.

Land use patterns in the watershed are typical for southern Santa Clara County. The upper watershed area is predominately a city park managed as an open space preserve, with some residential and commercial land uses along the ridge tops. The middle portion of the watershed is a combination of residential and commercial land uses.

The approximately six-acre site is undeveloped consisting primarily of a disturbed field with occasional parked cars from the adjacent automobile dealership, grasses, and dirt roads. The surrounding environment consists of another auto dealership to the south, warehousing to the north, U.S. Highway 101 to the west and agricultural operations to the east. The proposed project includes an onsite retention basin. Project stormwater will drain into a retention area located toward the rear of the site prior to discharging offsite through control outlet connected to a 24 inch public storm drain line.

Regulations and Agencies

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. The EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States. In Morgan Hill these regulations are implemented by the San Francisco Bay Regional Water Quality Control Board (RWQCB).

NPDES Municipal Stormwater Permit

The San Francisco RWQCB regulates stormwater discharges from municipalities and local agencies in the San Francisco Bay area (including the City of Morgan Hill) under a single Municipal Regional Stormwater NPDES Permit (Order No. R2-2009-0074, as amended by Order No. R2-2011-0083). This permit includes provisions for new development and redevelopment. Provision C.3 requires appropriate source control, site design, and stormwater treatment measures to address both soluble and insoluble stormwater runoff pollutant discharges and to prevent increases in runoff flow from new development and redevelopment projects. This includes the permit for the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4s).

Discharges of surface or groundwater require a permit from the City prior to construction. The City requires implementation of best management practices (BMPs) for new development and construction as part of its standard conditions of approval.

Statewide Construction General Permit

The SWRCB has adopted the statewide General Permit for stormwater discharges associated with construction activity that apply to projects resulting in one (1) or more acres of soil disturbance (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Order 2012-0006-DWQ) . For projects disturbing more than one (1) acre of soil, a construction stormwater pollution prevention plan (SWPPP) is required that specifies site management activities to be implemented during site development. These management activities include construction stormwater BMPs, erosion and sedimentation controls, dewatering (nuisance-water removal), runoff controls, and construction equipment maintenance.

The project's construction activities would disturb approximately one acre of soil, which is the entirety of the site. NPDES permit coverage is required for construction activities that disturb more than one (1) acre in adherence with the General Permit.

The SWRCB's Water Quality Order 2003-003-DWQ (Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality) addresses potential discharges of low threat wastewater, including construction dewatering. Discharges must meet the RWQCB Water Quality Control (Basin Plan) water quality objectives. In addition, discharges cannot cause groundwater contamination. For coverage under this permit, a notice of intent would need to be filed with the appropriate RWQCB before construction dewatering.

Environmental Impacts and Mitigation

Checklist Item a and f:

Less than Significant Impact with Mitigation Incorporated.

The proposed project has the potential to impact water quality during construction and operation, which is discussed separately in further detail.

Construction Related Water Quality Impacts

Construction activities associated with the project require grading, excavation, trenching, paving, and other miscellaneous activities. These activities could result in soil erosion at an accelerated pace during storm events, which have the potential to affect water quality and contribute to violations of water quality standards if storm water runoff during construction activities enters water bodies.

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 National Pollutant Discharge Elimination System (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). Projects disturbing more one or more acres of soil or disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres are required to obtain coverage under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). A Notice of Intent must be filed with the RWQCB and the General Permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared. The proposed project would disturb more than one acre of soil (approximately six-acres) and, thus, would be subject to the State NPDES General Permit conditions.

The proposed project would 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 Best Management Practices (BMPs) that are required for the control of storm water runoff quality during construction. The project's required compliance with the SWMP would ensure that construction activities would not result in degradation of downstream water quality.

Operational Water Quality Impacts

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. Additionally, stormwater runoff could cause soil erosion if not properly addressed, and provide a more efficient means of transport for pollutants to enter the waterways.

The City's SWMP requires BMPs to be provided for the control of runoff quality from new projects and redeveloped properties. The City has also adopted an Ordinance, codified in Chapter 18.140 of the City's Municipal Code, which requires certain development projects to incorporate permanent storm water pollution prevention measures. Per Section 18.140.030A of the City's Municipal Code, the proposed project would be subject to the City's Post Construction Stormwater Pollution Prevention Ordinance. As such, the proposed project would be required to comply with the design standards set forth in Section

18.140.040, and select and implement BMPs to the satisfaction of the City in accordance with the requirements contained in the most recent versions of the following documents:

1. City of Morgan Hill Stormwater Post Construction Best Management Practices Development Standards for new development and redevelopment;
2. California Storm Water Quality Association Best Management Practice Handbooks;
3. City of Gilroy, City of Morgan Hill and County of Santa Clara Regional Stormwater Management Plan (SWMP), as approved by the Central Coast Regional Water Quality Control Board; and
4. City of Morgan Hill Hydro-modification Management Plan, as approved by the Central Coast Regional Water Quality Control Board.

The proposed project includes a storm drain retention system that would convey stormwater generated on-site to the rear of the property located at the western portion of the site. The retention basin would have a volume of approximately 20,000 cubic feet. The basin is designed to hold water prior releasing it through an inlet into the City's storm drain system. The final design of the proposed drainage system will be reviewed and approved by the City of Morgan Hill Public Works Department, who will ensure that the proposed system complies with the City's Post Construction Stormwater Pollution Prevention Ordinance 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 degraded as a result of the proposed project operations. Accordingly, the following mitigation measure is required:

> **Mitigation Measure HYD-1:** In order to be consistent with the City's requirements for storm runoff control, the proposed project design would need to include the development of a storm water detention basin or other drainage control structures on the subject property. The storm drainage facilities proposed for the project would need to be consistent with provisions the City's Storm Drainage System Master Plan and the stormwater-related conditions of project approval. The incorporation of the Stormwater Conditions for construction activities, post-construction operation of the project, and Low Impact Development (LID) would reduce the potentially significant impacts of the project on stormwater quality to less than significant levels.

Incorporation of **Mitigation Measure HYD-1** would reduce to impacts to less than significant levels.

Checklist Item b:

Less than Significant Impact. The proposed project would not include the extraction of any local groundwater supplies. Domestic water supply for the project site is provided by the City of Morgan Hill. The City of Morgan Hill pumps groundwater from the Coyote and Llagas Sub-basins, which pumps ground water from the Coyote and Llagas Sub-basins. The Santa Clara Valley Water District (SCVWD) manages all groundwater basins in Santa Clara County and utilizes a Groundwater Recharge Program to maintain groundwater levels. According to Morgan Hill's 2010 Urban Water Management Plan, the groundwater basins are not in condition of overdraft, and groundwater levels are not expected to drop.

The project will increase impervious surfaces with additional pavement and buildings covering the project site. As stated above, the proposed project would be required to include design features that retain runoff from impervious areas on the project site in accordance with NPDES MS4 requirements. These requirements include incorporation of drainage features that are intended to maximize the amount of infiltration onsite. Further, the site is not a major source for groundwater recharge. Therefore, the project would not substantially deplete groundwater supplies or interfere with groundwater recharge such that

there would be a net deficit in an aquifer volume or a lowering of the local groundwater table level, and impacts would be less than significant.

Checklist Items c and d:
Less than Significant Impact. The proposed project is located in an urban watershed served by municipal storm drains, and there are no natural water features within or immediately adjacent to the project site. The proposed project would therefore not alter or otherwise affect the course of a stream or a river.

The project site undeveloped with no impervious surface areas. After construction of the project, the site will have more impervious surface area. The proposed improvements would be required to include drainage control features in accordance with NPDES MS4 and SMCWPPP requirements. With adherence to these requirements, stormwater runoff would be managed through the incorporation of permanent stormwater control features, such as retention areas located on-site.

With implementation of drainage control requirements the proposed project would not substantially alter drainage patterns, and would not result in erosion, siltation, or flooding on- or off-site. The impact would be less than significant.

Checklist Item e:
Less than Significant Impact. As discussed above, potential project impacts associated with the capacity of drainage infrastructure would be addressed through adherence to drainage control requirements, including measures to minimize the volume of runoff discharged offsite. The applicant would be responsible to ensure that peak runoff from the design storm event would be adequately conveyed through downstream drainage conveyances. As such, stormwater runoff would be managed through the incorporation of permanent stormwater controls. Therefore, the potential impact on drainage capacity would be less than significant.

Checklist Item g:
No Impact. The proposed project does not include any residential housing. The project site is located within Zone D, which is considered unstudied, but flooding is possible, on the Federal Emergency Management Agency Flood Insurance Rate Map . Therefore, the project would have no impact on flood hazard zones and housing.

Checklist Item h:
Less than Significant Impact. The project site is located within Flood Zone D, which is an unstudied area and does not have an established base elevation established. The proposed project would be subject to the City of Morgan Hill Flood Damage Prevention Ordinance (Section 15.80, Morgan Hill Municipal Code). The project would require a building permit and would be subject to the Flood Damage Prevention Ordinance, before any construction or other development begins on the site. On-site development will be required to comply with the standards of construction set forth in Section 15.80.160 of the City's Flood Damage Prevention Ordinance. This includes, but is not limited to, elevating the lowest floor at least one foot above the base flood elevation. Compliance with Municipal Code and Federal regulations would ensure that the project would have a less than significant impact.

Checklist Item i:
Less Than Significant Impact. The Association of Bay Area Governments has compiled dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The map for the City of Morgan Hill shows the project site to be in the dam failure inundation

hazard zone for Anderson Reservoir. 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.

The SCVWD recently completed a seismic stability study for Anderson Dam. The seismic analysis determined that the dam may experience significant damage during an earthquake. As a result, the water level at Anderson Reservoir is being kept 25.5 feet below the crest of the dam until seismic retrofits can be completed. The seismic retrofits are estimated to be complete by the year 2018. For the above reasons, the likelihood of catastrophic dam failure that would impact the site is considered low, resulting in a less than significant impact.

Checklist Item j:
No Impact. 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, given the distance to the nearest coastline, the project site is not subject to tsunami hazards. Mudflow is typically associated with slopes and hills. The project site is level and subsequently not expected to be subject to mudflow. Given the aforementioned conclusions, no impact to the project site would occur in regards to inundation by seiche, tsunami, or mudflow.

Mitigation Measures:
Hydrology HYD-1: In order to be consistent with the City's requirements for storm runoff control, the proposed project design would need to include the development of a storm water detention basin or other drainage control structures on the subject property. The storm drainage facilities proposed for the project would need to be consistent with provisions the City's Storm Drainage System Master Plan and the stormwater-related conditions of project approval. The incorporation of the Stormwater Conditions for construction activities, post-construction operation of the project, and Low Impact Development (LID) would reduce the potentially significant impacts of the project on stormwater quality to less than significant levels.

Cumulative Impacts
Less Than Significant Impact. As discussed above, the construction of the project would disturb surface soils and result in an increase in impervious surfaces and stormwater runoff. Compliance with existing regulations, as outlined above, would ensure that the project's impact on the local drainage system would be less than significant. Cumulative projects could also contribute to increased runoff due to increases in impervious surfaces. However, any proposed development in the Uvas-Llagas Creek watershed, the geographical context for this cumulative analysis that are larger than one acre would similarly have to satisfy all applicable requirements of the NPDES General Permit and operation (MS4 Regional Permit). Cumulative projects could have general construction-related impacts on water quality in the Project area if not managed appropriately. Construction activities at other project sites could also increase erosion and subsequent sedimentation. All related projects are subject to the same federal regulations (Clean Water Act), state regulations (Water Quality Control Plan [Basin Plan]), and local regulations (Santa Clara Valley Urban Runoff Pollution Prevention Program) that protect water quality and water resources. These regulations include NPDES permit requirements, stormwater pollution prevention plans, and post-development stormwater quality and quantity requirements that include LID features. All of these regulations are designed to ensure that the incremental effects of individual projects do not cause a considerable contribution to cumulative impacts.

Despite the potential for related projects to alter drainage patterns and runoff conditions, adherence to the aforementioned requirements and implementation of LID drainage improvements would ensure that drainage and runoff do not result in considerable contribution to cumulative impacts related to; sedimentation, flooding, water quality, drainage system capacity, flood hazard areas, failure of a levee or dam, seiche, tsunami, or mudflows. The proposed project's cumulative impact would be less than significant.

Mitigation Measures:
No mitigation required.

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b)Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

References:

- City of Morgan Hill General Plan 2035
- City of Morgan Hill Zoning Ordinance
- Auto Park PD Guidelines (2009)
- Santa Clara Valley Habitat Plan

Environmental Setting

The study area for the analysis of land use and planning encompasses the project site and nearby land uses that would be potentially affected by construction or operation of the proposed project.

The Project Site and Surrounding

The project site is within a mostly urbanized area in the City of Morgan Hill, near the Highway 101 and Dunne Avenue interchange. Land uses in the project vicinity consist of low-density commercial and medium-density residential as well as current or formal agricultural uses. Uses immediately adjacent to the project site include the Ford Store (automobile dealership) to the south and town-home style residences and an unmaintained orchard to the east. A mushroom farm and processing facility is located to the north. The project site is currently a vacant former orchard. Madrone Channel, a man-made water way lies between the property site and Highway 101.

General Plan Land Use Designation

The project site is designated as *C-Commercial* under the City's 2035 General Plan. The Commercial designation is primarily located along arterial roadways west of U.S. Highway 101 and along the eastern freeway frontage. This designation is intended to allow a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of shopping centers. The largest concentrations of this designation are found along Monterey Road and at the freeway interchanges, where retail stores are emphasized.

This project implements the following GP policies:

- *CNF-15.3: Retail Uses at Major Intersections.* This project clusters the retail sale of automobiles near the Dunne Avenue – U.S. Highway 101 interchange.
- *ED-1.2: Jobs/Housing Balance.* This project would provide jobs and services, the majority of which are expected to serve current Morgan Hill residents.

- *ED-7.2: Regional Retail Facilities.* Car dealerships are typically considered regional retail, and the project site being along the freeway also implements this policy.

Zoning Designation

Planned Development Overlay

The project site is currently zoned as *PD-Planned Development.* The Planning Commission or City Council may initiate a planned development overlay zone in accordance with the procedures set forth in Chapter 18.30.080 of the City's Municipal Code, amendments, without a conceptual master plan or development plan submittal. A coordinated conceptual PD master plan for lands zoned as PD by the City Council shall be submitted by the first applicant proposing to develop within the PD subsequent to its establishment by the city, or the city may undertake preparation of a concept master plan for the PD lands. Future development of land designated as planned development would be subject to development plan submittal requirements and all other requirements specified in the zoning code for the portion of the PD proposed for development.

A PD overlay district may be established upon the application of a property owner in accordance with procedures established. The purpose of the PD was to establish a development plan and guidelines for a planned development area at the southwest corner of Condit Road an Diana Avenue for the construction of three new auto dealerships and one existing dealership. The proposed project complies, or will comply with performance measures, with the PD guidelines, and represents one of the three new auto dealerships.

Architectural and Site Design Review

In accordance with Chapter 18.108.040, Design Permits of the Morgan Hill zoning code, certain projects require Architectural and Site Design Review. The review requires the project to be consistent with the City's Design Standards and Guidelines Handbook for Commercial Uses. Findings for approval are necessary that will require conditions of approval, consistency with the design handbook, compliance with the City's General Plan, Zoning Ordinance and other applicable plans adopted by the City. The project is subject to the Architectural and Site Design Review process.

The Proposed Project

The project proposes to construct and operate a 36,662 square foot car dealership and service facility on the project site. This is an allowed use under the PD for the site.

The project's proposed site plan and architectural design would be evaluated through the City's Site and Architectural Review process. The project also includes the location of a freestanding sign visible from the freeway and wall signs. No details have been provided for these, however, they would be subject to a subsequent sign permit.

Environmental Impacts and Mitigation

Checklist Item a:

No Impact. Division of an established community typically occurs when a new physical feature, in the form of an interstate or railroad, physically transects an area, thereby removing mobility and access within an established community. The division of an established community can also occur through the removal of an existing road or pathway, which would reduce or remove access between a community and outlying areas. There is no existing road or pathway through the project site that links parts of the community. The development of the subject site is consistent with the established PD contained within the site and will

not physically divide any established community. Therefore, the project would have no impact to the physical division of an established community.

Checklist Item b:
No Impact. The project site is located in the City of Morgan Hill, and the proposed project would be required to comply with the City's General Plan. The City and Neighborhood Form Element (Land Use) of Morgan Hill's General Plan designates the project site as *Commercial (C)*. The Morgan Hill Zoning Ordinance implements the land use designations of the General Plan. The project site is within a *Planned Development (PD)* zoning district. The PD zoning district is regulated by the Auto Park PD Guidelines.

City of Morgan Hill
No General Plan land use designations would change as part of the proposed project.

The Planned Development Guidelines describe the permitted uses for the existing Planned Development this project is located in. It calls for the development of additional car dealerships adjacent to the existing Ford Store. The Architectural Site and Design Review process will ensure that the project complies with the PD Guidelines and the Zoning Code.

Conclusion
The proposed project would not result in a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project site adopted for the purpose of avoiding or mitigating an environmental effect. Thus, the proposed project would result in no impact.

Checklist Item c:
No Impact. The proposed project is under the jurisdiction of the Santa Clara Valley Habitat Conservation Plan (SCVHC), which is both a habitat conservation plan and natural community conservation plan. This project is within the Urban Growth Boundary of Morgan Hill, and is designated as Urban Development in the SCVHC. The SCHVC chapter 4 contains standard conditions, which may apply to this project. The project will also pay impact fees based on the Plan. Because the SCVHC designates this area for Urban Development, and the project will pay impact fees associated with the Plan, there is no impact on any habitat conservation plan and natural community conservation plan

Mitigation Measures:
No mitigation required.

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	☐	☐	☐	☒

Environmental Setting

The project site is mapped by the California Geologic Survey as MRZ-1, indicating "no significant mineral deposits are present or where it is judged that little likelihood exists for their presence" (California Department of Conservation, Division of Mines and Geology[10]). Sites within the MRZ-1 contain Quaternary alluvial material, which contains too much clay and silt for use as an aggregate. Therefore, construction and operation of the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan, or other land use plan.

Environmental Impacts and Mitigation

Checklist Items a and b:

No Impact. No locally important or regionally valuable mineral resources are known to exist in the project area. The Morgan Hill General Plan does not identify any regionally or locally important mineral resources within the City of Morgan Hill. In addition, no area within the vicinity of the proposed project has been delineated as a mineral recovery site on a local General Plan, specific plan, or other land use plan. Therefore, the proposed project would have no impact on a loss of availability of a known mineral resource nor would it contribute to a cumulative impact on mineral resources. Thus, there would be no impact on mineral resources in the project area.

Mitigation Measures:

No mitigation required.

Cumulative Impacts

Less Than Significant Impact. Land use surrounding the project site also falls within the MRZ-1 classification as described above. Therefore, the project site would not combine with past, present or reasonably foreseeable future projects to result in significant impacts to mineral resources. The cumulative impact would be less than significant.

Mitigation Measures:

No mitigation required.

[10] California Department of Conservation, Division of Mines and Geology (CDMG), 1987. *Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area, Special Report 146, Part II*. Available online at: https://archive.org/stream/minerallandclass00stin#page/n5/mode/2up

XII. NOISE: Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Reference:

- Project Plans
- City of Morgan Hill 2035 General Plan

Environmental Setting

Noise Fundamentals

Noise is the term generally given to the "unwanted" aspects of intrusive sound. Many factors influence how a sound is perceived and whether it is considered annoying to a listener. These factors include the physical characteristics of a sound (e.g., amplitude, frequency, duration, etc.), but also non-acoustic factors (e.g., the acuity of a listener's hearing ability, the activity of the listener during exposure, etc.) that can influence the judgment of listeners regarding the degree of "unwanted" sound.

Excessive noise can negatively affect the physiological or psychological well-being of individuals or communities. Sound levels are usually measured in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting that reflects the fact that human hearing is less sensitive at low frequencies and extreme high frequencies than in the frequency mid-range. This is called "A" weighting, and the decibel (db) level so measured is called the A-weighted sound level (dBA).

Fundamentals of Groundborne Vibration

Vibrating objects in contact with the ground radiate energy through the ground; if a vibrating object is massive enough and/or close enough to the observer, its vibrations are perceptible. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB).

Regulatory Setting

California Code of Regulations

The State of California's noise insulation standards are codified in the California Code of Regulations (CCR), Title 24, Building Standards Administrative Code, Part 2, California Building Code (CBC). These noise standards are applied to new construction in California for the purpose of interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher.

City of Morgan Hill Municipal Code

Chapter 8.28, Section 8.28.040 of the City of Morgan Hill Municipal Code states that construction activities are not permitted except within the hours of 7:00 AM and 8:00 PM on weekdays and 9:00 AM and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays. Public work projects are exempt from this section and the Public Works Director shall determine the hours of construction for public works projects.

Planned Development Guidelines

The project site is subject to the adopted Planned Development guidelines that include the prohibition of any exterior public address system or other noise intrusive communication. Deliveries of new or used vehicles to the dealership are restricted to the hours between 9am to 4pm Monday through Saturday. In addition, roll up doors to the building are to be located in such a way to not directly face Condit Road.

Applicable Noise Standards

According to the City of Morgan Hill General Plan Acceptable Noise Levels, exterior noise at commercial land uses is normally acceptable up to 70 dBA Ldn. The City's standards for acceptable exterior noise levels are 60 dBA Ldn in single-family residential use areas.

City of Morgan Hill General Plan Noise Element

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts resulting from development within the City, including the following:

- *Noise Policy SSI-8.2* – 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.
- *Noise Policy SSI-8.5* – Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA Ldn or greater, with a future noise level of less than 60 dBA Ldn, or b) the noise level increase is 3 dBA Ldn or greater, with a future noise level of 60 dBA Ldn or greater.
- *Noise Policy SSI-8.9* – 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 area, 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.

- *Noise Policy SSI-9.1* – Use roadway design, traffic signalization, and other traffic planning techniques (such as limiting truck traffic in residential areas) to reduce noise caused by speed or acceleration of vehicles.
- *Noise Policy SSI-9.7* – Require non-earthen sound barriers to be landscaped, vegetated, or otherwise designed and/or obscured to improve aesthetics and discourage graffiti and other vandalism.

Existing Noise Levels

The largest contributor to noise at the project site is U.S. Highway 101. Based on August 2015 noise measurement data in the General Plan EIR, the project area has ambient noise levels between 65 and 70 dBA CNEL.

Checklist Items a and d:

Less than Significant Impact with Mitigation Incorporated. The project would result in short-term, temporary noise during construction and long-term noise from operational activities. These potential impacts are assessed below.

Project Construction

Construction would be conducted in compliance with the City of Morgan Hill Municipal Code. No pile driving is proposed as part of construction. Construction would be temporary to grade the site, prepare the site and construct the building and supporting parking lot.

Morgan Hill Municipal Code limits construction activities to between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays. Where noise from construction activities exceeds 60 dBA Leq and exceeds the ambient noise environment by at least 5 dBA Leq at noise-sensitive uses in the project vicinity for a period exceeding one year, the impact would be considered significant.

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction noise levels would vary by phase and vary within phases based on the amount of equipment in operation and location where the equipment is operating. Typical construction noise levels at a distance of 50 feet are shown in Tables XII-2 and XII-3. Table XII-2 shows the average noise level range by construction phase and Table XII-3 shows the maximum noise level range for different construction equipment. Table XII-2 levels are consistent with construction noise levels calculated for the project in the FHWA Roadway Construction Noise Model, including the anticipated equipment that would be used for each phase of the project. Most demolition and construction noise is in the range of 80 to 90 dBA at a distance of 50 feet from the source.

Table XII-2:
Typical Ranges of Construction Noise Levels at 50 ft.

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

I - All pertinent equipment present at site, **II** - Minimum required equipment present at site.
Source: U.S. EPA., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

Table XII-3:
Construction Equipment 50-foot Noise Emission Limits

Equipment Category	Lmax Level (dBA)[1,2]	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor3	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous

Equipment Category	Lmax Level (dBA)[1,2]	Impact/Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes:

[1] Measured at 50 feet from the construction equipment, with a "slow" (1 sec.) time constant.

[2] Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.

[3] Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.

Detailed construction information is not available at this time. However, pile driving would not be needed for project construction. The project would be constructed over a period of about a year. As indicated in Table XII-2, construction activities would be anticipated to generate noise levels in the range of 75 to 89 dBA Leq at a distance of 50 feet. Construction noise levels typically drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor.

The closest residential unit is approximately 170 feet to the southeast. Most construction occurring at distances of about 200 feet or further from the residences. At a distance of 170 feet, construction noise levels would be anticipated to be in the range of 66 to 80 dBA Leq. At a distance of 200 feet, the construction noise levels would be anticipated to be in the range of 63 to 77 dBA Leq. Construction noise levels would be lower as construction is moved into shielded areas or indoors.

Existing daytime traffic noise levels at the site are in the range of 65 to 70 dBA Leq. Noise levels would exceed 60 dBA Leq and exceed the ambient noise environment by more than 5 dBA Leq during periods of heavy construction, such as demolition and site work/excavation. Noise levels are not anticipated to exceed the ambient noise environment by more than 5 dBA Leq during building construction and finishing (indoors) or when receptors are shielded from construction activities by intervening structures. The adjacent residences have a minimum six-foot tall masonry walls surrounding the properties and have appropriate indoor insulation when windows are closed to attenuate noise.

Outdoor areas of the residences are shielded from project construction by masonry walls and other surrounding structures. The common open space area for the adjacent residential neighborhood is over 560 feet away from the project site and there are two-story residential buildings placed between the project site and the outdoor open space area. Noise levels inside residences would be anticipated to be at least 25 dBA lower than exterior noise levels with windows in the closed position. Construction noise levels inside the residences would be anticipated to be in the range of 41 to 55 dBA Leq assuming an exterior to interior noise reduction of 25 dBA, when heavy construction is located closest to the residences.

Although construction is anticipated to last for one year, construction noise would only be anticipated to exceed the ambient noise environment by 5 dB or more at the adjacent residences during periods of heavy exterior construction, such as site work/excavation. Additionally, construction would not occur during nighttime hours or on Sundays, when occupants of residences rooms would be expected to be most sensitive to noise.

Noise generated by construction activities would temporarily elevate noise levels at the adjacent residences. However, this would be considered a less-than-significant impact due to the duration of active noise generating construction activities being less than one year, assuming that construction activities are conducted in accordance with the implementation of the following construction best management practices (**Mitigation Measure NOI-1**).

Project Operation.
The dealership includes the sales and service repair of motor vehicles. The repair component of the dealership is located in a building that is approximately 400 feet away from the front property line (570 feet away from adjacent residences). The entries and exits to the service bay building are located perpendicular to Condit Road. Adherence to the Planned Development guidelines would ensure that the project has a less than significant impact.

Checklist Item b:
Less than Significant Impact.
A significant impact would be identified if the construction of the project would generate groundborne vibration levels at adjacent structures exceeding 0.3 in/sec PPV because these levels would have the potential to result in “architectural” damage to normal buildings.

Detailed construction information is not available at this time. Construction activities are anticipated to include small excavation, site preparation work, foundation work, new building framing and finishing, and paving. Pile driving would not be needed for project construction. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the work area. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table XII-4 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet.

Table XII-4:
Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Approximate Lv at 25 ft. (V
	upper range	1.158	112
	typical	0.644	104
Pile Driver (Sonic)	upper range	0.734	105
	typical	0.170	93
Clam shovel drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006.

The nearest existing structures to project construction areas include an automobile dealership located approximately 120 feet to the south of the project site In addition, residences, are located approximately 170 feet away across from Condit Road to the southeast. At these distances, the impacts of the construction would be less than significant.

Project Operation.
Checklist Item c: **Less than Significant Impact.**
Noise Increases Due to Project Traffic
A doubling in traffic volumes would typically represent a 3 dBA increase in traffic noise levels and an increase in traffic volumes of 20-30% would generally result in a 1 dBA increase in noise levels (the smallest measurable difference). Based on traffic counts provided by Caltrans, Highway 101 has an ADT of approximately 130,000 vehicles per day through this area. Based the project, 982 daily trips would be generated, which represents 0.007% of the total volume. Noise generated by vehicles traveling on lower speed roadways (Condit Road) to access the dealership would not be anticipated to be distinguishable above freeway traffic noise. Project traffic would not cause a measurable increase in noise levels at nearby noise sensitive uses. This is a less-than-significant impact.

Noise Increases Due to Project Operations
The dealership will include a service repair building located approximately 400 feet from the Condit Road property line. The project is subject to the Planned Development guidelines which limit deliveries of new and used vehicles to the dealership between the hours of 9am and 4pm Monday through Saturday. In addition, the use of an exterior public address system or other noise intrusive communication system is prohibited. With adherence to these guidelines, it is expected that there would be less than significant impacts for operation.

Checklist Item e:
No Impact. The closest airport is San Martin Airport, which is located approximately 3.77 miles from the project site. Therefore, there is no impact.

Checklist Item f:
No Impact. No private airstrip is located within two miles of the project. Therefore, noise from a private airstrip would not expose people residing or working on the site to excessive noise levels.

Mitigation Measures:
Implementation of the following mitigation measures, compliance with the *Morgan Hill Municipal Code* would reduce potential noise impacts to a less than significant level.

Mitigation Measure NOI-1: Construction Best Management Practices

- All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors (adjacent hotels).
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

Cumulative Impacts
Less Than Significant Impact. The geographic context for changes in the noise and vibration environment due to development of the proposed project would be localized in mainly an urban area of the City of Morgan Hill, as well as along roadways that would serve the proposed project. In order to contribute to a cumulative construction noise impact, another project in close proximity would have to be constructed at the same time as the proposed project. There are development projects in locations near the proposed project, currently in the planning stages that could be constructed and operational in the foreseeable future. These include residential and commercial development near Dunne Avenue and Murphy Road.

The timing of those projects and phasing of those are projects may slightly overlap. In addition, the applicant would comply with all of the City's rules and regulations related to noise, which would further reduce construction noise levels. Therefore, cumulative construction noise impacts would be less than significant.

As previously discussed under topics a, c and d, none of the roadway segments analyzed would result in a cumulative traffic noise increase that would be readily noticeable to average human hearing. Therefore, cumulative traffic noise impacts would be less than significant.

Mitigation Measures:
No mitigation required.

XIII. POPULATION AND HOUSING: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Impacts and Mitigation

Checklist Item a:

Less than Significant Impact. In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project is not implemented.

The City of Morgan Hill had an estimated population of 41,779 residents in 2015, which the General Plan and Residential Development Control System (RDCS) will limit the population to 58,200 by 2035. No housing units are proposed as a part of this project. As such, the project would not substantially increase the residential population of the City of Morgan Hill.

Morgan Hill's employment was estimated to be 17,947 in 2010, and employment is projected to grow to 27,273 by 2035 (Morgan Hill General Plan EIR). The project would provide employment for approximately 75-175 employees (with up to 100 on-site at any time). Therefore, project-related employment growth would amount to approximately 1.8 percent of citywide employment growth anticipated between 2010 and 2035. This assumes that all employees would be new to Morgan Hill. However, some new workers at the car dealership would be likely to have relocated from other jobs already in Morgan Hill, or in the wider Bay Area. This potential increase in employment will likely have a negligible impact compared to the total employment expected in Morgan Hill and greater Santa Clara County.

The increased population and employment generated by the proposed project would not induce substantial population growth in the area, either directly or indirectly. The proposed project fulfills development plan from the adopted Auto Park PD. The project would not extend any infrastructure or roadways within the project vicinity, and infrastructure improvements associated with the proposed project would consist of local connections to the project site. Therefore, the proposed project would have a less-than-significant impact on population growth.

Checklist items b and c:

No Impact. The project site contains no residential units and therefore no displacement of existing residential units or people would occur.

Mitigation Measures:

No mitigation required.

Cumulative Impacts

Less Than Significant Impact. The commercial use project is within population and employment projections by ABAG for 2040. The project would not combine with past, present, or reasonably foreseeable future projects to result in significant cumulative impacts to population and housing, taking into account other foreseeable projects with smaller population projections and slightly larger employment projects. The impact to population and housing would be less than significant.

Mitigation Measures

No mitigation required.

XIV. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) 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:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

Environmental Impacts and Mitigation
Checklist Item a:
Less than Significant Impact.
***Fire Protection*.** The Morgan Hill Fire Department contracts with Cal Fire to provide fire protection services and emergency medical services throughout the City of Morgan Hill. The department staffs each fire station with a minimum of three employees who are trained to respond to fires, medical emergencies and hazardous materials incidents.

The Morgan Hill Fire Department has two fire stations, including: El Toro Fire Station at 18300 Old Monterey Road, approximately three miles northwest of the project site, and Dunne Hill Fire Station at 2100 E. Dunne Avenue, approximately one mile east of the project site. Additionally Cal FIRE operates a fire station at 15670 Monterey Street, approximately three miles south of the project site. Considering the direct proximity to the Dunne Hill Fire Station, response time would be well within the goal of eight minutes, for 95 percent of the time, as established by the Morgan Hill Fire Department (source is Fact sheet in comment above).

Currently, the City collects a fire services impact fee based on acreage for commercial development. Although the proposed project does not include permanent residential uses, an increase in population on the project site due to increase of onsite staff and customers, as well as an increase in vehicular traffic on the site, could lead to an incremental increase in the demand for fire suppression and emergency medical services and an increase in traffic related emergencies. In accordance with standard City practices, the Department would review project plans before permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the project in compliance with all applicable state and city fire safety regulations.

The project's potential impact on fire protection services would be less than significant because the proposed project would be required to comply with City standards, the proposed project is not anticipated to generate substantial additional demand for fire protection services, would not result in the need for new or expanded facilities, and the project would pay the fire services impact fee.

Police Protection. The Morgan Hill Police Department is headquartered at 16200 Vineyard Boulevard, approximately two and a half miles south of the project site. They have 39 sworn police officers, 24 of whom are engaged in Field Operations. The Police Department's goal is to respond to Priority One calls within five minutes and Priority Two calls within eight minutes.

Currently, the City collects a police services impact fee based on acreage for commercial development. Given the proposed project is not anticipated to substantially increase population onsite (or substantially increase demand for police protection services onsite), the Morgan Hill Police Department would be able to meet any slight increased demand for policing services in the project area without the need to construct new facilities or expand existing facilities. Furthermore, the project would not be anticipated to affect police response times. In addition, the project would pay an impact fee for police services. Therefore, the project would result in a less-than-significant impact on the provision of police protection services.

Schools. The project site is within the area served by the Morgan Hill School District, which operates elementary, middle, and high schools.

Any increases in the number of school-age children that may result from the project would be negligible, and employees working on the site, would likely already be residents of Morgan Hill or surrounding/nearby communities. Therefore, the project would not cause a substantial change.

The Leroy F. Greene School Facilities Act of 1988, or Senate Bill 50 (SB 50), restricts the ability of local agencies, such as the City of Morgan Hill, to deny land use approvals on the basis that public school facilities are inadequate. Prior to issuance of building permits, the project applicant would be required to pay school impact fees to offset any potential impacts to school facilities from the proposed project. Payment of these required fees is the mandated mitigation measure for impacts to affected public schools under CEQA. Given the project applicant would be required to comply with SB 50, and given the project would not increase residential population, the project's potential impact on schools would be less than significant.

Parks. The City of Morgan Hill Parks and Recreation Department manages 19 developed parks on 59 acres of land, ten acres of public trails, and 58 acres of public facilities. The City and Neighborhood Form Element of the General Plan designates parkland as Open Space. The Bikeways, Trails, Parks and Recreation Master Plan (BTPRMP) calls for a level of service of around five acres of parkland per 1,000 residents, and currently has approximately 3.4 acres per 1,000 residents. The BTPRMP separates Open Space into Recreational Open Space and Non-Recreation Open Space. Only Recreational Open Space counts towards the parkland count. Additionally, trails count towards the parkland level of service. The nearest park to the project site is Nordstrom Park, located approximately half a mile to the northwest. This park is identified in the BTPRMP to receive improvements such as restrooms, fitness equipment, and a demonstration garden during the life of the plan. Auto dealerships are not subject to park improvement or in-lieu development impact fees.

As noted above, the proposed project would result in little, if any, population increase in the City of Morgan Hill. In addition, it is not expected that the car dealership patrons would use offsite recreational

facilities. Therefore, no new construction of parks, open spaces or other public facilities would be required, and the proposed project would result in a less-than significant impact to parks and public facilities.

Other Public Facilities. The BTPRMP includes other recreational facilities such as the Recreation Center, Youth Center, and Aquatics Center and plans for future growth. The project would not require the construction of new or substantially altered public facilities. Therefore, impacts to public facilities would be less than significant. Morgan Hill is served by the Santa Clara County Library District, which operates the Morgan Hill Library.

The project would not result in substantial adverse physical impacts associated with the provision of public services. Therefore, impacts to public services would be less than significant.

Mitigation Measures:
No mitigation required.

Cumulative Impacts
Less Than Significant Impact. Operation of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in a significant cumulative impact on public services if an increase in demand for such services required the construction of new facilities.

The geographic scope of potential cumulative impacts on public services is the City of Morgan Hill. All cumulative projects identified in the vicinity have the potential to increase demand for public services. Commercial or light industrial projects in the vicinity do not generally result in a significant population increase in the City and therefore would not be anticipated to significantly increase demand for these services. In addition, such projects would undergo development review to ensure adequate safety measures are included in all project plans. Projects that propose to construct new residential units would increase the demand for all public services, but in particular could require the construction of new public schools or parks and open space facilities to meet an increased demand.

As previously discussed, projects are required to pay applicable fees for schools and parks. Population and employment growth are within forecasted projections for the City and incremental. Therefore, the project's contribution would be considered less than considerable. The cumulative impact would be less than significant.

Mitigation Measures:
No mitigation required.

XV. RECREATION:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	☐	☐	☐	☒

Environmental Impacts and Mitigation
Checklist Items a and b:
No Impact. Morgan Hill has 19 developed parks on 59 acres, and an additional 58 acres of recreational facilities. As stated in Section 14, Public Services, there is one park located less than one mile from the project site. Because the proposed project would involve the development of a car dealership, it is likely that the customers would not use recreational facilities. The project would not require the expansion of existing facilities. Auto dealerships are not subject to the park development impact fee. Therefore, the proposed project would not increase the use of neighborhood-serving or communitywide parks and the project would result in no impact.

Mitigation Measures:
No mitigation required.

Cumulative Impacts
Less Than Significant Impact. Operation of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in a significant cumulative impact on parks and recreational facilities.

The geographic scope of potential cumulative impacts on public services includes the City of Morgan Hill. All cumulative projects identified in the vicinity have the potential to increase demand for parks and recreational facilities. Commercial or light industrial projects in the vicinity do not generally result in a significant population increase in the City and therefore would not be anticipated to significantly increase demand for these services. Projects that propose to construct new residential units would increase the demand for all public services, but in particular could require the construction of new facilities to meet an increased demand. Because the project proposes visitor-serving commercial uses there is a relatively small permanent population increase associated with the project, and the resulting increase in demand for public services would be incremental.

Therefore, the project's contribution to such impacts would be considered less than considerable. The cumulative impact would be less than significant.

Mitigation Measures:
No mitigation required.

XVI. TRANSPORTATION/TRAFFIC: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

Reference:

- Morgan Hill General Plan 2035 EIR

Environmental Setting

The Project site is located on the west side of Condit Road, and north east quadrant of the East Dunne Avenue/U.S. Highway 101 interchange. The land use context of the proposed car dealership site environs is a mix of other auto dealerships, agricultural land and undeveloped properties. The wider area includes the office, commercial, and residential areas to the east of U.S. Highway 101. The site is connected to U.S. Highway 101 via East Dunne Avenue which intersects Condit Road.

Roadway Facilities

U.S. Highway 101 is located west of and adjacent to the site and is a major north-south freeway that provides regional access. The freeway extends northward to San Jose and beyond and southward to Gilroy and beyond. Near East Dunne Avenue, U.S. Highway 101 provides four travel lanes in each direction, with auxiliary lanes in both the northbound and southbound directions. The posted speed limit is 65 mph.

East Dunne Avenue is an east-west arterial roadway comprised of two lanes in each direction with turn pockets on to Condit Road from either direction. The General Plan identifies East Dunne Avenue as a five

lane divided arterial street, with a speed limit of 40 miles per hour. East Dunne Avenue provides an access route from U.S. Highway 101 to the project site.

Condit Road is a north-south two-lane collector roadway that intersects East Dunne Avenue. two-lane frontage roadway to the east of U.S. Highway 101. It extends along the frontage of the project site, past the site to the north and south of its intersection with East Dunne Avenue. Condit Road serves as the primary access route to the project site.

Pedestrian Facilities
Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. In general, sidewalks are provided on both sides of the East Dunne Avenue and Condit Road. However, these facilities are not provided along the frontage of the project site. roadways.

Bicycle Facilities
Bicycle facilities are not located along the project sites' frontage, but the General Plan Figure TR-2 proposes bikeways along both sides of Condit Road. The closest bicycle facilities to the project consist of the bike lanes along East Dunne Avenue.

Existing Transit Service
Transit service in the vicinity of the project consists of Route 121 which has a bus stop at the Morgan Hill Caltrain Station, approximately two miles from the project site. The Monterey-Salinas Transit Bus Services provides service between Morgan Hill Caltrain Station and the Monterey Transit Plaza in Monterey. VTA also operates bus line 16 in the City of Morgan Hill. This route extends from the Madrone Mobile Estates, across Cochrane Road, Down Mission View Drive, then Elm Road, and Main Avenue before terminating at the Civic Center. The bus route intersects Condit Road at Main Street approximately one-half mile from the project site.

Impact Criteria
The City of Morgan Hill employs the Transportation Research Board, Highway capacity Manual level of service standards for signalized and un-signalized intersections. The Manual defines a series of significant impact thresholds for signalized intersections based on Level of Service (LOS) and a combination of increases in control delay and the demand to capacity (V/C) ratio, which are summarized in Table XVI-1: Signalized Intersection Significance Criteria.

Table XVI-1:
Signalized Intersection Significance Criteria

If the existing or Base Case (without project) LOS is:	**Then the existing control delay is:**[1]	**The project impact is considered significant if the increase in control delay associated with the project is:**	**And the demand to capacity ratio (V/C) increases by more than :**
A	10 seconds or less	10 seconds	0.02
B	10.1 to 20 seconds	10 seconds	0.02

If the existing or Base Case (without project) LOS is:	Then the existing control delay is:[1]	The project impact is considered significant if the increase in control delay associated with the project is:	And the demand to capacity ratio (V/C) increases by more than :
C	20.1 to 35 seconds	7.5 seconds	0.02
D	35.1 to 55 seconds	4 seconds	0.01
E	55.1 to 80 seconds	4 seconds (or 35 vehicle trips)[2]	0.01
F	Greater than 80	4 seconds (or 20 vehicle trips)[2]	0.01

Source: Transportation Research Board, Highway Capacity Manual 2000, (Washington, D.C., 2000).
Notes:
1. As defined in the Highway Capacity Manual 2000 (Transportation Research Board, 2000).
2. Signalized Intersections: If the addition of project traffic results in a reduction (rather than an increase) in intersection control delay, evaluation should then consider significant if 35 or more project vehicle trips are added to an intersection operating at LOS E, or 20 or more project vehicle trips are added to an intersection operating at LOS F.

Intersection Conditions
The City's General Plan Environmental Impact Report (EIR) identified intersection level of service for the intersection of Condit Road and East Dunne Avenue. East Dunne Avenue between U.S. Highway 101 and Condit Road experiences 28,250 daily trips and has a LOS of D.

The General Plan EIR identified the Dunne Avenue Freeway Zone from Walnut Grove Drive to Condit Road as having an acceptable LOS of E and the intersection of Condit Road and Dunne Avenue as having an AM LOS of D and PM LOS of C. The U.S. Highway 101 ramps north have an LOS of B in the A.M. and P.M., but the southbound U.S. Highway 101 ramp at East Dunne Avenue has an A.M. LOS of C and a P.M. LOS of B. Under the 2035 General Plan conditions, the levels of service at these intersections does not change.

Trip Generation for Project
The trip generation estimates for the proposed project were calculated using the standard reference Trip Generation, 9th Edition, published by the Institute of Transportation Engineers (ITE) and are summarized in Table XVI-2. The adopted PD allocated 32,525 square feet for the project site. The project proposes 36,662 square feet for a net increase of 4,137 square feet.

Table XVI-2:

Project Trip Generation

	New Car Sales	Square footage	*A.M. Peak*			*P.M. Peak*		
			In	*Out*	*Total*	*In*	*Out*	*Total*
Project	ITE 841	36,662 sf	53	18	70	38	58	96
SF Already Assumed in PD	ITE 841	32,525 sf	47	16	62	34	51	85
Net SF	ITE 841	4,137 sf	6	2	8	4	6	11
Total Net Trips					8			11

Environmental Impacts and Mitigation

Checklist Item a:

Less than Significant Impact. The City's General Plan anticipated development of the project site and analyzed the impacts in the EIR for a build-out condition. In addition, the adopted PD development plan allocated 32,525 square feet for the future automobile dealership. The project proposes 36,662 square feet for a net increase of 4,137 square feet. The trip generation of the net square footage is eight (8) peak hour trips in the AM and 11 peak hour trips in the PM.

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. In addition, a transportation impact analysis is required when a project generates 100 or more net new peak hour trips (consistent with the Valley Transportation Authority [VTA] policy). Further, the General Plan EIR identifies the intersection of East Dunne Avenue and Condit Road as operating at a LOS D in the A.M. peak hour and LOS C in the P.M. peak hour. The General Plan EIR designates an acceptable LOS of E at this intersection. Therefore, because the project would add less than 50 to 99 net new peak hour trips to the roadway where nearby intersection operate at an LOS of D or worse, and the project generates less than 100 new peak hour trips, a transportation impact analysis is not required.

The project would be consistent with development anticipated in the area and would therefore be consistent with the General Plan. Further, because the project is consistent with the General Plan, the projected traffic generated from the project was analyzed in the General Plan EIR and it was determined that the traffic added from the project would not conflict with measures of effectiveness for the performance of the circulation system. Therefore, impacts due to a conflict with an established Level of Service standard would be less than significant.

Checklist Item b:

Less than Significant Impact. The project is not anticipated to conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. Projects that generate fewer than 100 new peak hour trips are exempt from Santa Clara County Congestion Management Program (CMP) requirements. Therefore, impacts due to a conflict with CMP requirements would be less than significant.

Checklist Item c:
No Impact. The proposed project would not require any changes to existing regional air traffic activity and although the project area is located approximately 3.77 miles from the South County Airport, the site is outside the AIA according to the South County Airport comprehensive plan. Therefore, no impact would occur.

Checklist Item d:
Less than Significant Impact. The proposed project would not include any design features that would substantially increase traffic hazards (e.g., no new sharp curves or dangerous intersections), and would not include any incompatible uses, as discussed in Section X, Land Use and Land Use Planning. The proposed project driveway is located at the northern end of the project site. The proposed driveway is approximately 40-feet wide which is considered acceptable to accommodate two-way inbound and outbound traffic.

The driveway connection is shown as a tangent with Condit Road. The visibility is clear to the north and south of the driveway. A sight triangle analysis was conducted based on Caltrans sight distance criteria. Sight distance criteria were met at the intersection. Therefore there would be a less than significant impact.

Checklist Item e:
Less than Significant Impact. The street network serving the project area currently accommodates the movements of emergency vehicles that travel to the project site. In the event of an emergency under project conditions, vehicles would access the project site via an existing private driveway as described in item "d". Because the project complies with the Fire Department requirements, the proposed project's impact to emergency vehicle access would be less than significant.

Checklist Item f
Less than Significant Impact. Near the project site, Route 16 operates along East Main Avenue and Monterey Road. Route 16 provides a transit stop along East Main Avenue, approximately 0.70 miles north of the project site. The project includes the construction of curb, gutter, and sidewalk along the frontage of Condit Road. Therefore, the project would help to establish connectivity to the existing sidewalk system south of the project site, which can be utilized by future project residents. Additionally, major roadways in the site vicinity include bicycle lanes.

For example, East Dunne Avenue has Class II bicycle lanes added, including striping for bicycles.

Given the existing and proposed alternative transportation facilities at the project site and in the surrounding vicinity, impacts related to alternative transportation would be less than significant.

Mitigation Measures:
None required.

Cumulative Impacts
Construction Activities.
Less Than Significant Impacts.
Project construction would last about a year, generally occurring 7:00 a.m. and 8:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. No construction activity is allowed on Sundays or Holidays.

Staging would occur on site. As standard procedure, the building permit process, any temporary sidewalk, parking, or traffic lane closures would be coordinated with the City of Morgan Hill in order to minimize the impacts on traffic. The impact of construction truck traffic would be a temporary lessening of the capacities of local streets due to the size, slower acceleration, and larger turning radii of trucks, which may temporarily affect traffic operations and increase traffic, pedestrian, and bicycle conflicts near the project site. Truck traffic to and from the site would be routed along major arterials and freight routes. Overall, because construction activities would be temporary and limited in duration and activities are required to be conducted in accordance with City requirements, and coordinating with other construction projects in the vicinity, construction-related transportation impacts of the proposed project would be less than significant.

Operation.
Less Than Significant Impact. The project would result in less than significant cumulative impacts to intersection level of service, as discussed previously.

Mitigation Measures:
None required.

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

Environmental Setting

The study area for the analysis of utilities and service systems encompasses the City of Morgan Hill. Utilities and service systems include wastewater conveyance and treatment systems, potable water conveyance and treatment facilities, storm water drainage systems, water supply systems, and solid waste landfills.

Environmental Impacts and Mitigation

Checklist Items a, b, d and e:

Less than Significant Impact.

Wastewater

The City of Morgan Hill sewer collection system consists of approximately 135 miles of 6- to 30-inch diameter sewers, and includes 15 sewage lift stations and associated force mains. The "backbone" of the system consists of the trunk sewers, generally 12 inches in diameter and larger, that convey the collected wastewater flows through an outfall that continues south to the Wastewater Treatment Facility (WWTF) in Gilroy. The City's existing sewer collection system meets the needs of existing customers. The City has planned and constructed sewer facilities in conjunction with new street construction in anticipation of future growth and sewage needs.

The WWTF is owned and operated by South County Regional Wastewater Authority (SCRWA) (City of Morgan Hill and City of Gilroy). The treatment plant has capacity to treat an average dry weather flow (ADWF) of 8.5 million gallons per day (mgd) and is currently permitted by the RWQCB, Central Coast Region to treat up to 8.5 mgd. Both the cities of Gilroy and Morgan Hill have growth control systems in place that limit unexpected increases in sewage generation. The ADWF for combined flows from Morgan Hill and Gilroy were approximately 6.8 mgd in 2010. Based on combined population projections for both cities, the current capacity of 8.5 mgd will be reached in approximately 2019, with expansion needed in 2020.[11]

An existing sewer line is located in Condit Road, along the frontage of the project site. The project improvements include the installation of a new sewer line located in the new drive aisles toward the southern end of the site that would connect to the existing sewer line in Condit Road to serve the proposed project.

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 17 groundwater wells, 13 potable water storage tanks, 10 booster stations, and over 160 miles of pressured pipes ranging from two to 14 inches in diameter and storage reservoirs. 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.

An existing water line exists in Condit Road, which borders the frontage of the project site to the east. The project improvements include new water main connections to this existing water line.

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 2030. For example, during a normal year in 2015, the anticipated supply exceeds the anticipated demand by 6,923 acre-feet per year. Similarly, by 2020 the anticipated supply exceeds the anticipated demand by 7,155 acre-feet. Furthermore, during a normal dry year in 2030, the anticipated supply exceeds the anticipated demand by 6,309 acre-feet per year.

The proposed project would result in an increase in demand for water supply because it would develop a commercial auto dealership on an undeveloped property that does not use water. However, based on information in the City's Urban Water Management Plan, the City has adequate water supply to serve the proposed project. The City anticipated this growth in commercial and industrial water deliveries but plans to maintain the same ratio of water deliveries to these properties. By 2015, the City projected that water deliveries to commercial, industrial, and government/institutional facilities will be 897 acre feet while the total water use in the City will be 9,023 acre feet, which represents approximately 10-percent of the total use in the City. The City projects a similar percentage of water use for commercial, industrial and government/institutional facilities for the year 2020. Based on the surplus availability of water, during normal, single-dry and multiple-dry years, the City has the water capacity to supply the project. 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.

[11] South County Regional Wastewater Authority. *Biennial Budget Transmittal – FY 14 & FY 15*. April 3, 2013.

Conclusion
Based on the above, the project would have less than significant impacts to water and wastewater facilities.

Checklist Item c:
Less than Significant Impact.
The proposed project includes a conceptual storm water drainage system comprised of an onsite retention basin. This system would enable the project to keep post-development peak storm water runoff discharge rates below pre-development levels, as required by City code.

Section 18.140.040 (D) of the City's Post Construction Storm water Pollution Prevention Ordinance requires the project's storm drain system to be designed to ensure that post development peak storm water runoff discharge rates shall not exceed the estimated predevelopment rate. Per Section 18.140.040, a storm water runoff management plan (SWMP) would be prepared for the project to detail how runoff and associated water quality impacts resulting from the project would be controlled by the project's post-construction BMP designs.

The final drainage system design for the proposed project will be subject to review and approval by the City of Morgan Hill Public Works Department, 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 project would have a less than significant impact with respect to creating or contributing runoff water which would exceed the capacity of existing or planned storm water drainage systems.

Checklist Items f and g:
Less than Significant Impact.
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 through 2017 with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. Johnson Canyon Sanitary Landfill has substantial remaining capacity[12] and the minor contribution of solid waste resulting from the proposed project could be easily accommodated within the remaining landfill capacity. Therefore, the project would have a less than significant impact to solid waste facilities.

Mitigation Measures:
No mitigation required.

Cumulative Impacts
Less Than Significant Impact. Operation of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in a significant cumulative impact on utility systems and services.

The geographic scope of potential cumulative impacts on utilities and service systems includes the City of Morgan Hill. All cumulative projects identified in the vicinity have the potential to increase demand on utility systems and services. Future projects could combine to create a demand for water, stormwater, sewer, and solid waste services that cannot be met under the City's existing systems and service contracts.

[12] See CalRecycle at http://www.calrecycle.ca.gov/FacIT/Facility/Operations.aspx?FacilityID=18565; accessed November 30, 2017.

As with the proposed project, other future projects' would be required to verify that they could be served by existing utility systems, or else pay fees to contribute to any necessary upgrades. As discussed above, the project would result in an incremental increase in demand for utility services, and the City would be able to serve the project. Therefore, the project's contribution to such impacts would be considered incremental and less than considerable. The cumulative impact would be less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?	☐	☒	☐	☐

As discussed in the previous sections, the project is anticipated to have only less-than-significant impacts in the areas discussed with the implementation of identified mitigation measures. Significant impacts to Air Quality, Biology resources, Hazards and Hazardous Materials, Hydrology and Noise would be mitigated through implementation of mitigation measures described above, summarized in this section, and presented in full in the next Section.

Environmental Impacts and Mitigation

Checklist Item a:

Less than Significant Impact with Mitigation Incorporated. Construction activities have the potential to result in significant impacts to fugitive dust, criteria air pollutants, breeding birds, below-ground archeological resources, and human remains. Any adverse effect to CEQA-significant resources resulting from construction would be reduced to a less-than-significant level by implementation of ***Mitigation Measures AQ-1, BIO-1, BIO-2, HAZ-1, HYD-1 and NOI-1*.**

Checklist Item b:

Less than Significant with Mitigation Incorporated. For all topics that are analyzed in this Initial Study, the proposed project would not have cumulatively considerable impacts, as discussed under each applicable environmental topic. ***Mitigation Measures BIO-1 and BIO-2*** would apply.

Checklist Item c:

Less than Significant with Mitigation Incorporated. Regarding adverse effects on human beings, during construction of the proposed project, activities have the potential to result the exposure to construction workers of removal of hazards and hazardous materials. These adverse effects would be reduced to a less-than-significant level by implementation of ***Mitigation Measures AQ-1, HAZ-1, HYD-1 and NOI-1.***

SUMMARY OF MITIGATION MEASURES

Air Quality

Mitigation Measure AQ-1: Include basic measures to control dust and exhaust during construction.

During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 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.
- 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.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone 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.

Biological Resources

Mitigation Measure BIO-1: Nesting Raptors or Other Migratory Birds.

- Construction related activities should take place during the non-breeding season (September 1-January 31) to the greatest extent feasible.
- A preconstruction nesting bird survey shall be completed by a qualified biologist prior to demolition or any construction activity that occurs during the breeding season (February 1 through August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 15 days before initiation of construction activities. Surveys shall

include the project site, staging area, and 500 feet surrounding the project site. If nests are observed, the biologist in consultation with California Department of Fish and Wildlife (CDFW), will determine an adequate buffer zone and other minimization measures to ensure that nest will not be disturbed during project construction.

Mitigation Measure BIO-2: Burrowing Owls (Prior to Construction)

A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the Community Development Department. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).

Mitigation Measure BIO-3: Burrowing Owls (During Construction)

Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.

Mitigation Measure BIO-4: Burrowing Owls (During Construction)

If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of the 250-foot buffer shall be allowed. Construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active.

Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the Santa Clara Valley Habitat Plan (SCVHP) is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat Agency along with a passive relocation plan in accordance with Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.

Hazards and Hazardous Materials

Mitigation Measure HAZ-1: Construction workers on-site could be exposed to residual migrating contaminants in the soil and groundwater during grading and construction on the site. Excavation at the site could expose the public or the environment to hazardous materials.

MM HAZ-1a: Conduct specific testing of soil prior to issuance of grading permit and if residual contaminants are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC). Copies of the environmental investigations shall be submitted to the City of Morgan Hill Planning Division.

The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include:

Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.

- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SMP would be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP would detail procedures and protocols for management of soil containing environmental contaminants during site development activities.

All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

A No Further Action letter (or equivalent assurance) from SCCDEH or DTSC documenting completion of cleanup activities shall be provided to the City of Morgan Hill Planning Department prior to issuance of grading permit.

MM HAZ-1b: Prior to issuance of a grading permit, a groundwater management and dewatering plan shall be developed to protect construction workers if groundwater is encountered, and to meet the permit requirements if groundwater is determined to require treatment prior to discharge to the sewer system. The SCCDEH would be informed of any groundwater contaminants and oversee the groundwater management plan.

MM HAZ-1c: A copy of the Site Management Plan and any associated environmental investigations shall be provided to the City of Morgan Hill Planning Division.

MM HAZ-1d: Prior to issuance of a grading permit, the project proponent would implement Mitigation Measures HAZ-1a-c and would be required to provide a monitoring plan to the satisfaction of the City of Morgan Hill Planning Division.

Hydrology

Mitigation Measure HYD-1: In order to be consistent with the City's requirements for storm runoff control, the proposed project design would need to include the development of a storm water detention basin or other drainage control structures on the subject property. The storm drainage facilities proposed for the project would need to be consistent with provisions the City's Storm Drainage System Master Plan and the stormwater-related conditions of project approval. The incorporation of the Stormwater Conditions for construction activities, post-construction operation of the project, and Low Impact Development (LID) would reduce the potentially significant impacts of the project on stormwater quality to less than significant levels.

Noise

Mitigation Measure NOI-1: Construction Best Management Practices

- All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors (adjacent hotels).
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

REFERENCES

Morgan Hill Chrysler Dodge Jeep Ram Plans. June, 2018

Bruin Geotechnical Services. Geotechnical Investigation Report for Proposed Full Service CDJR Facility. March 2017

Bureau Veritas. Phase I Environmental Site Assessment for Southern Portion of APNs 728-17-029 and 728-17-030. January 2017

Bureau Veritas. Limited Subsurface Investigation for Southern Portion of APNs 728-17-029 and 728-17-030. January 2017

California Department of Transportation (Caltrans). 2004. *Transportation- and Construction-Induced Vibration Guidance Manual, Prepared by Jones and Stokes*.

California Department of Toxic Substance Control (DTSC). *Envirostor Database.* Website: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=morgan+hill . Accessed: January 2018.

California Water Resources Control Board (CWRCB). 2018. *GeoTracker Database*. Website: http://geotracker.waterboards.ca.gov/. Accessed: January 2018.

C.3 and C.6 Development Review Checklist for the project. June 2015.

City of Morgan Hill. Archaeological Sensitivity Map. April 2000

City of Morgan Hill Auto Park PD Guidelines. March 25, 2009

City of Morgan Hill General Plan 2035 EIR. July 27, 2016

City of Morgan Hill. Fire Department.

City of Morgan Hill Municipal Code

City of Morgan Hill. Police Department.

City of Morgan Hill Zoning Ordinance

Federal Emergency Management Agency (FEMA) 2018. *The Digital Flood Insurance Rate Map (DFIRM) for Santa Clara County, California*. https://msc.fema.gov. Accessed January 2018.

Illingworth & Rodkin, Inc. Towbin Dealerhsip Project Community Risk Assessment, Air Quality, November 27, 2017

Morgan Hill 15' Quadrangle 1955. USGS https://prd-tnm.s3.amazonaws.com/StagedProducts/Maps/HistoricalTopo/2/13258/4771868.pdf

Santa Clara Valley Habitat Agency. Santa Clara Valley Habitat Plan. August 2012.