

City of Morgan Hill  
Development Services Department



**Monterey Gateway Project**  
**Initial Study/Mitigated Negative Declaration**

**February 2020**

**Prepared by**



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**INITIAL STUDY**

**February 2020**

**A. BACKGROUND**

1. Project Title: Monterey Gateway Project
2. Lead Agency Name and Address: City of Morgan Hill  
Development Services Department  
Morgan Hill, CA  
17575 Peak Avenue  
Morgan Hill, CA 95037
3. Contact Person and Phone Number: Tiffany Brown  
Associate Planner  
(408) 310-4655
4. Project Location: 18110 Monterey Road  
Morgan Hill, CA 95037  
APN 726-25-006
5. Project Sponsor's Name and Address: Samantha Hauser  
City Ventures, LLC  
444 Spear Street, Suite 200  
San Francisco, CA 94105  
(646) 522-4260
6. Existing General Plan Designation: Mixed Use Flex
7. Existing Zoning Designation: Mixed Use Flex (MU-F) (7 to 24 du/ac)
8. Combining District: Block Level Master Plan, Block 4
9. Required Approvals from Other Public Agencies: None
10. Surrounding Land Uses and Setting:

The project site consists of a 5.67-acre triangular-shaped parcel located at 18110 Monterey Road in the City of Morgan Hill, California. The site is identified by Assessor's Parcel Number (APN) 726-25-006. The City's General Plan land use and zoning designation for the site is Mixed Use Flex (MU-F). Currently, the eastern portion of the project site is developed with a mobile home, which is accessed by a paved driveway connecting to Monterey Road. The remainder of the site consists primarily of ruderal grasses that are regularly mowed. Scattered trees are located along the length of the western and eastern site boundaries.

The project site is bounded by Monterey Road to the west and the Union Pacific Railroad (UPRR) tracks to the east. Surrounding uses include a residential subdivision (single-

family detached and townhomes) located west of the site, and additional residential land uses to the south. The area to the east of the site, across the UPRR tracks, is vacant and undeveloped.

11. Project Description Summary:

The proposed project would include a Vesting Tentative Map to subdivide the project site into two parcels and a Design Review Permit to develop 101 multi-family units, a commercial/retail building, and associated improvements. Of the 101 residential units, 15 would be below market rate units and four would be live/work units. The existing mobile home would be demolished. The project would be developed consistent with the General Plan land use and zoning designations.

## **B. SOURCES**

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

1. Alameda County Superior Court. *California Building Industry Association v. Bay Area Air Quality Management District. A135335 and A136212*. Filed August 12, 2016.
2. Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. Available at: [http://www.mhcert.com/prepare/dam\\_failure.shtml](http://www.mhcert.com/prepare/dam_failure.shtml). Accessed October 2019.
3. Association of Bay Area Governments. *Resilience Program*. Available at: <http://gis.abag.ca.gov/website/Hazards/?hlyr=liqSusceptibility>. Accessed October 2019.
4. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1]. May 2017.
5. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. January 20, 2017.
6. California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed October 2019.
7. California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Available at: <https://www2.calrecycle.ca.gov/swfacilities/Directory/27-AA-0005>. Accessed December 2019.
8. California Energy Commission. *Title 24 2019 Building Energy Efficiency Standards FAQ*. November 2018.
9. California Historical Resources Information System. *Record search results for the Monterey Gateway Project located at 18110 Monterey Road, Morgan Hill, Santa Clara County, California*. March 28, 2019.
10. California Historical Resources Information System. *Record search results for the proposed Monterey Gateway Project located at 18110 Monterey Road, Morgan Hill, Santa Clara County, California*. November 13, 2019.

11. City of Morgan Hill Public Works Department. *Schedule of Development Impact Fees*. January 15, 2020.
12. City of Morgan Hill. *2015 Urban Water Management Plan*. 2016.
13. City of Morgan Hill. *2035 General Plan, City of Morgan Hill*. Adopted July 2016.
14. City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. February 6, 2019.
15. City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.
16. City of Morgan Hill. *Emergency Operations Plan*. January 11, 2018.
17. City of Morgan Hill. *Housing Element*. Adopted February 18, 2015.
18. City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report*. Adopted July 2016.
19. Department of Conservation. *State of California, Special Studies Zones, Mt. Madonna Quadrangle, Revised Official Map*. Effective January 1, 1976.
20. Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette*. Accessed October 2019.
21. Hexagon Transportation Consultants, Inc. *Monterey Gateway Traffic Impact Analysis (TIA)*. November 27, 2019.
22. Horticultural Associates. *Tree Preservation and Mitigation Report, Morgan Hill 7 Subdivision, 18110 Monterey Street, Morgan Hill, CA*. September 26, 2019.
23. Johnson Marigot Consulting, LLC. *Preliminary Biological Assessment, 18110 Monterey Road, Morgan Hill, California*. December 12, 2019.
24. Native American Heritage Commission. *Monterey Gateway Project, Santa Clara County*. November 5, 2019.
25. Natural Resources Conservation Service. *Web Soil Survey*. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed October 2019.
26. Quantum Geotechnical, Inc. *Geotechnical Investigation on Proposed Residential Development at 18110 Monterey Road, Morgan Hill, California*. August 6, 2019.
27. Salinas Valley Solid Waste Authority. *2016-17 Annual Report*. 2018.
28. Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport*. Amended November 16, 2016.
29. Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan*. October 2015.

30. Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2016.
31. Santa Clara Valley Water District. *C1: Anderson Dam Seismic Retrofit\**. Available at: <https://www.valleywater.org/anderson-dam-project>. Updated November 2018.
32. Stantec Consulting Services, Inc. *Phase I and II Environmental Site Assessment, Morgan Hill, 18110 Monterey Drive, Morgan Hill, California*. September 11, 2017.
33. Veneklasen Associates. *Morgan Hill, California, Exterior Noise and Façade Acoustical Analysis, VA Project No. 4616-015*. November 26, 2019.
34. Veneklasen Associates. *Exterior Noise Analysis – Barrier Wall from Building 10 through Building 14*. January 30, 2020.

### **C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Less Than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

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

**D. DETERMINATION**

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On the basis of this initial study:

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

\_\_\_\_\_  
Signature

Jennifer Carman, Development Services Director  
Printed Name

\_\_\_\_\_  
Date

City of Morgan Hill  
For

## **E. BACKGROUND AND INTRODUCTION**

The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the project, as required by CEQA. The mitigation measures would be incorporated into the project through project Conditions of Approval. The City would adopt findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with approval of the project.

In July 2016, the City of Morgan Hill adopted the 2035 General Plan,<sup>1</sup> as well as an associated Environmental Impact Report (EIR) for the updated General Plan.<sup>2</sup> The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan. The City of Morgan Hill 2035 General Plan designates the site as Mixed Use Flex (MU-F) (7 to 24 du/ac) with Block Level Master Plan, which permits residential, commercial, and office uses with a maximum floor area ratio (FAR) of 0.5. The proposed project would include multi-family residential uses at a density of 17.82 dwelling units per acre (du/ac), as well as approximately 2,500 square feet of commercial/retail uses and 1,044 square feet of live/work space. Thus, the proposed project would be consistent with the General Plan.

Pursuant to Section 15152 of the CEQA Guidelines, a project which is consistent with the General Plan and zoning of the City may tier from the analysis contained in the General Plan EIR, incorporating by reference the general discussions from the broader EIR. Given that the proposed project would be consistent with the site's current General Plan land use designation of MU-F, the environmental analysis contained in this IS/MND tiers, where applicable, from the General Plan EIR in accordance with CEQA Guidelines Section 15152.

On February 20, 2019, the City adopted Ordinance No. 2298, establishing a Planned Development (PD) Combining District to establish a Block-Level Master Plan (BLMP) for Monterey Road Corridor Block Four, which included the subject site. The rezone establishing the BLMP PD relied upon an Addendum to the EIR (prepared April 4, 2018) for the City of Morgan Hill's Morgan Hill 2035 Project (certified July 27, 2016) for the City of Morgan Hill Zoning Code Update. Pursuant to Section 15183 of the CEQA Guidelines, the City determined that additional environmental review was not necessary for the establishment of the BLMP PD. This document evaluates the project specific impacts that the project may have on the environment.

## **F. PROJECT DESCRIPTION**

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

### **Project Location and Setting**

The project site consists of a 5.67-acre triangular-shaped parcel located at 18110 Monterey Road in the City of Morgan Hill, California (see Figure 1 and Figure 2). The site is identified by Assessor's Parcel Number (APN) 726-25-006. The City's General Plan land use and zoning designation for the site is Mixed Use Flex (MU-F) within Block 4 of a Block Level Master Plan PD Combining District.

<sup>1</sup> City of Morgan Hill. *2035 General Plan, City of Morgan Hill*. Adopted July 2016.

<sup>2</sup> City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report*. Adopted July 2016.



**Figure 2**  
**Project Vicinity Map**



Currently, the eastern portion of the project site is developed with a mobile home, which is accessed by a paved driveway connecting to Monterey Road. The remainder of the site consists primarily of ruderal grasses that are regularly mowed. Scattered trees are located along the length of the western and eastern site boundaries. The topography of the site is relatively flat, with an elevation of approximately 357 feet above mean sea level (msl).

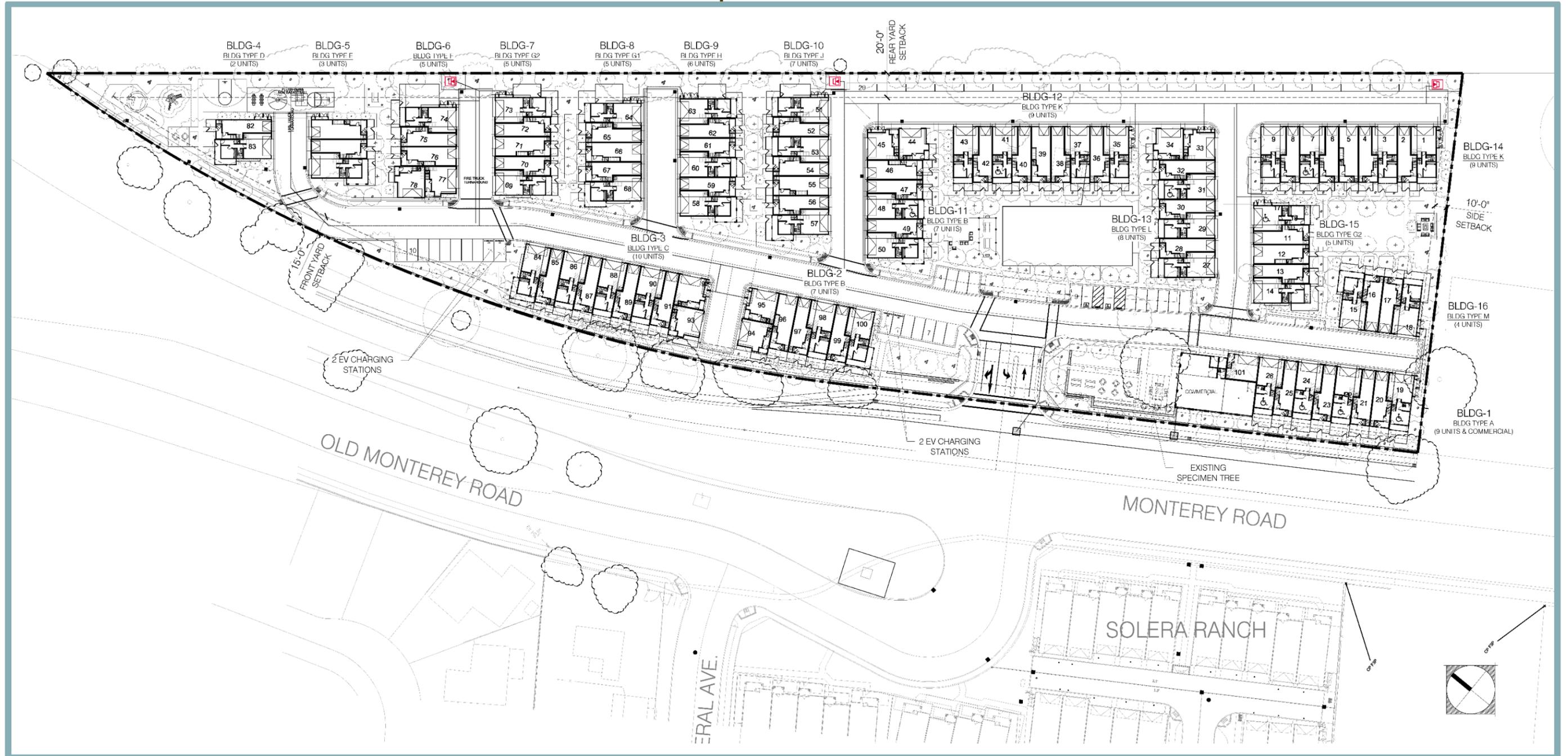
The project site is generally bounded by Monterey Road to the west and UPRR tracks to the east. A rail overcrossing is located at Monterey Road to the northwest of the project site, with Monterey Road sloping downward at the approach to the crossing. A sloped embankment separates Monterey Road from the northern portion of the project site. It should be noted that the project site does not include the vegetated embankment along the east side of Monterey Road. Surrounding uses include a single-family residential subdivision to the west and a single-family residence to the south. The area to the east of the site, across the UPRR tracks, is vacant and undeveloped. It should be noted, however, that this property has received planning-level entitlements from the City for a project known as the Butterfield-Keenan General Plan Amendment Project, allowing development of the area with up to 409 multi-family, duplex, or single-family residential units. The project is currently going through the City’s design review process.

**Project Components**

The proposed project would include a Vesting Tentative Map to subdivide the project site into two parcels and a Design Review Permit to develop 101 multi-family units (including 15 below market rate (BMR) units and four live/work units), a commercial/retail building, and associated improvements (see Figure 3 and Figure 4). The live/work units would include 261 square feet of functioning small-scale office space, with typical uses including, but not limited to, home offices, insurance sales and real estate brokerages. The residential units would include 1,190 to 2,310 square feet of living space, private decks/porches, and between 476 to 605 square feet of garage space. The 101 units would be distributed between 16 separate buildings, with individual entries provided for each unit. The existing mobile home would be demolished. Table 1 below provides a summary of the proposed unit mix.

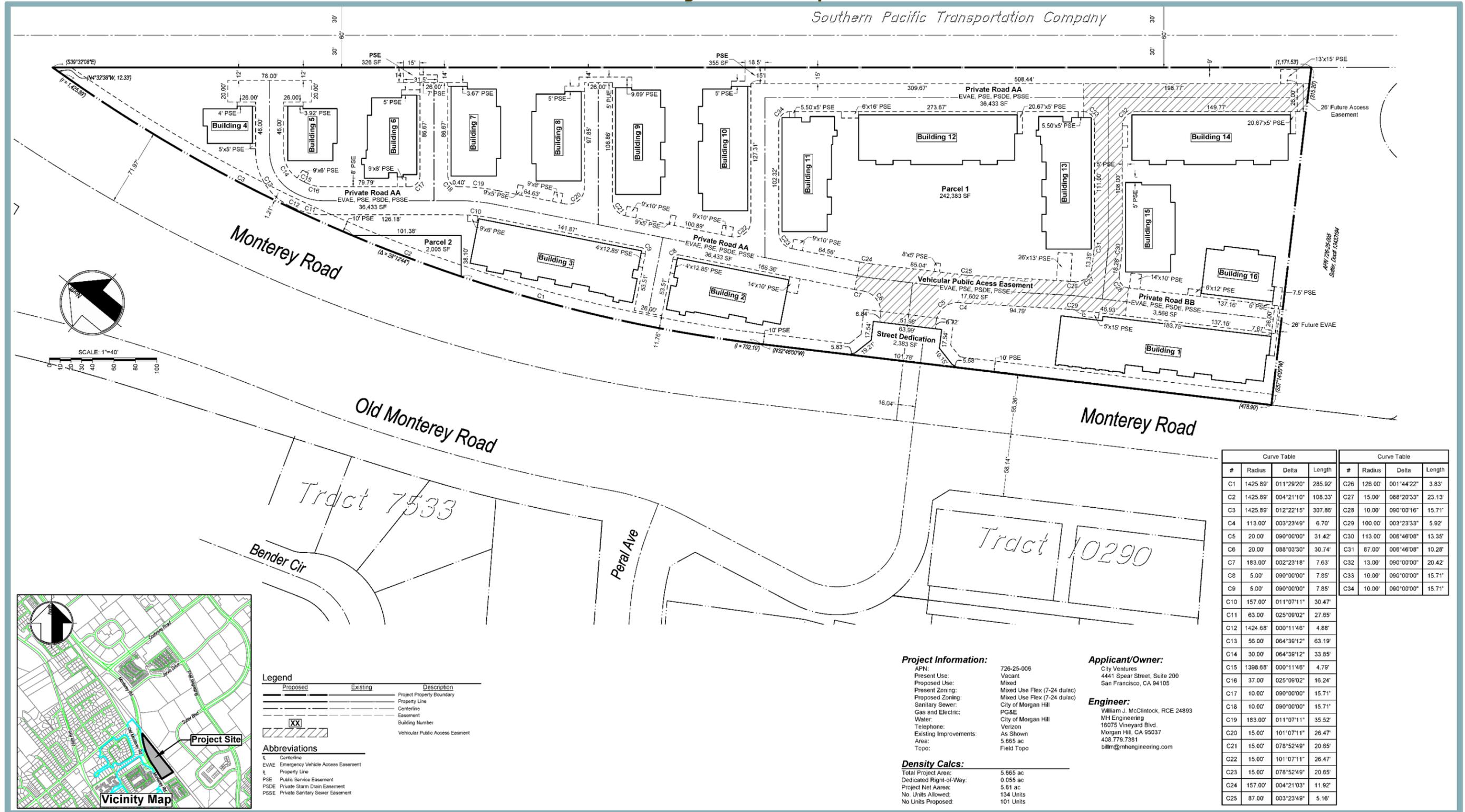
<b>Table 1 Proposed Unit Mix</b>		
<b>Number of Bedrooms/Baths</b>	<b>Living Space (square feet)</b>	<b>Total Number of Units</b>
2/2.5	1190	10
3/3	1489	10
3/3	1421	40
3/3.5*	1671	13
3/3.5*	1746	14
3/3.5*	1746	9
3/3.5 (live/work)*	1671	4
3/2.5*	2310	1
<b>Total:</b>		<b>101</b>
Notes:		
<ul style="list-style-type: none"> <li>• (*) Unit type includes optional four-bedroom/four-bathroom layout.</li> <li>• Nine of the proposed units would be American Disabilities Act (ADA)-compliant.</li> </ul>		

**Figure 3**  
**Proposed Site Plan**



**Figure 4**  
**Vesting Tentative Map**

*Southern Pacific Transportation Company*



The City adopted a Monterey Corridor Block-Level Master Plan Planned Development (BLMP PD) for the Monterey Road Corridor Block Four (Ordinance No. 2298) consistent with Policy CNF-13.4 of the Morgan Hill 2035 General Plan. The project site is located within Block Four and, thus, is covered by the BLMP PD. The BLMP PD includes the land use regulations for the Block. The project has been designed consistent with the BLMP PD.

Within the southwestern portion of the site fronting Monterey Road, the proposed project would include a 2,423 square foot commercial/retail building with 495 square feet of outdoor patio area. A tenant has not been identified for the commercial/retail building. For the purposes of this analysis, the building is assumed to include any of the uses allowable within the MU-F zoning designation, as defined in Section 18.22.020 of the City's Municipal Code. The proposed buildings would be limited to a maximum height of 45 feet, with a minimum of 10 feet devoted to roof elements.

Pursuant to Section 18.74.050 of the City's Municipal Code, landscaping would be provided throughout the site in accordance with the City's Standard Details for Construction. In addition, the project would include multiple common space areas throughout the site. Amenities to be included within the common space areas would include, but not be limited to, a putting green, shaded patio spaces, a basketball area, a sport court, BBQ areas, a bocce ball court, and a tot lot/kids play area. The locations of the proposed outdoor common area amenities are shown in Figure 5.

The proposed residential units would be organized around an internal circulation system consisting of private drive aisles. Hammerhead turnarounds would be provided at key locations within the site, consistent with Morgan Hill Fire Department requirements. Primary access to the internal circulation system would be provided by a new full-access driveway at Monterey Road, directly opposite the existing signalized intersection of Monterey Road and Old Monterey Road. Approximately 2,383 square feet (0.055-acre) at the project entrance would be dedicated to the City as right-of-way, resulting in a net project site acreage of 5.61-acres. The new east approach to the Monterey Road/Old Monterey Road intersection would include a separate left-turn lane and a shared through and right-turn lane.

At the southern site boundary, the project would include a 26-foot-wide future access easement and a 26-foot-wide future emergency vehicle access (EVA) easement. The two easements would allow for potential future connections to the property to the south of the project site. Pedestrian sidewalks would be provided throughout the internal streets. In addition, a new separated sidewalk would be provided along the southern portion of the Monterey Road frontage, connecting to the existing pedestrian sidewalk to the north of the Old Monterey Road/Monterey Road intersection. The existing bike lane along the Monterey Road frontage would be retained.

On-site parking would be provided by private garages within each individual residential unit. Each garage would include two spaces, for a total of 202 garage spaces. In addition, the proposed project would include a total of 52 guest/retail parking spaces arranged perpendicularly to the primary on-site drive aisle. Two of the 52 guest/retail parking spaces would be ADA-compliant and four of the spaces would include electric vehicle (EV) charging stations. Section 18.72.030.C (Guest Parking) of the Morgan Hill Municipal Code requires guest parking for new residential projects. The applicant is requesting a density bonus consistent with Government Code Section 65915 as modified by AB 1763, where it states the City cannot require more than two parking stalls for 2- to 3-bedroom units and 2.5 parking stalls for four or more bedroom units. The project would comply with the parking requirements, with the allowed density bonus concession.

Water and sewer service for the proposed development would be provided by the City through new connections to an existing eight-inch water line in Monterey Road and an existing sewer manhole in Peral Avenue to the west of the site (see Figure 6 and Figure 7). Stormwater would be collected by a series of drain inlets along the internal circulation system and transported, by way of underground storm drains, to an underground pipe manifold storage system located near the center of the site. The pipe manifold storage system would treat and detain all on-site runoff prior to discharging to the City's existing stormwater drain located in Monterey Road.

### **Off-Site Improvements**

To facilitate access to the project site, the proposed project would include addition of a separate southbound left-turn lane designed to accommodate a 75-foot-long queue at the Monterey Road/Old Monterey Road intersection, consistent with the recommendations of the Traffic Impact Analysis prepared for the project. In addition, the project would include restriping of the middle exclusive eastbound left-turn lane to a shared through and left-turn lane. Such improvements would occur within the existing paved right-of-way.

### **Requested/Required Entitlements**

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

- Adoption of the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program;
- Approval of a Vesting Tentative Map (VTM) for APN 726-25-006; and
- Design Review Permit.

## **G. ENVIRONMENTAL CHECKLIST**

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

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

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

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

**No Impact:** The project would not have any impact.

**Figure 5**  
**Landscaping/Outdoor Amenities Plan**



**PLANTING LEGEND**

Trees			
Botanical Name	Common Name	Size	Spacing
Acer palmatum	Japanese Maple	24" Box	Per Plan
Arbutus 'Marina'	Strawberry Tree	24" Box	Per Plan
Cedrus deodora	Deodor Cedar	24" Box	Per Plan
Cercis occidentalis	Western Redbud	24" Box	Per Plan
Cornus florida	Eastern Dogwood	24" Box	Per Plan
Ginkgo biloba	Ginkgo Tree	24" Box	Per Plan
Lagerstroemia indica	Crape Myrtle	24" Box	Per Plan
Laurus nonilis	Sweet Bay	24" Box	Per Plan
Lophostemon confertus	Brisbane Box	24" Box	Per Plan
Magnolia grandiflora	Southern Magnolia	24" Box	Per Plan
Melaleuca quinquenervia	Melaleuca	24" Box	Per Plan
Pistacia chinensis	Chinese pistache	24" Box	Per Plan
Platanus racemosa	Sycamore	24" Box	Per Plan
Podocarpus gracilior	Fern Pine	24" Box	Per Plan
Quercus agrifolia	Coast Live Oak	24" Box	Per Plan
Quercus lobata	Valley Oak	24" Box	Per Plan
Quercus virginiana	Southern Live Oak	24" Box	Per Plan
Tilia cordata	Little Leaf Linden	24" Box	Per Plan
Ulmus parvifolia	Chinese Elm	24" Box	Per Plan
Zelkova serrata	Zelkova	24" Box	Per Plan
Existing trees			

Shrubs			
Botanical Name	Common Name	Size	Spacing
Acca sellowiana	Pineapple Guava	5 gallon	48" o.c.
Arbutus unedo	Strawberry Tree	5 gallon	48" o.c.
Buxus japonica	Japanese Boxwood	5 gallon	24" o.c.
Carissa sp.	Natal Plum	1 gallon	18" o.c.
Chondropetalum tectorum	Cape Rush	5 gallon	30" o.c.
Dianella revoluta	Flax Lily	5 gallon	24" o.c.
Diets bicolor	Fortnight Lily	5 gallon	30" o.c.
Escallonia e. 'fradesii'	Escallonia	5 gallon	36" o.c.
Heuchera 'Electric Lime,	Coral Bells	1 gallon	18" o.c.
Kniphofia uvaria	Red Hot Poker	5 gallon	24" o.c.
Lavandula x intermedia 'Alba'	White Lavender	5 gallon	24" o.c.
Ligustrum j. 'Texanum'	Japanese Privet	5 gallon	36" o.c.
Liriope spicata	Lily Turf	5 gallon	18" o.c.
Lonicera japonica	Japanese Honeysuckle	1 gallon	18" o.c.
Loropetalum chinense	Loropetalum	5 gallon	30" o.c.
Phormium sp.	Flax	5 gallon	36" o.c.
Pittosporum tenuifolium 'Silver Sheen'	Silve Sheen Pittosporum	5 gallon	30" o.c.
Pittosporum tobira	Mock Orange	5 gallon	36" o.c.
Rhaphiolepis 'Majestic Beauty'	Indian Hawthorn	5 gallon	36" o.c.
Rhaphiolepis umbellata	Indian Hawthorn	5 gallon	24" o.c.
Rhaphiolepis i. 'Clara'	Indian Hawthorn	5 gallon	24" o.c.
Rosa 'Iceberg'	Iceberg Rose	5 gallon	36" o.c.
Rosmarinus o. 'Huntington Carpet'	Rosemary	1 gallon	18" o.c.

Shrubs			
Botanical Name	Common Name	Size	Spacing
Rosmarinus o. 'Tuscan Blue'	Upright Rosemary	5 gallon	36" o.c.
Salvia sp.	Sage	5 gallon	24" o.c.
Trachelospermum jasminoides	Star Jasmine	1 gallon	18" o.c.
Viburnum sp.	Viburnum	5 gallon	36" o.c.
Westringia fruticosa	Coast Rosemary	5 gallon	36" o.c.

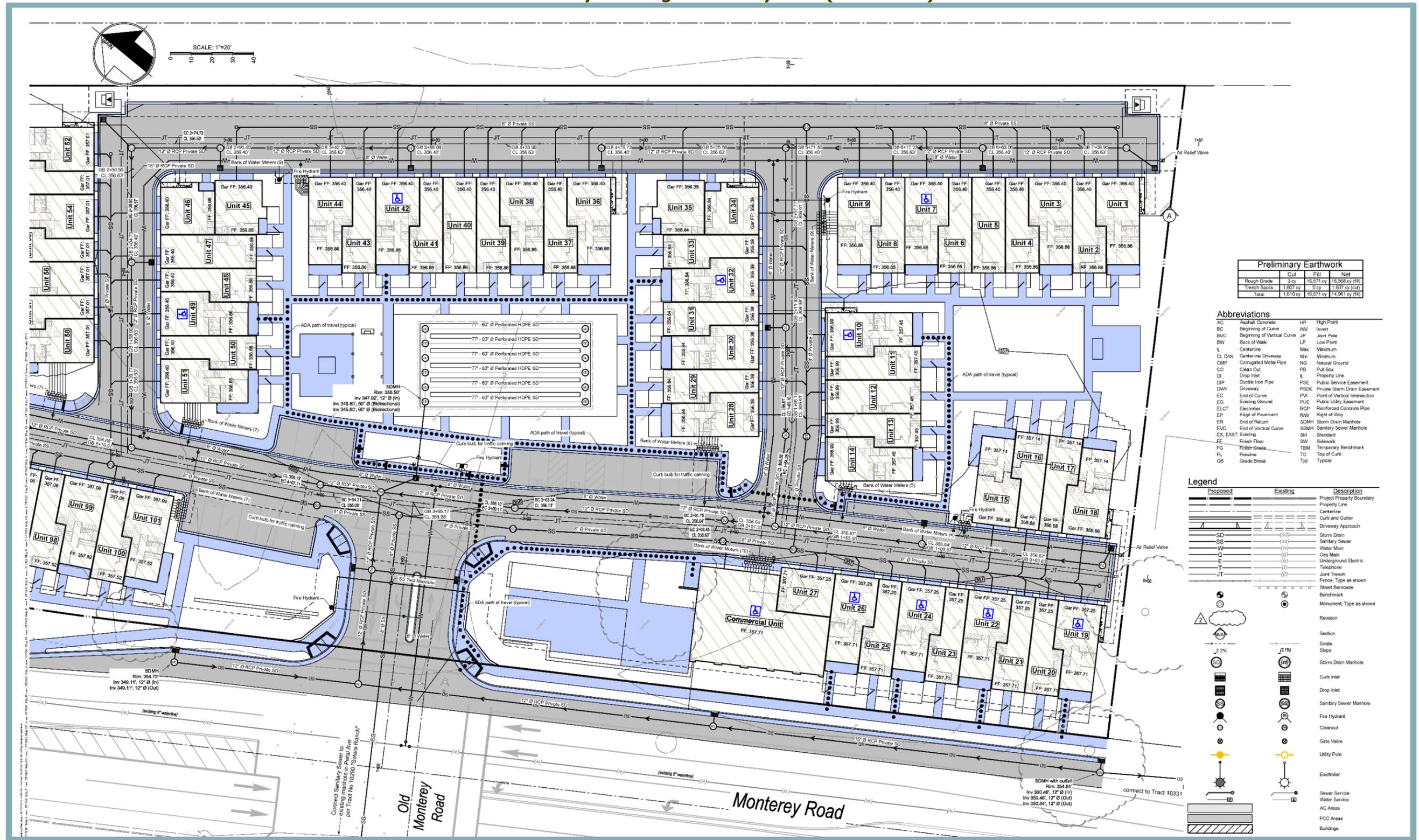
Grasses			
Botanical Name	Common Name	Size	Spacing
Arctostaphylos 'Pacific Mist'	Pacific Mist Manzanita	1 gallon	24" o.c.
Carex tumulicola	Berkeley Sedge	1 gallon	30" o.c.
Chondropetalum tectorum	Cape Rush	1 gallon	30" o.c.
Festuca mairei	Atlas Fescue	1 gallon	30" o.c.
Juncus patens 'Elk Blue'	California Gray Rush	1 gallon	30" o.c.
Lomandra 'Breeze'	Matt Rush	1 gallon	30" o.c.
Muhlenbergia c. 'Regal Mist'	Regal Mist Pink Muhly	1 gallon	30" o.c.
Ophiopogon japonicus	Mondo Grass	1 gallon	24" o.c.
Pennisetum 'Eaton Canyon'	Dwarf Fountain Grass	1 gallon	30" o.c.

Vines			
Botanical Name	Common Name	Size	Spacing
Ficus pumila	Creeping Fig	5 gallon	Per Plan
Rosa Banksiae	Banks Rose	5 gallon	Per Plan
Trachelospermum jasminoides	Star Jasmine	5 gallon	Per Plan

**OVERALL SITE PLAN**

**Figure 6**  
**Preliminary Grading and Utility Plan (Southeast)**

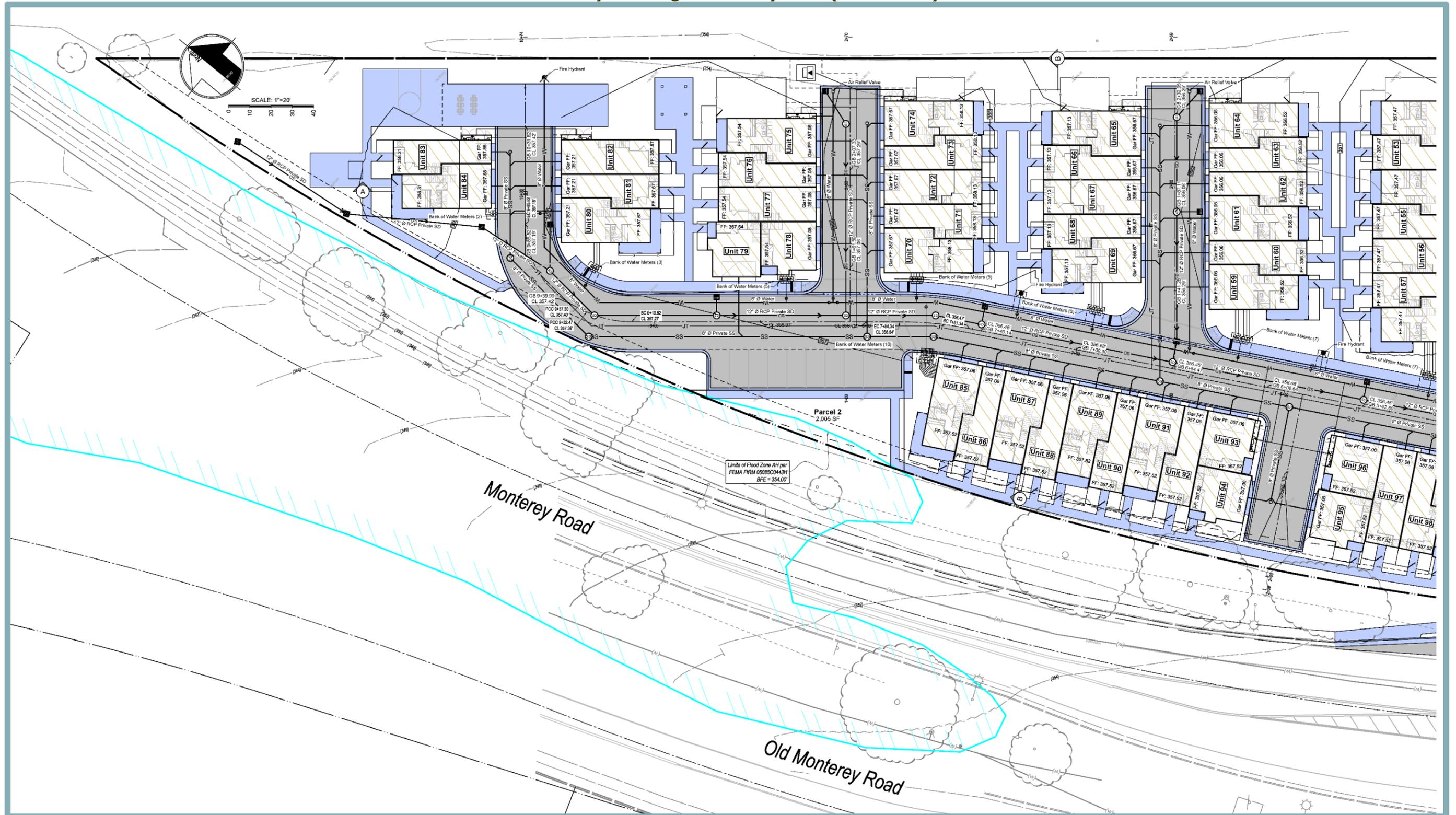


	Cut	Fill	Net
Rough Grade	3 cy	16,271 cy (fill)	16,268 cy (fill)
Trench Spalls	1,807 cy	0 cy	1,807 cy (cut)
Total	1,670 cy	16,271 cy	14,961 cy (fill)

AC	Asphalt Concrete	HP	High Point
BC	Beginning of Curve	INV	Invert
BVC	Beginning of Vertical Curve	JP	Joint Pole
BW	Back of Walk	LP	Low Point
¢	Centerline	Max	Maximum
CL DW	Centerline Driveway	Mn	Minimum
CMP	Corrugated Metal Pipe	NG	Natural Ground
CO	Clean Out	PB	Pull Box
DI	Drop Inlet	PL	Property Line
DIP	Ductile Iron Pipe	PSE	Public Service Easement
DWY	Driveway	PSDE	Private Storm Drain Easement
EC	End of Curve	PVI	Point of Vertical Intersection
EG	Existing Ground	PUE	Public Utility Easement
ELCT	Electroliner	RCP	Reinforced Concrete Pipe
EP	Edge of Pavement	RW	Right of Way
ER	End of Return	SDMH	Storm Drain Manhole
EVC	End of Vertical Curve	SSMH	Sanitary Sewer Manhole
EX, EXIST	Existing	Std	Standard
FF	Finish Floor	SW	Sidewalk
FG	Finish Grade	TBM	Temporary Benchmark
FL	Flowline	TC	Top of Curb
GB	Grade Break	Typ	Typical

Proposed	Existing	Description
---	---	Project Property Boundary
---	---	Property Line
---	---	Centerline
---	---	Curb and Gutter
---	---	Driveway Approach
---	---	Storm Drain
---	---	Sanitary Sewer
---	---	Water Main
---	---	Gas Main
---	---	Underground Electric
---	---	Telephone
---	---	Joint Trench
---	---	Fence, Type as shown
---	---	Street Barriade
---	---	Manumnt, Type as shown
---	---	Revision
---	---	Section
---	---	Slope
---	---	Storm Drain Manhole
---	---	Curb Inlet
---	---	Drop Inlet
---	---	Sanitary Sewer Manhole
---	---	Fire Hydrant
---	---	Cleanout
---	---	Gate Valve
---	---	Utility Pole
---	---	Electroliner
---	---	Sewer Service
---	---	Water Service
---	---	AC Areas
---	---	PCC Areas
---	---	Buildings

**Figure 7**  
**Preliminary Grading and Utility Plan (Northwest)**



**I. AESTHETICS.**

*Would the project:*

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

**Discussion**

a,c. The Morgan Hill General Plan does not designate official scenic view corridors or vistas. However, according to the General Plan, the hillsides that surround the City to the east and west are considered scenic. The project site is surrounded by existing development and is not located on a hillside or in the vicinity of a hillside. While distant views of the hills to the east of the City are visible across the project site from motorists, bicyclists, and pedestrians travelling along Monterey Road, Monterey Road is not considered a scenic vista.<sup>3</sup> In addition, such views are partially obscured by existing vegetation along the project frontage and along the UPRR tracks to the east of the site.

With the exception of a single mobile home located within the southeastern portion of the project site, the project site is primarily undeveloped. Surrounding uses include a single-family residential subdivision and two-story multi-family townhomes (Solera Ranch) located west of the site across Monterey Road, as well as a single-family residence and a three-story multi-family townhome development to the south. The area to the east of the site across the UPRR tracks is vacant and undeveloped. Generally, the site is located within an urbanized area.

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

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

streetscapes, achieve higher design quality, protect natural features through sensitive site planning, create attractive pedestrian-friendly developments, and enhance public safety.

Furthermore, given that the proposed project is consistent with the site's current land use and zoning designations, the City has anticipated buildout of the project site and associated impacts to scenic vistas and other aesthetic resources in the General Plan EIR.<sup>4</sup> The City's General Plan EIR concluded that buildout of the General Plan, including the project site, would result in a less-than-significant impact related to visual character and quality. Thus, pursuant to CEQA Guidelines Section 15152(d), the analysis presented herein is limited to the effects of the proposed project that were not previously evaluated in the General Plan EIR. The project would not result in any additional environmental effects beyond those which were previously evaluated.

Based on the above, the General Plan does not designate any official scenic vistas within the City of Morgan Hill. The project site is in an urbanized area and the proposed project would be consistent with the site's current General Plan land use and zoning designations. In addition, the design review process would ensure that all project elements are consistent with the City's Architectural Review Handbook. Thus, the proposed project would not have a substantial adverse effect on a scenic vista or conflict with applicable zoning and other regulations governing scenic quality, and a **less-than-significant** impact would occur.

- b. According to the California Department of Transportation (Caltrans) map of Santa Clara County prepared for the Scenic Highway Mapping System, officially designated State or County scenic highways do not occur in the project vicinity. Because the project site is not located in the vicinity of any State scenic highway, the proposed project would not damage any scenic resources within a State scenic highway. Therefore, **no impact** related to damaging scenic resources within a State scenic highway would occur.
  
- d. Existing development on the project site is limited to a single mobile home located within the southeastern portion of the site. Thus, the site contains relatively minimal sources of light and glare. Development of the proposed project would increase the amount of light including, but not limited to, headlights on cars using the on-site street system, exterior light fixtures, and interior light spilling through windows. However, the existing development to the south and west of the site currently generates light and glare in the area.

In addition, new sources of lighting would be required to comply with the standards set forth in Section G of the City's Architectural Review Handbook, Section 18.76.060 (Glare), and Section 15.40.310 (Open parking lots) of the Morgan Hill Municipal Code, which includes such requirements as cut-off lenses to direct light downward and minimum maintained lighting on parking surfaces. Compliance with such would help to ensure that the light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted in the surrounding developed environment. Therefore, the proposed project would not introduce new sources of substantial light or glare to the site which would adversely affect day or nighttime views in the area, and a **less-than-significant** impact would occur.

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<sup>4</sup> City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report* [pg. 4.1-10]. Adopted July 2016.

## II. AGRICULTURE AND FOREST RESOURCES.

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>

### **Discussion**

- a,e. A Phase I and Phase II Environmental Site Assessment (ESA) has been prepared for the project site, which indicates that the site was used for agricultural purposes from at least the 1950s through the 1990s.<sup>5</sup> While the project site historically contained agricultural uses, the site has not been used recently for agricultural production and is designated as “Other Land” per the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP).<sup>6</sup> Given the designation of the site as Other Land, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use. Therefore, **no impact** would occur as a result of the proposed project.
- b. The project site is not under a Williamson Act contract and is not zoned for agricultural uses. The site is currently zoned MU-F. Therefore, buildout of the proposed project would not conflict with an agricultural use or a Williamson Act contract, and **no impact** would occur.
- c,d. The project site is not considered forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). Therefore, the proposed project would have **no impact** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

<sup>5</sup> Stantec Consulting Services, Inc. *Phase I and II Environmental Site Assessment, Morgan Hill, 18110 Monterey Drive, Morgan Hill, California*. September 11, 2017.

<sup>6</sup> California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed October 2019.

**III. AIR QUALITY.**

*Would the project:*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

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

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

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

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

continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. For development projects, BAAQMD establishes significance thresholds for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>), as well as for PM<sub>10</sub>, and PM<sub>2.5</sub>, expressed in pounds per day (lbs/day) and tons per year (tons/yr). The thresholds are listed in Table 2. Thus, by exceeding the BAAQMD’s mass emission thresholds for operational emissions of ROG, NO<sub>x</sub>, or PM<sub>10</sub>, a project would be considered to conflict with or obstruct implementation of the BAAQMD’s air quality planning efforts.

<b>Table 2 BAAQMD Thresholds of Significance</b>			
<b>Pollutant</b>	<b>Construction</b>	<b>Operational</b>	
	<b>Average Daily Emissions (lbs/day)</b>	<b>Average Daily Emissions (lbs/day)</b>	<b>Maximum Annual Emissions (tons/year)</b>
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub> (exhaust)	82	82	15
PM <sub>2.5</sub> (exhaust)	54	54	10

*Source: BAAQMD, CEQA Guidelines, May 2017.*

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

- Construction would commence in July of 2020 and occur over an approximately 2.5-year period;
- The project would include demolition of the existing on-site mobile home;
- Approximately 20 cubic yards (CY) of soil material would be exported during site preparation and 14,960 CY of soil material would be imported during grading activities;
- The project would comply with all applicable provisions of the 2019 CBSC;
- The project would include installation of solar panels with a combined output of approximately 202kWh;
- Installation of low-flow faucets, toilets, and showers, as well as use of water-efficient irrigation systems, was assumed; and
- Vehicle trip rates were adjusted based on the Traffic Impact Analysis prepared for the project by Hexagon Transportation Consultants, Inc.

The proposed project’s estimated emissions associated with construction and operations and the project’s contribution to cumulative air quality conditions are provided below. All CalEEMod results are included as Appendix A to this IS/MND.

### **Construction Emissions**

According to the CalEEMod results, the proposed project would result in maximum construction criteria air pollutant emissions as shown in Table 3. The proposed project's construction emissions would be below the applicable thresholds of significance.

<b>Table 3 Maximum Construction Emissions (lbs/day)</b>			
<b>Pollutant</b>	<b>Proposed Project Emissions</b>	<b>Threshold of Significance</b>	<b>Exceeds Threshold?</b>
ROG	7.56	54	<b>NO</b>
NO <sub>x</sub>	42.49	54	<b>NO</b>
PM <sub>10</sub> (exhaust)	2.20	82	<b>NO</b>
PM <sub>10</sub> (fugitive)	18.22	None	<b>N/A</b>
PM <sub>2.5</sub> (exhaust)	2.02	54	<b>NO</b>
PM <sub>2.5</sub> (fugitive)	9.97	None	<b>N/A</b>
<b>Source: CalEEMod, November 2019 (see Appendix A).</b>			

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

1. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
2. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
3. All vehicle speeds on unpaved roads shall be limited to 15 mph.
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
7. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

### **Operational Emissions**

According to the CalEEMod results, the proposed project would result in maximum operational criteria air pollutant emissions as shown in Table 4. The proposed project's operational emissions would be below the applicable thresholds of significance. As such, the proposed project would not result in a significant air quality impact during operations.

<b>Table 4 Unmitigated Maximum Operational Emissions</b>					
<b>Pollutant</b>	<b>Proposed Project Emissions</b>		<b>Threshold of Significance</b>		<b>Exceeds Threshold?</b>
	<b>lbs/day</b>	<b>tons/yr</b>	<b>lbs/day</b>	<b>tons/yr</b>	
ROG	6.41	1.11	54	10	<b>NO</b>
NO <sub>x</sub>	5.96	1.01	54	10	<b>NO</b>
PM <sub>10</sub> (exhaust)	0.12	0.02	82	15	<b>NO</b>
PM <sub>10</sub> (fugitive)	4.40	0.77	None	None	<b>N/A</b>
PM <sub>2.5</sub> (exhaust)	0.12	0.02	54	10	<b>NO</b>
PM <sub>2.5</sub> (fugitive)	1.18	0.21	None	None	<b>N/A</b>

*Source: CalEEMod, May 2019 (see Appendix A).*

### **Cumulative Emissions**

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 2 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 2, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would result in emissions below the applicable thresholds of significance, the project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

### **Conclusion**

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2017 CAP. According to BAAQMD, if a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project may be considered consistent with the air quality plans. Because the proposed project would result in emissions below the applicable thresholds of significance, the project would not be considered to conflict with or obstruct implementation of regional air quality plans.

Because the proposed project would not conflict with or obstruct implementation of the applicable air quality plans, violate any air quality standards or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in any criteria air pollutant, impacts would be considered **less than significant**.

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

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

### **Localized CO Emissions**

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

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

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

The project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP).<sup>7</sup> Additionally, existing traffic volumes calculated at study intersections in the project area as part of the Traffic Impact Analysis prepared for the project by Hexagon Transportation Consultants, Inc. show that all of the intersections in the project area experience traffic levels far below 44,000 vehicles during

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<sup>7</sup> Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan*. October 2015.

AM and PM peak hour periods,<sup>8</sup> and traffic associated with the proposed development would not increase traffic volumes at an affected intersection to more than 44,000 vehicles per hour. Furthermore, intersections where vertical and/or horizontal mixing is limited due to tunnels, underpasses, or similar features do not exist in the project area. Therefore, based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

### **TAC Emissions**

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

As part of the *California Building Industry Association v. Bay Area Air Quality Management District* (CBIA) case, the California Supreme Court granted limited review to the question: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? In the opinion published on December 17, 2015, the Supreme Court looked closely at the language and legislative intent in CEQA, and found that CEQA does not provide "enough of a basis to suggest that the term 'environmental effects' [...] is meant, as a general matter, to encompass these broader considerations associated with the health and safety of a project's future residents or users." Based on the Supreme Court opinion, it would be considered appropriate to evaluate a project's potentially significant exacerbating effects on existing environmental hazards – effects that arise because the project brings "development and people into the area affected." The Supreme Court stated that even in those specific instances where evaluation of a project's potentially significant exacerbating effects on existing environmental hazards is appropriate, the evaluation of how future residents or users could be affected by the exacerbated conditions is still compelled by the project's impact on the environment, and not the environment's impact on the project.<sup>9</sup>

Considering the court ruling, while the proposed project would be considered a sensitive receptor, consideration of impacts from existing TAC sources on future residents, such as the nearby train tracks, is outside of the scope of CEQA. Thus, this environmental analysis appropriately focuses on the potential for the proposed project to result in TAC emissions that could affect the existing nearby sensitive receptors.

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<sup>8</sup> Hexagon Transportation Consultants, Inc. *Monterey Gateway Traffic Impact Analysis (TIA)*. November 27, 2019.

<sup>9</sup> Alameda County Superior Court. *California Building Industry Association v. Bay Area Air Quality Management District*. A135335 and A136212. Filed August 12, 2016.

The proposed project would not involve any land uses or operations that would be considered major sources of TACs, including DPM. As such, the proposed project would not generate any substantial pollutant concentrations during operations. However, short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Specifically, as noted above, construction would occur over an approximately 2.5-year period. Mass grading of the project site, when emissions would be most intensive, is estimated to occur over a period of approximately 10 weeks. The exposure period typically analyzed in health risk assessments is 30 years or greater, which is substantially longer than the estimated 2.5-year construction period associated with the proposed project.

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

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

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

### Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs from construction or operation. Therefore, the proposed project would result in a **less-than-significant** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

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

Pursuant to the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.<sup>10</sup> Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on several variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

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

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<sup>10</sup> Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1]. May 2017.

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

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a ***less-than-significant*** impact would result.

**IV. BIOLOGICAL RESOURCES.**

*Would the project:*

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

**Discussion**

The following is based primarily on the Biological Assessment prepared for the proposed project by Johnson Marigot Consulting, LLC (JMC) and peer reviewed by Live Oak Associates, Inc. (see Appendix B).<sup>11</sup>

- a. Currently, the eastern portion of the project site is developed with a mobile home, which is accessed by a paved driveway connecting to Monterey Road. The remainder of the site consists primarily of ruderal grasses that are regularly mowed. The primary identifiable vegetation on the project site is Bermuda grass (*Cynodon dactylon*). Scattered trees are located along the length of the western and eastern site boundaries.

As noted in the Biological Assessment, 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 or designated as “species of special concern” by the California Department of Fish and Wildlife (CDFW). The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered. Collectively, such plant and wildlife species are referred to as “special status species.” For the purpose of this analysis, special-status species are defined to include the following:

<sup>11</sup> Johnson Marigot Consulting, LLC. *Preliminary Biological Assessment, 18110 Monterey Road, Morgan Hill, California*. December 12, 2019.

- Plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the State and federal Endangered Species Acts;
- CDFW Species of Special Concern;
- CDFW Fully-Protected Species; and
- Plant species on CNPS Lists 1 and 2.

In addition, nesting birds and raptors are protected under the Federal Migratory Bird Treaty Act (MBTA), which prohibits killing, possessing, or trading of migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA covers take of whole birds, parts of birds, and bird nests and eggs.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), which provides take authorization for 18 listed and non-listed species (i.e. covered species). In addition, the SCVHP includes conservation measures to protect the species covered by the SCVHP, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the study area. Compliance with the SCVHP is discussed under question 'f' below.

As part of the Biological Assessment, a literary review was conducted to evaluate the potential for special-status species to occur within the project area. In addition to a literature review, the CDFW California Natural Diversity Database (CNDDDB) and the CNPS Inventory of Rare, Threatened, and Endangered Plants of California were queried for occurrences of special-status species in the vicinity of the site. In addition, two site visits were conducted on August 19, 2019 and November 17, 2019, respectively. Based on such sources, JMC determined that a total of 14 special-status plant species and nine special-status wildlife species have been documented within the project region.

### **Special-Status Plant Species**

Of the 14 special-status plant species identified in the Biological Assessment, 11 require serpentine soils, which do not exist on the site. The remaining three species grow in coastal sage scrub and foothill woodland chaparral, which is not present on the site. Given the lack of suitable on-site habitat, the aforementioned species are not anticipated to occur on the project site. Furthermore, at the time of the August 19, 2019 site visit, the vast majority of the property had been recently disced; at the time of the follow-on site visit in November 2019, the site was in a similar condition – largely disced, without any noticeable vegetation growth since the August visit. Due to the lack of suitable on-site habitat and the ongoing disturbance that the site has experienced, development of the proposed project would not result in substantial adverse effects to special-status plant species.

### **Special-Status Wildlife Species**

Pursuant to the Biological Assessment, records for nine special-status wildlife species are documented within three miles of the project site. Such species include Bay checkerspot butterfly (*Euphydryas editha bayensis*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), western pond turtle (*Emys marmorata*), coast horned lizard (*Phrynosoma coronatum*), burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), American badger (*Taxidea taxus*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). In addition, various other nesting and migratory birds protected by the MBTA have been documented within

the region. The potential for such species to be impacted by the proposed project is discussed further below.

### Bay checkerspot butterfly

The Bay checkerspot butterfly is found in association with serpentine soils and specific host plants. The project site contains neither the correct soils, nor any evidence of the host plants. Thus, development of the proposed project would not result in any substantial adverse effects to Bay checkerspot butterfly.

### Special-Status Amphibians and Reptiles

Three of the nine species require specialized habitats that do not occur within the site, including presence of ponding water, that is not found on or around the site. Such species include California tiger salamander, California red-legged frog, and western pond turtle. It should be noted that aerial photo survey indicates the presence of a six-acre seasonally-inundated retention basin (Butterfield Retention Basin), located to the north of the site across the UPRR tracks. The feature appears to hold water for a limited duration each winter, and was constructed sometime between 1998 and 2003. The retention basin dries on an annual basis, and is unlikely to represent habitat for California red-legged frog, California tiger salamander, or western pond turtles, due to the fact that the retention basin was surrounded by urban development at the time of its construction. The Butterfield Retention Basin, similar to the project site, is unlikely to have colonization of such species because the basin is effectively isolated from existing known populations of the species. Additionally, the UPRR tracks that separate the basin from the project site represent a substantial barrier to emigration for the species. Thus, development of the project site is not expected to result in any substantial adverse effect to California tiger salamander, California red-legged frog, or western pond turtle.

An historic record (1894) for the coast horned lizard (*Phrynosoma coronatum*), also referred to as Blainville's horned lizard [*P. blainvillii*]), was documented within the vicinity of the City; however, the 1894 record only noted occurrence for the species within seven miles of the project site, with other modern records (1994 through 2009) occurring in the undeveloped areas surrounding the City. Due to the extensive development surrounding the project site, coast horned lizard is not expected to occur onsite. Development of the project site is not expected to result in any substantial adverse effects to coast horned lizard.

### American Badger and San Francisco Dusky-Footed Woodrat

American badger and San Francisco dusky-footed woodrat are not covered under the SCVHCP, but have a State ranking of vulnerable (American badger) and imperiled (San Francisco dusky-footed woodrat). During the site survey, middens for San Francisco dusky-footed woodrat were not observed; middens are usually obvious when present and consist of large collections of twigs and wood debris. Similarly, evidence of American badgers, such as burrows or dens, was not noted on the site, and the regular site discing of the project site would prevent establishment of den sites and effectively reduce prey base. Further, neither San Francisco dusky-footed woodrat nor American badger are likely to emigrate to the site due to lack of habitat connectivity and proximity to development. The site is completely surrounded by urban development and does not include natural corridors to existing habitat. Thus, development of the proposed project would not result in substantial adverse effects to American badger or San Francisco dusky-footed woodrat.

### Burrowing Owl

Burrowing owls do not require a specific vegetation cover or soil type and typically use vacated burrows dug by small mammals as nesting habitat; however, burrowing owls are also known to use artificial burrows including pipes, culverts, and piles of concrete pieces in urban areas. The project site is located outside of the SCVHP burrowing owl fee area, and is not identified in the SCVHP as “Occupied Nesting Burrowing Owl Habitat”, “Potential Burrowing Owl Nesting/Overwintering Habitat Depending on Site Conditions”, or “Overwintering Only Habitat”.

However, out of an abundance of caution, in the professional judgment of the project biological consultant, the project site should be considered potential nesting/overwintering habitat given that California ground squirrel burrows were found during the November 17, 2019 site visit. Such burrows represent potential nest sites for western burrowing owls. As such, should site grading occur during the nesting season for the species (February 1 through August 31), nests and nestlings potentially present on the site could be adversely affected by the proposed development, and a potentially significant impact could occur.

### Nesting Migratory Birds and Raptors

Per the Biological Assessment, the existing on-site trees represent potential nesting habitat for nesting and migratory birds protected by the MBTA, such as special-status white-tailed kite, Swainson’s hawk, and tricolored blackbird. White-tailed kite is a CDFW Fully-Protected Species. Swainson’s hawk and tricolored blackbird are State-listed threatened species.

The grassland within the site provides suitable foraging habitat for such species. In addition, the site is located within 250 feet of the Butterfield Retention Basin, which represents potential nesting substrate for tricolored blackbird; per the SCVHCP, the northern portion of the project site is located within a designated wildlife survey area for the species. The on-site trees represent potential nesting structure for white-tailed kite and Swainson’s hawk. Therefore, project construction activities, including initial site grading, soil excavation, and/or tree and vegetation removal occurring during the nesting period for migratory birds (typically between February 1 to August 31) could have the potential to result in nest abandonment or death of any live eggs or young, should migratory birds or their nests be present within or near the project site. In such an event, the proposed project could result in a potentially significant impact.

### Conclusion

Based on the above, development of the proposed project would not result in any substantial adverse effects to special-status plants, as the disturbed nature of the site and the lack of suitable habitat precludes the likely occurrence of such species on the site. However, the site provides potential habitat for burrowing owl and nesting migratory birds and raptors protected by the MBTA, including the special-status white-tailed kite, Swainson’s hawk, and tricolored blackbird. Such species could occur on the project site during construction activities associated with the proposed project. As such, the project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special status-species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service (USFWS), and a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

IV-1(a). *Consistent with Condition 15 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist will conduct preconstruction surveys in all suitable habitat areas as identified during habitat surveys. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity.*

*To maximize the likelihood of detecting owls, the preconstruction survey will last a minimum of three hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites. A minimum of two surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped.*

*Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the project proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If burrowing owls are not identified, further action is not required.*

IV-1(b). *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. Establishment of the exclusion area shall be determined by a qualified biologist to the satisfaction of the City of Morgan Hill Development Services Department.*

IV-1(c). *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 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.

IV-2(a).

If construction is proposed during breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, no further mitigation is required and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

If nesting migratory birds or raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined by the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

IV-2(b) *If construction activities occur between February 1 and August 31, the applicant shall conduct surveys for Swainson's hawk and white-tailed kite in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000), or current guidance. Surveys will cover a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks or white-tailed kites are detected, a no-disturbance buffer shall be established as determined by the qualified biologist, but shall not be less than 500 feet. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.*

*If potential nesting trees are to be removed during construction activities, removal shall take place outside of Swainson's hawk and white-tailed kite nesting season and CDFW will develop a plan to replace known nest trees at a ratio of 3:1. Potential nest trees shall include those trees with current (at the time of the surveys) or documented historic use by Swainson's hawk or white-tailed kites for nesting. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for the mitigation will be 65% survival of all replacement plantings.*

IV-3. *Consistent with Condition 17 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist shall investigate whether the nearby Butterfield Retention Basin has been occupied by nesting tricolored blackbirds within the past 5 years. This shall include checking the California Natural Diversity Database, contacting local experts, and conducting a preconstruction survey in all accessible areas identified as supporting potential tricolored blackbird nesting habitat. The survey shall document the current, and to the extent possible, historical presence or absence of nesting colonies of tricolored blackbird. Surveys shall conclude no more than two calendar days prior to construction. If a tricolored blackbird nesting colony is present or has been within the past 5 years, a 250-foot buffer shall be applied from the outer edge of all hydrophytic vegetation associated with the site and the site plus buffer shall be avoided. The Wildlife Agencies shall be notified immediately of nest locations. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If current or recent tricolored blackbird nesting colonies are not identified, further action is not required.*

*If construction takes place during the breeding season when an active colony is present, a qualified biologist shall monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer shall be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction shall cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).*

- b,c. Wetlands, trenches, potential waters of the U.S, or other aquatic features were not identified on the project site during the site visits conducted by JMC. In addition, as previously noted, the site has been subject to ongoing disturbance associated with discing, and has been leveled flat. Evaluation of the project site did not indicate any hydrologic connectivity between the project site and the Butterfield Retention Basin located to the north of the site. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS or have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Thus, a **less-than-significant** impact would occur.
- d. Movement corridors or landscape linkages are usually linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression and increasing the potential for recolonization of habitat patches. The project site is bounded on the west by Monterey Road, to the south by existing residential development, and to the east by a railroad corridor. West of Monterey Road is residential development. The site is not crossed by any waterways or greenways, nor does the site abut any open space or preserve. Due to the developed nature of the surrounding area, as well as physical barriers to wildlife movement along the project boundaries, the project site does not support any major wildlife movement corridors. As such, the project would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Thus, a **less-than-significant** impact would occur.
- e. Section 12.32.030 (Permit-Required) of the City of Morgan Hill's Municipal Code requires the approval of a tree removal permit prior to the removal of any Ordinance Sized Trees, defined as a non-indigenous tree with a circumference greater than 40 inches (approximately 12.7 inch diameter) or any indigenous tree with circumference greater than 18 inches (approximately 5.7 inches diameter). According to the City's Code, non-indigenous tree species in residential zones and orchards (including individual fruit trees) are not considered Ordinance Sized Trees. Indigenous tree means any tree native to the Morgan Hill region, such as oaks (all types), Sycamore, California Bay, Madrone, or Alder.

A Tree Preservation and Mitigation Report (Tree Report) was prepared for the proposed project by Horticultural Associates (see Appendix C).<sup>12</sup> Based on the results of the Tree Report, the project site contains a total of 60 trees with diameters greater than four inches (see Figure 8). Of the 60 trees, 39 are native species with a diameter greater than 5.7 inches and, thus, are considered Ordinance Sized Trees. The proposed project would require removal of 19 of the Ordinance Sized Trees, necessitating replacement plantings. The remaining 20 Ordinance Sized Trees would require preservation and/or protection measures.

Therefore, the proposed project could have a **potentially significant** impact related to conflicting with local policies or ordinances protecting biological resources, particularly related to Chapter 12.32 (Restrictions on Removal of Significant Trees) of the City's Municipal Code.

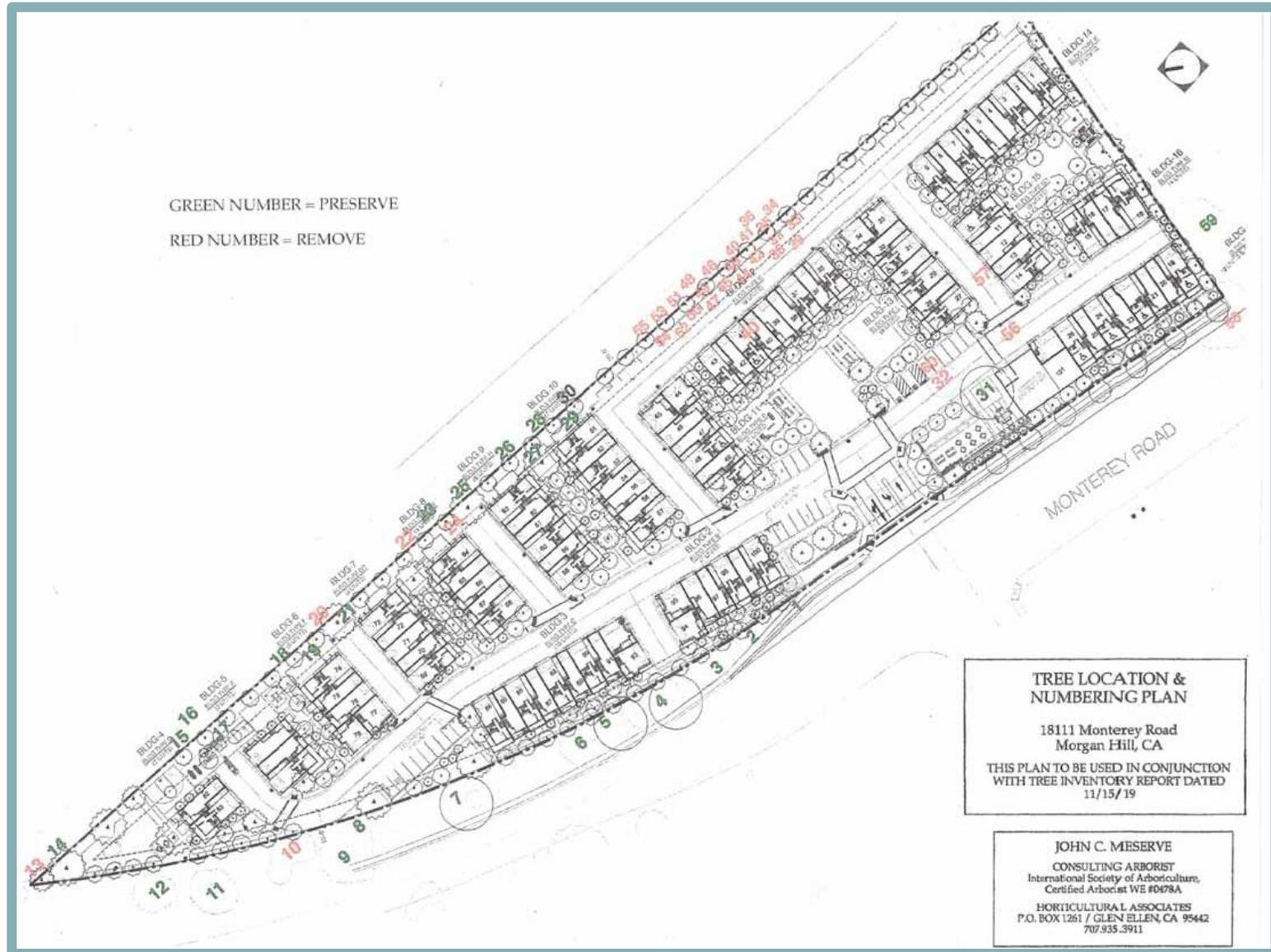
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<sup>12</sup> Horticultural Associates. *Tree Preservation and Mitigation Report, Morgan Hill 7 Subdivision, 18110 Monterey Street, Morgan Hill, CA*. September 26, 2019.

**Mitigation Measure(s)**

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

**Figure 8**  
**Tree Locations**



IV-4.

The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall retain a certified arborist to prepare a tree protection plan, subject to review and approval by the Development Services Department. The plan shall demonstrate how any retained trees are to be protected during and after construction. The tree protection plan may include, but not be limited to, the following:

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.
- Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.
- The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.
- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.
- The 'rooting' area shall be mulched with an acidic, organic compost or mulch.
- The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.
- Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require

*specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.*

- f. As noted above, the project site is located within the boundaries of the SCVHP permit area. The SCVHP was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District (SCVWD), the Santa Clara VTA, the USFWS, and the CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP provides take authorization for 18 covered species and includes conservation measures to protect the species covered by the SCVHP, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the study area. Per the SCVHP, the project site is designated as a “Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed” land cover type.

Compliance with the SCVHP requires payment of fees according to the Fee Zone designation of the property, payment of nitrogen deposition fees related to the number of anticipated car trips resulting from the development, and any surcharge fees that are required based on site-specific impacts to sensitive habitats or sensitive species. The project site is within Fee Zone B (Agricultural and Valley Floor Lands). As such, the proposed project would be subject to Zone B fees, which are currently \$14,725 per acre (2018/2019 rates). In addition, the project would be subject to nitrogen deposition fees, which, as of 2019, are \$4.96 for each new vehicle trip. For any temporary impacts, all the same fees are applied, but at a fraction of the total cost, depending on how long the project expects the temporary impact to last.

In addition to fees, the proposed project would be required to comply with applicable conditions of the SCVHP. Compliance with such conditions would be ensured with implementation of Mitigation Measures IV-1 through IV-4 above. However, should the proposed project not comply with the mitigation requirements of the SCVHP for covered species during construction or fulfill payment of necessary fees, the project could conflict with the SCVHP. Thus, a ***potentially significant*** impact could occur.

- IV-5. No later than submittal of the first construction or grading permit for the proposed project the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone of the project site, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.132.050 of the Morgan Hill Municipal Code.*

**V. CULTURAL RESOURCES.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

a-c. The site contains an existing mobile home that was constructed in approximately 1950. Structures that are 50 years of age or older may be eligible for consideration as historic resources under the California Register of Historic Places (CRHP) and the National Register of Historic Places (NRHP). Thus, the structure has been evaluated pursuant to the CRHP and NRHP criteria. The CRHR eligibility criteria include the following:

- (1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.;
- (2) It is associated with the lives of persons important to local, California, or national history;
- (3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- (4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

The existing on-site residence is a mobile home with a shingled roof. The structure is not known to be associated with any significant historical events in the project region or California, and is not likely to yield information important to the prehistory or history of the local area, California, or the nation. In addition, the structure has not been occupied or owned by any persons important to local, State, or national history, and does not possess any unique architectural elements. Based on the above, the existing on-site structure is not eligible for consideration as a historical resource per the CRHR eligibility criteria, and, thus, would not be considered a historical resource. Demolition of the structure as part of the proposed project would not result in any historical resource impacts.

A records search of the California Historic Resources Information System (CHRIS) was performed by the North Central Information Center (NWIC) for cultural resource site records and survey reports within the proposed project area. Based on the results of the CHRIS search, the State Office of Historic Preservation Directory (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) indicates that there are no listed recorded buildings or structures in or adjacent to the

project site.<sup>13</sup> The NWIC base maps show one previously recorded built environment resource within the proposed project area (P-43-003040 consists of an historic-period complex of wooden buildings/structures of varying types). In addition, the Santa Clara County Heritage Resource Inventory lists the Bender House and property, which dates to the 1890s, as being located at the current project address (18110 Monterey Road). The site does not currently contain any above-ground structures associated with such resources. However, the potential exists for subsurface, unrecorded historic-era resources to be encountered on the project site during grading and other ground-disturbing activities associated with the proposed project.

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

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

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 shall 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 shall 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 shall determine if the resource can be avoided and shall 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

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<sup>13</sup> California Historical Resources Information System. *Record search results for the Monterey Gateway Project located at 18110 Monterey Road, Morgan Hill, Santa Clara County, California.* March 28, 2019.

action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

2. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
  - a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
  - b. Remains should not be held by human hands. Surgical gloves shall be worn if remains need to be handled.
  - c. Surgical mask shall also be worn to prevent exposure to pathogens that may be associated with the remains.
3. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
4. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find).
5. The exclusion zone shall be secured (e.g., twenty-four-hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.
6. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to

report the find and initiate the consultation process for treatment and disposition:

- a. The City of Morgan Hill Development Services Director,
  - b. The contractor's point(s) of contact,
  - c. The coroner of the county of Santa Clara (if human remains found), and
  - d. The Native American Heritage Commission (NAHC) in Sacramento.
7. The coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has twenty-four hours to notify the NAHC.
  8. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
  9. Within twenty-four hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose,
  10. Within twenty-four hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.
  11. If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Compliance with the above standard Conditions of Approval would ensure that construction of the proposed project would have a **less-than-significant** impact related to historical resources and unique archeological resources, as well as the disturbance of human remains.

**VI. ENERGY.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

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

**California Green Building Standards Code**

The California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11), is a portion of the California Building Standards Code (CBSC), which became effective with the rest of the CBSC on January 1, 2020. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources’ Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory periodic inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies;
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board; and
- For some single-family and low-rise residential development developed after January 1, 2020, mandatory on-site solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). Certain residential developments, including those developments that are subject to substantial shading, rendering the use of on-site solar photovoltaic systems infeasible, are exempted from the foregoing requirement.

## **Building Energy Efficiency Standards**

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy-efficiency measures from the 2016 Building Energy Efficiency Standards. The 2019 Building Energy Efficiency Standards are in effect for building permit applications submitted after January 1, 2020.

The 2019 standards provide for additional efficiency improvements beyond the current 2016 standards. Non-residential buildings built in compliance with the 2019 standards are anticipated to use approximately 30 percent less energy compared to the 2016 standards, primarily due to lighting upgrades.<sup>14</sup>

For residential buildings, compliance with the 2019 standards will use approximately seven percent energy due to energy efficiency measures compared to homes built under the 2016 standards. Once rooftop solar electricity generation is factored in, homes built under the 2019 standards will use approximately 53 percent less energy than those under the 2016 standards.

## **Construction Energy Use**

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

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

The CARB has recently prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan),<sup>15</sup> which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal

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<sup>14</sup> California Energy Commission. *Title 24 2019 Building Energy Efficiency Standards FAQ*. November 2018.

<sup>15</sup> California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. January 20, 2017.

code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The In-Use Off-Road Diesel Vehicle Regulation described above, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

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

### **Operational Energy Use**

In response to the growing climate crisis, the City has determined that natural gas use in local buildings, which accounts for approximately one-third of the community's carbon footprint, represents the City's greatest opportunity to reduce future greenhouse gas emissions. Requiring all new buildings to be constructed without natural gas will dramatically reduce future emission growth as electricity procured by Silicon Valley Clean Energy is 100% carbon free. The City Council adopted Ordinance No. 2306 on November 6, 2019, which prohibits natural gas infrastructure in new buildings.

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

The proposed project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structure would consume energy efficiently through the incorporation of such features as door and window interlocks, direct digital controls for HVAC systems, and high efficiency outdoor lighting. Required compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to the project by PG&E would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during project operations would originate from renewable sources.

With regard to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. In addition, as

discussed in Section XVII, Transportation, of this Initial Study, the project site is located within close proximity to existing residential neighborhoods, bicycle infrastructure, and transit infrastructure. The availability of such transit, bicycle, and pedestrian infrastructure in the site vicinity would help to reduce vehicle miles travelled (VMT) associated with the project and reduce fuel consumption. In addition, by providing mixed-use development on-site, the project would allow for future project residents to rely on the on-site retail uses, as opposed to travelling off-site. A portion of the workers at the proposed retail uses would likely reside on-site. Such internal trip capture would further reduce vehicle fuel consumption associated with the project.

### **Conclusion**

Based on the context above, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a ***less-than-significant*** impact would occur.

**VII. GEOLOGY AND SOILS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The following discussion is based primarily on a Geotechnical Investigation prepared for the proposed project by Quantum Geotechnical, Inc. (see Appendix D).<sup>16</sup>

ai-iv. Active faults do not cross the site, and the site is not mapped within an Alquist-Priolo Earthquake Fault Zone.<sup>17</sup> Therefore, the proposed project would not be subject to risks related to fault rupture. Furthermore, the site is not located within the vicinity of any steep slopes that would be subject to landslide risk, nor within an area requiring special investigation for landslides or liquefaction hazards. According to the Association of Bay Area Governments (ABAG) Resilience Program’s interactive Hazards Map, the project site is located in an area of relatively low liquefaction susceptibility.<sup>18</sup>

Pursuant to the Geotechnical Investigation, the nearest Quaternary active fault traces relative to the project site include the Calaveras, Tres Pinos, Quien Sabe, Sargent, San Andreas, and Vergeles faults. The Calaveras fault is located approximately one mile from the project site. Due to the proximity of the site area to nearby active faults, strong ground

<sup>16</sup> Quantum Geotechnical, Inc. *Geotechnical Investigation on Proposed Residential Development at 18110 Monterey Road, Morgan Hill, California*. August 6, 2019.

<sup>17</sup> Department of Conservation. *State of California, Special Studies Zones, Mt. Madonna Quadrangle, Revised Official Map*. Effective January 1, 1976.

<sup>18</sup> Association of Bay Area Governments. *Resilience Program*. Available at: <http://gis.abag.ca.gov/website/Hazards/?hlyr=liqSusceptibility>. Accessed October 2019.

shaking could occur at the site as a result of an earthquake on any one of the faults. However, the proposed project would be subject to all applicable regulations within the CBSC and Chapter 15.08 (Building Code) of the City's Municipal Code, which provide standards to protect property and public safety by regulating the design and construction of foundations, building frames, and other building elements. It is also noted that the site is relatively flat and landslides would not pose a hazard to on-site structures or future residents. Therefore, a **less-than-significant** impact would occur related to exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides.

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

New development within the City that disturbs one or more acres of land is required to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) incorporating BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb approximately 5.67 acres and, thus, would be subject to such requirements. In addition, pursuant to Chapter 13.30 (Urban Storm Water Quality Management and Discharge Control) of the City's Municipal Code, the project applicant would be required to submit a sediment and erosion control plan to the City of Morgan Hill, Engineering Land Development Department, prior to the approval of improvement plans and issuance of building permits. The plan(s) shall be acceptable and conform to City standards to prevent significant sediment and soil erosion during construction and include the standards and guidelines found in the California Stormwater Quality Association, Stormwater Best Management Practice Handbook. Based on the above, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a **less-than-significant** impact would occur.

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

Pursuant to the Geotechnical Investigation, the near-surface soils within the project site have Plasticity Index values ranging from 10 to 16, which indicates that the soils have a relatively low expansive potential. Furthermore, to avoid damage due to soil expansion and shrinkage, Section 15.08.090 (Section 1907A.1 amended-Minimum slab provisions) of the City's Municipal Code includes requirements for minimum thickness of concrete floor slabs, as well as required reinforcement with wire mesh or an approved alternate. Given required compliance with the slab and foundation construction standards provided in the Municipal Code, the proposed project would not be subject to substantial risks related to expansive soils.

Based on the above, the proposed project would not create substantial direct or indirect risks to life or property related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Thus, a **less-than-significant** impact would occur.

- e. The proposed development would connect to existing City-maintained sewer infrastructure and would not include the use of septic tanks. Accordingly, **no impact** would occur related to soils incapable of adequately supporting the use of septic tanks.
- f. Paleontological resources or fossils are the remains of prehistoric plant and animal life. As noted in the General Plan EIR, based on a review of the University of California's Museum of Paleontology's (UCMP) fossil locality database conducted for all of Santa Clara County, paleontological resources have not been explicitly identified as being found within Morgan Hill.<sup>19</sup>

As noted in the City's General Plan, occurrences of fossil resources are closely tied to the geologic units. Pursuant to the Natural Resources Conservation Service Web Soil Survey, the project site is underlain by Pleasanton loam, zero to two percent slopes, and San Ysidro loam, zero to two percent slopes.<sup>20</sup> Such soil types are not considered unique geologic features and are common within the geographic area of the City. As such, development of the proposed project would not destroy a unique geologic feature. Furthermore, the project would be subject to the City's standard measures listed in Chapter V, Cultural Resources, of this IS/MND. As noted in the General Plan EIR, such measures would further lessen potential impacts to paleontological resources. Therefore, the proposed project would not result in the direct or indirect destruction of a unique paleontological resource, and a **less-than-significant** impact would occur.

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<sup>19</sup> City of Morgan Hill. *2035 General Plan, City of Morgan Hill* [pg. 4.5-17]. Adopted July 2016.

<sup>20</sup> Natural Resources Conservation Service. *Web Soil Survey*. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed October 2019.

**VIII. GREENHOUSE GAS EMISSIONS.**

*Would the project:*

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

**Discussion**

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

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e/yr).

The proposed project is located within the jurisdictional boundaries of BAAQMD. The BAAQMD threshold of significance for project-level operational GHG emissions is 1,100 MTCO<sub>2</sub>e/yr or 4.6 MTCO<sub>2</sub>e/yr per service population (population + employees). BAAQMD’s approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. If a project would generate GHG emissions above the threshold level, the project would be considered to generate significant GHG emissions and conflict with applicable GHG regulations.

The proposed project’s GHG emissions were quantified with CalEEMod using the same assumptions as presented in the Air Quality section of this IS/MND, and compared to the thresholds of significance noted above. The proposed project’s required compliance with the current California Building Energy Efficiency Standards Code was assumed in the modeling. In addition, the CO<sub>2</sub> intensity factor within the model was adjusted to reflect the Pacific Gas & Electric Company’s anticipated CO<sub>2</sub> emissions factor for 2023. All CalEEMod results are included in Appendix A to this IS/MND.

Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Neither the City nor BAAQMD has an adopted threshold of significance for construction-related GHG emissions and does not require quantification. Nonetheless, the proposed project’s construction GHG emissions have been estimated. The CalEEMod emissions estimates prepared for the proposed project determined that unmitigated project construction would result in total emissions of 1,035.95 MTCO<sub>2</sub>e.

The total construction GHG emissions were amortized and included in the annual operational GHG emissions. Amortizing the construction GHG emissions (a one-time release that would occur only during construction of the project) and including them in the annual operational emissions (which would occur every year over the lifetime of the entire project) represents a conservative analysis for the annual operational GHG emissions. For the purpose of this analysis, project construction emissions were amortized over the three-year period that would include the construction phase, resulting in annual construction emissions of 345.31 MTCO<sub>2</sub>e/yr.

As shown in Table 5, the project’s total unmitigated annual GHG emissions in the first year of project operation, 2023, including amortized construction-related emissions, were estimated to be approximately 1,405.97 MTCO<sub>2</sub>e/yr, which results in emissions of 4.56 MTCO<sub>2</sub>e/SP/yr. Thus, implementation of the proposed project would result in emissions below the BAAQMD’s applicable 4.6 MTCO<sub>2</sub>e/SP/yr threshold of significance for GHG emissions.

<b>Table 5 Unmitigated Year 2023 Project GHG Emissions</b>	
	<b>Annual GHG Emissions</b>
Construction-Related GHG Emissions	345.31 MTCO <sub>2</sub> e/yr
Operational GHG Emissions:	1,060.66 MTCO <sub>2</sub> e/yr
Area	1.25 MTCO <sub>2</sub> e/yr
Energy	181.88 MTCO <sub>2</sub> e/yr
Mobile	802.02 MTCO <sub>2</sub> e/yr
Waste	62.89 MTCO <sub>2</sub> e/yr
Water	12.61 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions</b>	<b>1,405.97 MTCO<sub>2</sub>e/yr</b>
<b>Total Annual GHG Emissions Per Service Population<sup>1</sup></b>	<b>4.56 MTCO<sub>2</sub>e/SP/yr</b>
BAAQMD Threshold	4.6 MTCO <sub>2</sub> e/SP/yr
<b>Exceeds Threshold?</b>	<b>NO</b>
Note: <sup>1</sup> Service population estimated to be 308 residents, based on an average household size of 3.05 for the City of Morgan Hill in the year 2020, as noted in Table 1-1 of the City’s adopted Housing Element.	
<b>Source: CalEEMod, October 2019 (see Appendix A).</b>	

Based on the above, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and impacts would be considered ***less than significant***.

**IX. HAZARDS AND HAZARDOUS MATERIALS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. Residential and retail uses are not typically associated with the routine transport, use, disposal, or generation of hazardous materials. Operations would likely involve use of common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount utilized on the site, occasional use of such products would not represent a substantial risk to public health or the environment. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and a **less-than-significant** impact would occur.
- b. The following discussion provides an analysis of potential hazards and hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions.

**Construction Activities**

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

Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials.

### **Existing On-Site Hazardous Conditions**

A Phase I and Phase II ESA was prepared by Stantec Consulting Services, Inc. (Stantec) for the purpose of identifying potential recognized environmental conditions (RECs) associated with the project site (see Appendix D).<sup>21</sup> The ESA included a survey of the site and a review of historical documentation, aerial photography, regulatory agency files, and environmental sites radius reports. According to the Phase I/II ESA, the project site was used for agricultural purposes from at least the 1950s through the 1990s. Based on historical aerial photography, the existing on-site mobile home was likely added to the site in 1950.

The Phase I/II ESA did not identify any evidence of stained soil or pavement, existing water wells, stressed vegetation, or evidence of hazardous substances or petroleum products. In addition, evidence of underground storage tanks (USTs) or aboveground storage tanks (ASTs) was not observed at the site. The site is not located within the vicinity of any properties that would pose an environmental hazard to the project site. Based on a site inspection, review of adjacent properties, and available environmental records, the likelihood for vapor intrusion at the project site is considered low, and Stantec did not recommend additional investigation of soil vapor.

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

### **Contaminated Soils**

Due to the historical use of the site for agricultural purposes, the potential exists that residual pesticides or heavy metals associated with prior herbicide application could be present on the site. In addition, because metal-containing herbicides are commonly applied along rail lines for weed control, the potential exists for the soils in the vicinity of the existing UPRR tracks along the northeastern site boundary to be contaminated by lead and arsenic. In order to further evaluate potential hazards related to such chemicals, Stantec performed a Phase II subsurface investigation to sample and analyze on-site soils, the results of which are described below.

Stantec completed the field work for the Phase II ESA on August 28, 2017. The Phase II ESA included collection of six shallow (one foot in depth) soil samples across the project site and laboratory analysis of each sample to evaluate the presence of residual pesticides, arsenic, and lead. Organochlorine pesticides (OCPs) were detected in one soil sample, but at levels that were below established residential screening criteria. With regard to heavy metals, lead was detected in five of the six samples at concentrations within naturally occurring background levels. Arsenic was detected in all six samples within naturally occurring background levels. Based on the results of the sample analysis, Stantec concluded that pesticides, lead, and arsenic do not represent an environmental concern, and further action related to the on-site soils is not required.

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<sup>21</sup> Stantec Consulting Services, Inc. *Phase I and II Environmental Site Assessment, Morgan Hill, 18110 Monterey Drive, Morgan Hill, California*. September 11, 2017.

### Septic System

During field investigations conducted as part of the Phase I ESA, Stantec did not observe any on-site septic systems. However, given that the existing on-site mobile home does not appear to be connected to the City's sewer infrastructure, the potential exists that a septic system is located on the project site in the vicinity of the mobile home.

### Asbestos-Containing Materials and Lead-Based Paint

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

For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (boiler insulation, pipe lagging, and related materials) and surface materials must be designated as "presumed asbestos-containing material" unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act. Because the existing mobile home was built prior to 1980, the potential exists that asbestos-containing materials were used in the construction of the residential structure and outbuildings on-site.

Lead-based paint (LBP) is defined by federal guidelines as any paint, varnish, stain, or other applied coating that has one milligram of lead per square centimeter or greater. Lead is a highly toxic material that may cause a range of serious illnesses, and in some cases death. In buildings constructed after 1978, the presence of LBP is unlikely. Structures built prior to 1978, and especially prior to the 1960s, are expected to contain LBP. The existing mobile home was constructed before the phase-out of LBPs in the 1970s. Therefore, the potential exists that LBPs are present in the on-site mobile home.

Based on the age of the existing mobile home, ACM and LBP are presumed to be present. The proposed project would include demolition of the mobile home. Therefore, without implementation of the appropriate safety measures, the proposed project could potentially expose construction workers during structure demolition to LBP and asbestos-containing materials.

### **Conclusion**

As discussed above, development of the proposed project would not result in any substantial risks related to contaminated soils. However, if the existing mobile home is served by a septic system, proper abandonment of the septic system would be required prior to demolition of the mobile home. In addition, the existing on-site structures were constructed prior to the banning of asbestos-containing materials and LBP, and, as a result, the potential exists for asbestos-containing materials and LBP to be present in the on-site structures. Therefore, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, and a **potentially significant** impact could occur.

### Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

- IX-1. *If the project site is found to contain an existing septic system associated with the mobile home, the project applicant shall submit an application for Septic/Onsite Wastewater Treatment System Abandonment to the Santa Clara County Department of Environmental Health, Consumer Protection Division. After approval has been obtained, the septic system shall be abandoned consistent with the County's Septic Tank Abandonment Procedures. Proof of abandonment shall be provided to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.*
- IX-2. *Prior to issuance of a demolition permit for the on-site structure, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Department an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.*
- c. The nearest school relative to the project site is the Crossroads Christian School, located approximately 0.23-mile south of the site. As discussed under questions 'a' and 'b' above, with implementation of mitigation, development of the proposed project would not result in any significant hazards related to the use, transport, disposal, or upset of hazardous materials. Thus, **no impact** would result relating to the emission or handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. The Phase I and Phase II ESA indicates that the project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, **no impact** would result from implementation of the proposed project.
- e. The public airport nearest to the project site is the San Martin Airport, which is located approximately 4.75 miles south of the project site at 13030 Murphy Avenue. The project

site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport Comprehensive Land Use Plan.<sup>22</sup> In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not result in an airport-related safety hazard for people residing or working in the project area, and **no impact** would occur.

- f. With the exception of minor modifications to the existing traffic signal at the Old Monterey Road/Monterey Road intersection, implementation of the proposed project would not result in any substantial modifications to the City's existing roadway system. The project would not interfere with potential evacuation or response routes used by emergency response teams. In addition, the project would not conflict with the City's Emergency Operations Plan.<sup>23</sup> The proposed project is consistent with the site's current General Plan land use and zoning designations; thus, development of the site and associated effects on emergency evacuation routes has been anticipated per the General Plan and analyzed in the General Plan EIR. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and a **less-than-significant** impact would occur.
  
- g. The City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High Fire Hazard Severity Zone (FHSZ).<sup>24</sup> While the residential area further to the west of the site past Del Monte Avenue is located within a Very High FHSZ, the area was classified as such in 2008, prior to buildout of the area with residential uses. In addition, buildout of the site has been previously considered by the City, and the project site is situated within a developed area. Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and a **less-than-significant** impact would occur.

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<sup>22</sup> Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport*. Amended November 16, 2016.

<sup>23</sup> City of Morgan Hill. *Emergency Operations Plan*. January 11, 2018.

<sup>24</sup> City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.

**X. HYDROLOGY AND WATER QUALITY.**

*Would the project:*

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

**Discussion**

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

**Construction**

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

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

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

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

### **Operation**

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

The proposed project would be managed in accordance with Resolution R3-2013-0032 issued by the California Regional Water Quality Control Board, Central Coast Region. This resolution formally adopts post-construction stormwater management requirements for development projects in the Central Coast Region. The requirements identify 10 Watershed Management Zones (WMZs) in the covered area, and specify stormwater management requirements for each zone, depending on the size of the development project. Because the proposed project site is located in an area classified as WMZ-2, stormwater management at the project site must include site design and runoff features to limit the amount of runoff from the project site as well as on-site water quality treatment to reduce pollutant loads in the stormwater runoff using a Low Impact Development (LID) treatment system such as biofiltration. In WMZ-2, the treatment system must retain 95 percent of the runoff from the project site and also maintain peak runoff flows such that they do not exceed pre-project flows.

A preliminary Stormwater Control Plan (SWCP) has been prepared for the proposed project. On-site stormwater runoff from impervious surfaces would be collected by a series of drain inlets along the internal parking areas, drive aisles, and paved walkways and transported, by way of underground storm drains, to a pipe manifold storage system located at the center of the site underneath the proposed common area (see Figure 9). The pipe manifold storage system would treat and detain all on-site runoff prior to discharging to the City's existing stormwater drain located in Monterey Road during large storm events. Per the SWCP for the project, the pipe manifold storage system would provide 14,635 cubic feet of storage volume, which exceeds the 13,034 square foot minimum required. The proposed storage volume would exceed the 95<sup>th</sup> percentile first flush treatment volume requirement.

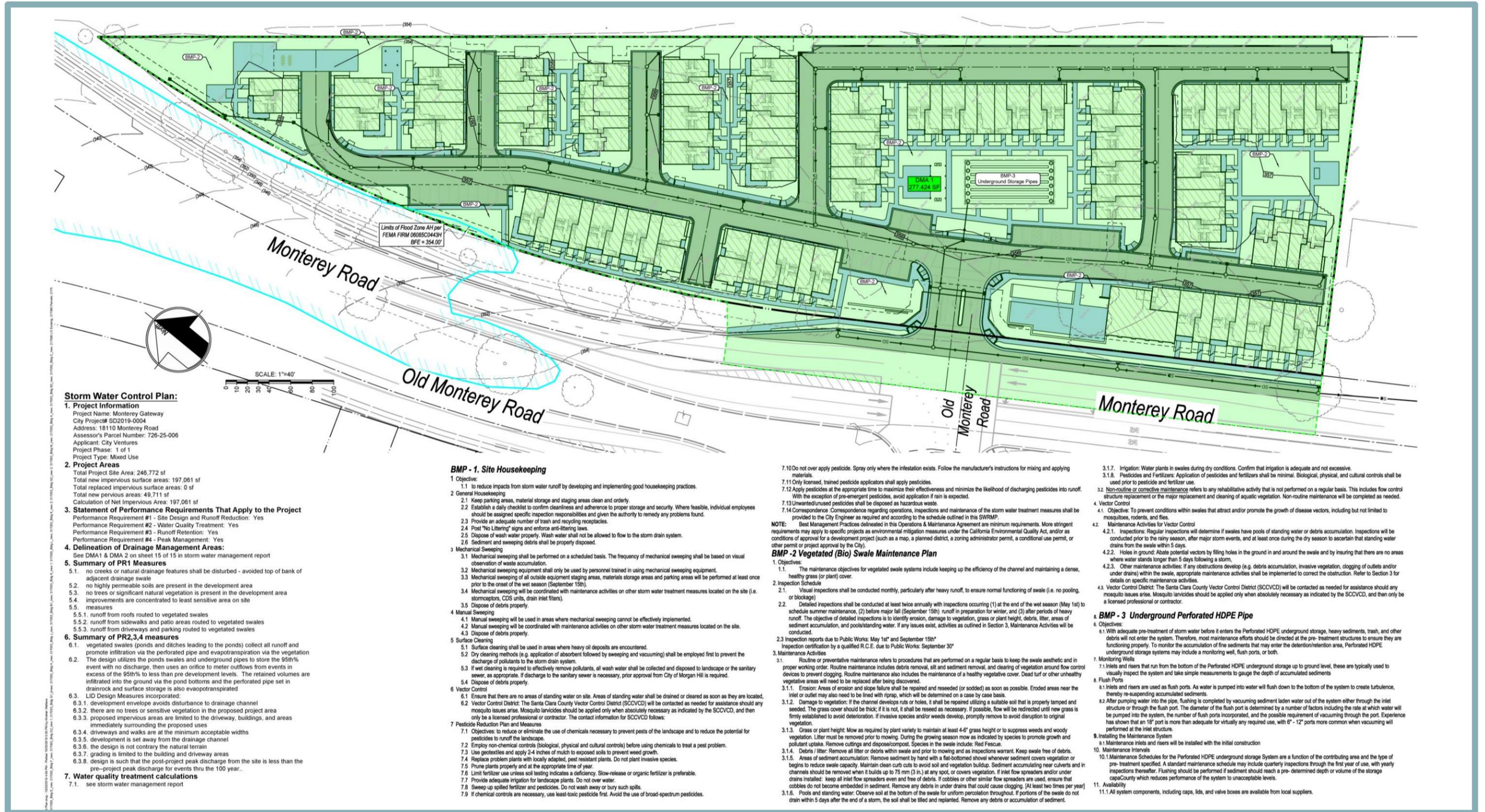
The design, construction, operation, and maintenance of the proposed pipe manifold storage system would be addressed in a final SWCP to be submitted to the City of Morgan Hill in accordance with the stormwater management requirements adopted by Resolution R3-2013-0032. The final SWCP would demonstrate how the pipe manifold storage system would meet the specified water quality, runoff retention, and peak flow management requirements. Prior to occupancy of the project, the stormwater controls would be field verified by the City of Morgan Hill to confirm design of the controls in accordance with the specified standards, and the controls would be subject to later operation and maintenance inspections by the City.

Pursuant to Chapter 18.140 (Post Construction Stormwater Pollution Prevention) of the City's Municipal Code, the proposed project would be subject to permanent storm water pollution prevention measures. As such, the proposed project would be required to comply with the design standards set forth in Section 18.140.040 (Design standards and selection of best management practices), 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 final design of the proposed drainage system would be reviewed and approved by the City of Morgan Hill Engineering Land Development Division, which would ensure that the proposed drainage 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.

**Figure 9  
Stormwater Control Plan**



## Conclusion

Based on the above discussions, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction and operations. Therefore, a **less-than-significant** impact would occur.

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

Groundwater within the Llagas Subbasin is managed by the SCVWD. The 2016 Groundwater Management Plan (GWMP), prepared pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA), describes the SCVWD's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, located entirely in Santa Clara County and identified by the Department of Water Resources (DWR) as Basins 2-9.02 and 3-3.01, respectively. Pursuant to the DWR, the Llagas Subbasin is designated as a high-priority basin.<sup>26</sup>

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

Given that groundwater levels within the subbasin underlying the project site are currently stable, and that the proposed project would provide for opportunities for on-site recharge, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the Llagas Subbasin. In addition, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Thus, a **less-than-significant** impact would occur.

- ci-iii. With the exception of a mobile home located within the southeastern portion of the site, the project site consists primarily of vacant, undeveloped land with ruderal vegetation. Development of the proposed project would include approximately 197,061 square feet of impervious surfaces, which would alter the existing drainage pattern of the site. However, as discussed above, on-site stormwater runoff would be collected by a series of drain inlets and transported, by way of underground storm drains, to an underground pipe manifold storage system. The pipe manifold system would allow stored runoff to infiltrate

<sup>25</sup> City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report* [pg. 4.9-18]. Adopted July 2016.

<sup>26</sup> Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins* [pg. ES-1]. November 2016.

underlying soils in a manner similar to what currently occurs on-site. During large storm events, excess runoff would be discharged to the City's public storm drain system located in Monterey Road. The pipe manifold storage system would treat and retain 95 percent of the runoff from the project site and also maintain peak runoff flows such that they do not exceed pre-project flows in accordance with the stormwater management requirements adopted by Resolution R3-2013-0032.

Furthermore, stormwater runoff associated with the site would be required to comply with the City's SWMP standards. As such, the project would not significantly increase stormwater flows into the existing system. The final drainage system design for the project will be subject to review and approval by the City of Morgan Hill Engineering Land Development Division, who will confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Thus, a **less-than-significant** impact would occur.

- civ. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number 06085C0443H, the project site is located primarily within Zone X, defined as an area that is located outside of the 100-year floodplain. As shown in Figure 7 of this IS/MND, a small portion of the site, along the western site boundary adjacent to Monterey Road, is located within a Special Flood Hazard Area (SFHA) (Zone AH) subject to a one percent (100-year) annual chance flood, with a Base Flood Elevation (BFE) of 354 feet.<sup>27</sup> However, the proposed project would not include development of structures or placement of fill within the SFHA. Therefore, the proposed project would not impede or redirect flood flows, and a **less-than-significant** impact would occur.
  
- d. A seiche is defined as a wave generated by rapid displacement of water within a reservoir or lake, due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The project site is not located near a water body that is susceptible to seiche hazard. In addition, the distance to the nearest coastline does not subject the site to tsunami hazards. The project site is within the dam failure inundation hazard zone for Anderson Reservoir as indicated within the dam failure inundation hazard maps.<sup>28</sup>

The dams in Santa Clara County are managed by the SCVWD. The dams are inspected twice each year and are continuously monitored for seepage and settling and inspected immediately following significant earthquakes. A seismic stability evaluation performed in 2007 for Anderson Dam indicated that the downstream and upstream embankments could become unstable during a very large magnitude earthquake and the rupture of faults underlying the dam may have adverse impact on the outlet pipes and intake structure. The SCVWD has initiated a capital project, the Anderson Dam Seismic Retrofit Project

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<sup>27</sup> Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette*. Accessed October 2019.

<sup>28</sup> Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. Available at: [http://www.mhcert.com/prepare/dam\\_failure.shtml](http://www.mhcert.com/prepare/dam_failure.shtml). Accessed October 2019.

(ADSRP), to complete the planning, design, and construction of the seismic retrofit of the dam. Construction work for the ADSRP is planned to start in 2021.<sup>29</sup>

In order to protect the public from potential effects until the ADSRP is complete, a storage restriction of approximately 45 feet below the dam crest has been put in place, with a reduced storage capacity of 61,810 acre-feet. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake.

Based on the above, the proposed project would not be exposed to substantial risks related to flooding as a result of the failure of a dam, tsunamis, or seiches. In addition, as discussed under question 'cvi' above, the proposed project would not include development of structures or placement of fill within a 100-year floodplain. Therefore, the project would not result in the release of pollutants due to project inundation, and a ***less-than-significant*** impact would occur.

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<sup>29</sup> Santa Clara Valley Water District. C1: Anderson Dam Seismic Retrofit\*. Available at: <https://www.valleywater.org/anderson-dam-project>. Updated November 2018.

**XI. LAND USE AND PLANNING.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

- a. The proposed project would essentially function as an extension of the existing residential neighborhoods to the west and south of the project site, as well as the residential uses planned for development to the east of the project site as part of the approved Butterfield-Keenan General Plan Amendment Project. In addition, the project would include sidewalk improvements along the project frontage to increase pedestrian connectivity in the project area. As such, the project would not physically divide an established community, and a **less-than-significant** impact would occur.
  
- b. The project site is currently zoned MU-F with a BLMP PD combining district. The project is located within Block Four of the BLMP area. Pursuant to Section 18.22.020 (Land use regulations) of the Morgan Hill Municipal Code, mixed-use residential is considered a permitted use within the MU-F zone district. Various commercial uses, including restaurants, professional offices, and general retail are considered permitted uses within the MU-F zone district and do not require approval of a Conditional Use Permit. As such, the type and intensity of growth that would be induced by the proposed project has been anticipated in accordance with the General Plan and associated environmental effects have been analyzed in the General Plan EIR. As discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that would not be mitigated to a less-than-significant level.

The proposed project would generally be consistent with General Plan policies, as well as other applicable policies and regulations adopted for the purpose of avoiding or mitigating environmental effects. For example, with implementation of Mitigation Measures IV-1 through IV-5, the project would not conflict with any applicable policies, regulations, or ordinances related to the protection of biological resources. As discussed under Section XIII, Noise, of this IS/MND, the project would comply with the noise level thresholds established in the City’s General Plan and the Municipal Code during construction or operation with implementation of Mitigation Measure XII-1 and XII-2. Furthermore, the project would be consistent with the development standards established in the City’s BLMP PD land use regulations for Block Four.

Based on the above, the proposed project would not cause a substantial adverse environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and a **less-than-significant** impact would result.

**XII. MINERAL RESOURCES.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>

**Discussion**

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

**XIII. NOISE.**

*Would the project result in:*

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

**Discussion**

The discussion presented below is based primarily on an Exterior Noise and Façade Acoustical Analysis (Acoustical Analysis) prepared for the proposed project by Veneklasen Associates (see Appendix F).<sup>30</sup>

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

**Sensitive Receptors**

Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the primary intended use of the land. Places where people live, sleep, recreate, worship, and study are considered to be sensitive to noise because intrusive noise can be disruptive to such activities. Within the project vicinity, the nearest sensitive receptors include the single-family residence to the southeast of the site along Monterey Road and the Solera Ranch subdivision located west of the site.

**Existing Noise Environment**

The ambient noise environment in the immediate project vicinity is defined by traffic on Monterey Road and rail activity associated with the adjacent UPRR tracks. To quantify the existing noise environment on the project site, Veneklasen relied on historical measurements from a project just to the south, at Monterey Road and Granada Street. The project site has exposure from the same environmental sources (rail line and Monterey Road) at similar distances.

As noted in the Acoustical Analysis, 24-hour measurements were performed from April 7-8, 2014, using a Bruel & Kjaer type 2260 sound level meter. In addition, more recent measurements were performed by other engineering firms. Noise measurements were taken at a distance of 25 feet from the UPRR tracks. Short-term measurements were

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<sup>30</sup> Veneklasen Associates. *Morgan Hill, California, Exterior Noise and Façade Acoustical Analysis, VA Project No. 4616-015.* November 26, 2019.

completed along Monterey Road, approximately 10 feet from the edge of the road. Table 6 shows a summary of Veneklasen’s noise and vibration measurements.

<b>Table 6 Ambient Noise Level Measurement Results</b>		
<b>Measurement</b>	<b>Train Pass-By Events, dB L<sub>1</sub></b>	<b>Noise Level (L<sub>dn</sub>)</b>
Noise, Train	82 to 92	74
Noise, Road	--	67
<i>Source: Veneklasen Associates, 2019.</i>		

Veneklasen’s historical measurements were supplemented with site-specific reported levels from another engineering firm. The measured on-site levels per the report were consistent with Veneklasen’s historical measurements. The number of trains captured during the two surveys were also mutually consistent and, therefore, the measurements are expected to represent a typical condition at the project site.

### **City Noise Standards and Criteria**

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

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

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

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

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

noise level increase is 3 dBA  $L_{dn}$  or greater, with a future noise level of 60 dBA  $L_{dn}$  or greater.

- SSI-8.6 Stationary Noise Level Standards. Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.
- SSI-8.7 Other Noise Sources. Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.
- SSI-8.9 Site Planning and Design. Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver, c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas, d) orienting buildings to shield outdoor spaces from the noise source, and e) minimizing the noise at its source.

In addition to the policies listed above, Section 18.76.090 (Noise) of the City’s Municipal Code contains maximum noise levels for non-transportation noise sources. The City’s quantitative exterior noise standards are reproduced below in Table 7. According to City staff, such standards are interpreted as being hourly average noise level standards ( $L_{eq}$ ).

<b>Table 7 Noise Level Performance Standards</b>	
<b>Receiving Land Use</b>	<b>Maximum Noise Level at Lot Line of Receiving Use</b>
Industrial and Wholesale	70 dBA
Commercial	65 dBA
Residential or Public/Quasi Public	60 dBA
Notes: <ul style="list-style-type: none"> <li>The planning commission may allow an additional 5 dBA noise level at the lot line if the maximum noise level shown above cannot be achieved with reasonable and feasible mitigation.</li> <li>Noise standards shown above do not apply to noise generated by vehicle traffic in the public right-of-way or from temporary construction, demolition, and vehicles that enter or leave the site of the noise-generating use (e.g., construction equipment, trains, trucks).</li> </ul>	
<b>Source: City of Morgan Hill Municipal Code.</b>	

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

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

activities which are under their ownership, control or direction to violate this provision.

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

- a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the Chief Building Official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.
- b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.
- c. The city council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine a.m. to six p.m., provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.
- d. Capital improvement projects are exempt from this section and the Public Services Director shall determine the hours of construction for capital improvement projects.
- e. Until November 30, 1998, construction activities shall be permitted between the hours of ten a.m. to six p.m. on Sundays, subject to the following conditions. No power-driven vehicles, equipment or tools may be used during construction activities, except on the interior of a building or other structure which is enclosed by exterior siding (including windows and doors) and roofing, and which windows and doors are closed during construction activities. Construction activities must be situated at least one hundred fifty feet from the nearest occupied dwelling. No delivery or removal of construction material to a site, or movement of construction materials on a site, is permitted. No activity, including but not limited to the playing of radios, tape players, compact disc players or other devices, which creates a loud or unusual noise which offends, disturbs or harasses the peace and quiet of the persons of ordinary sensibilities beyond the confines of the property from which the sound emanates is allowed.

## Project Construction Noise

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

Table 8 shows maximum noise levels associated with typical construction equipment. Based on the table, activities involved in typical construction would generate maximum noise levels up to 85 dB at a distance of 50 feet. As one increases the distance between equipment, or increases separation of areas with simultaneous construction activity, dispersion and distance attenuation reduce the effects of combining separate noise sources. The noise levels from a source decrease at a rate of approximately 6 dB per every doubling of distance from the noise source.

<b>Type of Equipment</b>	<b>Maximum Level, dB at 50 feet</b>
Backhoe	78
Compactor	83
Compressor (air)	78
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Pneumatic Tools	85

*Source: Federal Highway Administration, Roadway Construction Noise Model User's Guide, January 2006.*

The nearest noise-sensitive receptor is located within 50 feet of the project site boundary. Thus, construction activities associated with the proposed project could exceed the levels shown in Table 8 at the receptor. However, the Morgan Hill Municipal Code does not specify any short-term noise level limits. In addition, Chapter 8.28 of the Morgan Hill Municipal Code prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays. Furthermore, construction activities related to the proposed project would include the use of sound-dampening equipment such as mufflers, air-inlet silencers, shrouds, shields, or other noise-reducing features where appropriate.

Enforcement of time restrictions specified in the Morgan Hill Noise Ordinance and the use of noise-dampened equipment would be required to ensure that the temporary or periodic increase in ambient noise levels in the project vicinity associated with construction of the proposed project would not be considered substantial. Otherwise, a potentially significant impact could occur related to construction noise.

## Project Operational Noise

The primary noise source associated with operation of the proposed project would be traffic noise. Per General Plan Policy SSI-8.5, noise level increases resulting from traffic associated with new projects are considered significant if: a) the noise level increase is 5 dBA  $L_{dn}$  or greater, with a future noise level of less than 60 dB  $L_{dn}$ , or b) the noise level increase is 3 dB  $L_{dn}$  or greater, with a future noise level of 60 dB  $L_{dn}$  or greater. As shown in Table 6, existing on-site noise levels exceed 60 dB  $L_{dn}$ .

As discussed in Section XVII, Transportation, of this IS/MND, the proposed project would generate approximately 1,034 average daily vehicle trips, which represents an increase of approximately six percent relative to traffic volumes documented on Monterey Road in the project vicinity in 2018. Per the Noise Analysis, based on modeling conducted with the Federal Highway Administration (FHWA) Traffic Noise Model, traffic generated by the proposed project would result in a noise level increase of approximately 0.3 dB, which is imperceptible and below the City's 3 dB  $L_{dn}$  threshold. Therefore, traffic noise increases attributable to the project would be less than significant.

## Noise at Proposed Development

Impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Ballona Wetlands Land Trust v. City of Los Angeles*, (2011) 201 Cal.App.4th 455, 473 (*Ballona*)). The California Supreme Court recently held that “CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project’s future users or residents. What CEQA does mandate... is an analysis of how a project might exacerbate existing environmental hazards.” (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 197 [“identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes”], quoting *Ballona, supra*, 201 Cal.App.4th at p. 474.)

Based on the above, for the purposes of the CEQA analysis, the relevant inquiry is not whether future residents, workers, and guests at the proposed project will be exposed to preexisting environmental noise-related hazards, but instead whether project-generated noise will exacerbate the pre-existing conditions. However, an evaluation of estimated noise levels at the exterior of the proposed buildings is provided herein for informational purposes and project conditioning.

As noted previously, ambient noise levels at the project site are defined primarily by traffic noise along Monterey Road and train activity associated with the adjacent UPRR tracks. The proposed project would include construction of an eight-foot-tall solid barrier along the length of the eastern site boundary, adjacent to the UPRR right-of-way, which would help to shield the proposed structures from train noise associated with the tracks.<sup>31</sup> The barrier can be constructed from wood, concrete, or other material, such as a gapless wood fence. In addition, the project would include a 42-inch tall decorative screen wall/sound

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<sup>31</sup> Veneklasen Associates. *Exterior Noise Analysis – Barrier Wall from Building 10 through Building 14*. January 30, 2020.

attenuation feature along the southwest side of the proposed bocce ball court, to be located near the site entrance at Monterey Road. Pursuant to the Noise Analysis, with construction of the eight-foot-tall barrier and the sound attenuation feature at the bocce ball court, exterior noise levels at the proposed residences and outdoor recreation areas would comply with the City's 65 dB L<sub>dn</sub> standard for traffic noise exposure, as well as the City's 70 dB L<sub>dn</sub> standard for rail noise exposure, recognizing that train noise is characterized by relatively few loud events.

With regard to interior noise levels, the City would require, as a Condition of Approval, project compliance with the applicable recommendations in the Noise Analysis related to exterior glazing and exterior glass door sound transmission class (STC) ratings, as well as recommendations related to inclusion of solid balcony railings with a minimum height of 46 inches for buildings within 'Zone A' (as shown in Figure 1, Noise Zones, of the Noise Analysis). As noted in the Noise Analysis, compliance with such recommendations would ensure that interior noise levels would be reduced to below the applicable 45 dB L<sub>dn</sub> standard.

### Conclusion

Based on the above, operation of the proposed project would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the City's General Plan and the Municipal Code. However, considering the potential for construction activities to conflict with standards established by Section 8.28.040 (Enumeration of unlawful noises) of the City's Municipal Code, the proposed project could result in a **potentially significant** impact related to temporary increases in ambient noise levels in the project area.

### Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

*XIII-1. Noise-generating construction activities associated with the proposed project shall only occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to approval by the City of Morgan Hill Development Services Department.*

*XIII-2. To the maximum extent practical, the following measures shall be implemented during project construction:*

- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;*
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;*
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;*

- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;*
- *Project area and site access road speed limits shall be established and enforced during the construction period; and*
- *Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*

*The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.*

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

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

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 9, which was developed by Caltrans, shows the vibration levels that would normally be required to result in damage to structures. As shown in the table, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

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

The primary vibration-generating activities associated with the proposed project would occur during grading, paving, placement of utilities, and construction of foundations. Table 10 shows the typical vibration levels produced by construction equipment at various distances. The most substantial source of groundborne vibrations associated with project construction would be the use of vibratory compactors. Use of vibratory compactors/rollers could potentially be required during construction of the proposed drive aisles.

<b>Table 9</b>			
<b>Effects of Vibration on People and Buildings</b>			
<b>PPV</b>		<b>Human Reaction</b>	<b>Effect on Buildings</b>
<b>mm/sec</b>	<b>in/sec</b>		
0.15 to 0.30	0.006 to 0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of “architectural” damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of “architectural” damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize “architectural” damage
10 to 15	0.4 to 0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause “architectural” damage and possibly minor structural damage
<b>Source: Caltrans. Transportation Related Earthborne Vibrations. TAV-02-01-R9601. February 20, 2002.</b>			

<b>Table 10</b>		
<b>Vibration Levels for Various Construction Equipment</b>		
<b>Type of Equipment</b>	<b>PPV at 25 feet (in/sec)</b>	<b>PPV at 50 feet (in/sec)</b>
Large Bulldozer	0.089	0.029
Loaded Trucks	0.076	0.025
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.029
Jackhammer	0.035	0.011
Vibratory Hammer	0.070	0.023
Vibratory Compactor/roller	0.210	0.070
<b>Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.</b>		

Use of vibratory compactors/rollers could be required during construction of the proposed on-site drive aisle, a portion of which would be located directly adjacent to the existing single-family residence to the southeast of the site. Operation of vibratory compactors/rollers used for construction of the drive aisle could operate at a distance of approximately 25 feet from the existing off-site residence; thus, groundborne vibrations at the structure could potentially exceed 0.2 in/sec PPV.

It should be noted that paving activities associated with the proposed project would occur at different portions of the site at different times. Thus, groundborne vibration at the nearby residence would occur intermittently over a short period of time. Nonetheless, based on the above, the use of vibratory rollers during construction activities could expose people

to or generate excessive groundborne vibration or groundborne noise levels, and impacts could be **potentially significant**.

### **Mitigation Measure(s)**

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

*XIII-3            During construction activities associated with the proposed project, any compaction required within 25 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.*

- c. The public airport nearest to the project site is the San Martin Airport, which is located approximately 4.75 miles south of the project site at 13030 Murphy Avenue. The project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport Comprehensive Land Use Plan.<sup>32</sup> In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with air traffic, and **no impact** would occur.

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<sup>32</sup> Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport*. Amended November 16, 2016.

**XIV. POPULATION AND HOUSING.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

- a. The timing, type, and amount of residential growth in Morgan Hill has historically been controlled by the City’s Residential Development Control System (RDSCS) which was adopted for the purpose of managing growth in Morgan Hill. Measure S was approved by the Morgan Hill voters in 2016, extending the City’s RDSCS to 2035, and establishing a City population ceiling of 58,200. On January 1, 2020, the City’s RDSCS was suspended by SB 330 Housing Crisis Act of 2019 (Housing Accountability Act) for five years. The Housing Accountability Act prohibits a local agency from placing a cap on the number of housing units that can be approved or construct either annually or for some other time period or limits the population of the jurisdiction. The land use of the property was contemplated within the 2035 General Plan; therefore, the project would not directly or indirectly induce substantial population growth in the area beyond what has been previously analyzed in the General Plan EIR. Therefore, a **less-than-significant** impact would occur.
  
- b. The proposed project would require demolition of an existing mobile home. However, removal of a single residence would not be considered to displace substantial numbers of existing people or housing. In addition, given that the project would develop the project site with 101 multi-family units, construction of replacement housing elsewhere would not be required. Therefore, a **less-than-significant** impact would occur.

**XV. PUBLIC SERVICES.**

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✗</b>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✗</b>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✗</b>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✗</b>	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✗</b>	<input type="checkbox"/>

**Discussion**

a-c,e. The City of Morgan Hill contracts with CAL FIRE (California Department of Forestry and Fire Protection) for fire protection services. Three fire stations are located within the City boundaries: El Toro Station, located at 18300 Old Monterey Road; Dunne-Hill Station, located at 2100 Dunne Avenue; and the CAL FIRE station at 15670 Monterey Road. The nearest fire station (El Toro station) is located approximately 0.2-mile to the northeast of the site by way of Old Monterey Road. The incremental increase in demand associated with the proposed project would not necessitate new or physically altered facilities and would not be substantial enough that the current response times could not be maintained. Accordingly, the response time from the El Toro station would be anticipated to be within the City’s preferred response time of five minutes or less. The project site is also located within the Morgan Hill Police Department’s normal patrol routes, and, thus, police response times would be comparable to nearby existing developments. Furthermore, given that the project is consistent with the site’s current General Plan land use and zoning designations, impacts related to provision of new or physically altered fire and police protection facilities have been previously analyzed in the General Plan EIR. The General Plan EIR concluded that buildout of the City would have a less-than-significant impact related to the provision of such public services.

The Morgan Hill Unified School District (MHUSD) operates public education facilities that serve the project site and surrounding area. The City of Morgan Hill is served by eight elementary schools, two middle schools, two high schools, one continuation school, one K-8 home school program, and one community adult school. Utilizing the MHUSD student yield rate of 0.465 students per household, the total anticipated development potential for the project site (101 residential units) could add approximately 47 new students to MHUSD schools.

The City collects development impact fees to help pay for public services that include public schools. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act involving the planning, use, or development of real property.” (Government Code 65996(b).) Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be “full and complete mitigation.” Therefore, according to SB 50, the payment of the necessary school impact fees for the project would be full and satisfactory CEQA mitigation.

With regard to other public facilities, such as libraries, given the relatively small number of units included in the proposed project, the project would not be anticipated to result in a

substantial increase in demand for library services, or other public facilities, such that expanded facilities would be required. Future residents of the proposed project would have access to the 28,000-square foot Morgan Hill Library, which is operated by the Santa Clara County Library District. In addition, the General Plan EIR concluded that buildout of the City, including the project site, would have a less-than-significant impact related to libraries.

Based on the above, the project would have a **less-than-significant** impact with respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, and schools.

- d. The proposed project is anticipated to generate an estimated 311 additional residents (101 units X 3.08 persons per household = 311 residents) in the City of Morgan Hill.<sup>33</sup> The City of Morgan Hill recently adopted Ordinance No.'s 2305 and 2315 updating Chapter 17.28 (Land Dedications and Reservations) of the Municipal Code requirements for park dedication or fees in lieu to allow for the use of Quimby Act fees. The City continues to collect park impact fees for development where subdivision is not required. Chapter 17.28 of the Municipal Code requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code. In addition, the proposed project would include multiple open space/common areas as an amenity for future residents. Amenities to be included within the common space areas would include, but not be limited to, a putting green, shaded patio spaces, a basketball area, a sport court, BBQ areas, a bocce ball court, and a tot lot/kids play area. Given that the proposed project would be required to comply with Chapter 17.28 of the Municipal Code, and the project would provide a range of on-site recreational amenities, the project would have a **less-than-significant** impact with respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for parks.

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<sup>33</sup> City of Morgan Hill. *Housing Element* [Table 1-1]. Adopted February 18, 2015.

**XVI. RECREATION.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

a,b. Considering the total of 101 residential units, the proposed project would generate approximately 311 additional residents (based on 3.08 persons per household) in the City of Morgan Hill.<sup>34</sup> Given the City’s parkland goal of five acres per 1,000 residents, the proposed project would create the need for a minor amount of additional parkland (1.56 acres). The City of Morgan Hill has adopted a Land Dedications and Reservations Ordinance (Municipal Code Chapter 17.28) that requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. If there is no park or recreational facility designated in the City’s Bikeways, Trails, Parks and Recreation Master Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivision shall pay a fee equal to the value of the land prescribed for dedication per Section 17.28.060 of the Municipal Code. The project is not located in whole or in part of a recreational facility identified in the Master Plan; therefore, the project is not proposing to dedicate any land to the City for recreational facilities. The project applicant would pay in-lieu fees required per the Municipal Code. The park impact fees imposed by the City will generate revenue to acquire necessary land to develop new parks or rehabilitate existing neighborhood parks and recreation facilities reasonably related to serve the subdivision. In addition, while the proposed project would not provide any public parkland on-site, the project would include on-site open space/common areas as an amenity for future residents. Based on the above, a **less-than-significant** impact would occur with regard to recreational resources.

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<sup>34</sup> According to the persons per household demographic projection for Morgan Hill for the year 2015 (see Table 1-1 of City of Morgan Hill Housing Element, adopted February 18, 2015).

**XVII. TRANSPORTATION.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

The following discussion is based on the Traffic Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc. (see Appendix G).<sup>35</sup>

- a. The Traffic Impact Analysis evaluated the following study intersections within the project vicinity (see Figure 10):
  1. Monterey Road and Cochrane Road;
  2. Monterey Road and Old Monterey Road;
  3. Monterey Road and Wright Avenue;
  4. Monterey Road and Central Avenue (unsignalized);
  5. Monterey Road and Main Avenue;
  6. Butterfield Boulevard and Cochrane Road;
  7. Sutter Boulevard and Cochrane Road;
  8. Madrone Parkway/Cochrane Plaza and Cochrane Road;
  9. US 101 Southbound Ramps and Cochrane Road;
  10. US 101 Northbound Ramps and Cochrane Road; and
  11. Old Monterey Road and Llagas Road (unsignalized).

Traffic conditions at all of the study intersections were analyzed for the weekday AM and PM peak hours. The weekday AM peak hour of traffic is generally between 7:00 AM and 9:00 AM and the weekday PM peak hour is typically between 4:00 PM and 6:00 PM.

It should be noted that according to Congestion Management Program (CMP) Traffic Impact Analysis Guidelines, dated March 2009, a freeway level of service (LOS) analysis is required if the number of project trips added to any freeway segment equals or exceeds one percent of the capacity of the segment. As stated in the TIA, an analysis of freeway segments was not performed because the proposed project would not add traffic equal to at least one percent of capacity of any freeway segment.

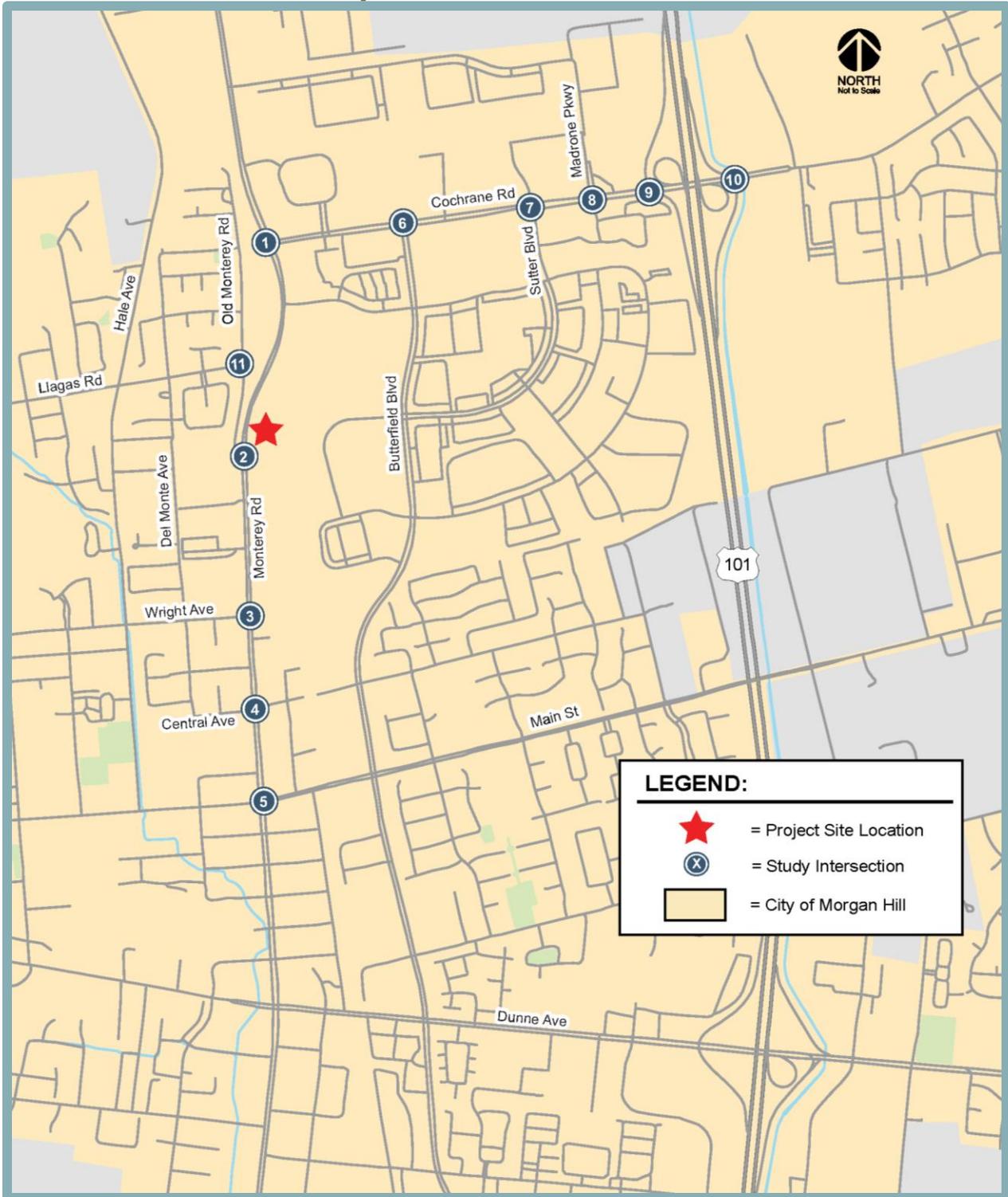
**Study Scenarios**

The operations of the study intersections were evaluated for the following four scenarios:

- **Scenario 1: Existing Conditions.** Existing conditions represent existing peak-hour traffic volumes on the existing roadway network. Existing peak-hour traffic volumes

<sup>35</sup> Hexagon Transportation Consultants, Inc. *Monterey Gateway Traffic Impact Analysis (TIA)*. November 27, 2019.

**Figure 10**  
**Study Intersection Locations**



Source: Hexagon Transportation Consultants, Inc., 2019.

were obtained from turning-movement traffic counts conducted as part of recently completed traffic studies and supplemented with new manual turning-movement counts at the study intersections where counts were either unavailable or outdated (more than two years old).

- **Scenario 2: Existing plus Project Conditions.** Project-generated traffic volumes at full capacity of the proposed project were added to existing traffic volumes to estimate existing plus project conditions. Existing plus project conditions were evaluated relative to existing conditions in order to determine potential project impacts.
- **Scenario 3: Year 2025 Cumulative Conditions.** Year 2025 Cumulative conditions represent future traffic volumes on the future transportation network. Year 2025 Cumulative conditions include traffic growth projected to occur in the Year 2025 without the proposed project, including but not limited to the approved Butterfield-Keenan General Plan Amendment Project to the east of the project site.
- **Scenario 4: Year 2025 Cumulative plus Project Conditions.** Year 2025 Cumulative with project consists of Year 2025 Cumulative traffic conditions with the addition of project traffic. Cumulative plus project conditions were evaluated relative to cumulative conditions in order to determine potential cumulative project impacts.

The following section describes the analysis methodology, thresholds of significance, and each of the scenarios evaluated for the proposed project.

### **Thresholds of Significance**

The City of Morgan Hill's 2010 *Guidelines for Preparation of Transportation Impact Studies* requires signalized intersection operations and impacts to be evaluated based on the jurisdiction's LOS standards (i.e., minimum threshold for acceptable operations). The LOS standard for City of Morgan Hill intersections is LOS D, except for the following:

- **LOS F** for Downtown intersections and segments including at Main Avenue/Monterey Road, along Monterey Road between Main Avenue and Fifth Street, and along Depot Street at First Street through Fifth Street;
- **LOS E** for the following intersections and freeway zones:
  - Main Avenue and Del Monte Avenue;
  - Main Avenue and Depot Street;
  - Dunne Avenue and Del Monte Avenue;
  - Dunne Avenue and Monterey Avenue;
  - Dunne Avenue and Church Street;
  - Dunne Avenue and Depot Street;
  - Cochrane Road and Monterey Road;
  - Tennant Avenue and Monterey Road;
  - Tennant Avenue and Butterfield Boulevard;
  - Cochrane Road Freeway Zone: from Madrone Parkway/Cochrane Plaza to Cochrane Road/DePaul Drive;
  - Dunne Avenue Freeway Zone: from Walnut Grove Drive/East Dunne Avenue to Condit Road/East Dunne Avenue; and
  - Tennant Avenue Freeway Zone: from Butterfield Boulevard/Tennant Avenue to Condit Road/Tennant Avenue.

Five of the study intersections are subject to LOS E or LOS F standards, while the remaining six study intersections are subject to a LOS D standard.

### Signalized Intersections

According to the City of Morgan Hill LOS guidelines, a development would create a significant adverse impact on traffic conditions at a signalized intersection if the following occurs for either peak hour:

1. The LOS at the intersection degrades from an acceptable level under existing conditions to an unacceptable level under project conditions, or
2. The LOS at the intersection is an unacceptable level under existing conditions and the addition of project trips causes the average critical delay to increase by four or more seconds *and* the volume-to-capacity ratio (V/C) to increase by 0.01 or more.

An exception to the above applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In such a case, the threshold of significance is an increase in the critical V/C value by 0.01 or more.

### Unsignalized Intersections

Unsignalized intersections within the City of Morgan Hill have a minimum operating level of LOS D, with the exception of unsignalized intersections located within the Downtown area and freeway zones, as identified above, which have a LOS E or F standard. All four of the unsignalized study intersections have a LOS standard of LOS D.

A development would have a significant adverse impact on traffic conditions at an unsignalized intersection if, for either peak hour, the worst approach (for one- and two-way stop control) or the overall intersection (for all-way stop control) delay corresponds to an unacceptable LOS E or F *and* the traffic volumes at the intersection are sufficiently high to satisfy the peak-hour signal warrant.

### **Trip Generation**

The trip generation rates for single-family detached housing (Land Use 210) and shopping center (Land Use 820) as published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10<sup>th</sup> Edition* (2017) were applied to the proposed condominiums and retail space, respectively. Single-family detached housing trip generation rates were used to estimate the number of trips that would be generated by the proposed condominiums because the trip-making characteristics of varying types of residential units would be similar due to the limited transit services and employment opportunities within Morgan Hill. Based on ITE trip rates, single-family homes generate the greatest number of per unit trips for residential uses. Therefore, the use of single-family trip rates provides a conservative estimate of trips for the proposed condominium units.

The trip estimates for each of the proposed land use components of the project were reduced to account for internalization, or trips made between each of the proposed land uses. The reductions are based on the assumption that vehicle trips to each of the proposed land uses of the site would be reduced due to internalization of trips. As prescribed by the VTA *Transportation Impact Analysis Guidelines* (October 2014), a trip reduction of 15 percent to account for the internalization between residential and retail land uses was applied to the estimated trips for the project.

In addition, trip generation for retail uses is typically adjusted to account for pass-by-trips. Pass-by-trips are trips that would already be on the adjacent roadways (and are therefore

already counted in the existing traffic) but would turn into the site while passing by. Justification for applying the pass-by-trip reduction is founded on the observation that such retail traffic is not actually generated by the retail development, but is already part of the ambient traffic levels. Pass-by-trips are therefore excluded from the traffic projections (although pass-by traffic is accounted for at the site entrances). A typical pass-by trip reduction of 20 percent for retail development within the City of Morgan Hill was applied to the retail component of the proposed project.

Based on the ITE rates with trip adjustments and reductions, the proposed development would generate a total of 1,043 daily vehicle trips, with 78 trips (21 inbound and 57 outbound) occurring during the AM peak hour and 107 trips (66 inbound and 41 outbound) occurring during the PM peak hour. Trips associated with the mobile home on the project site were estimated using ITE rates and subtracted from the estimated trips to be generated by the proposed project. Based on ITE rates, the mobile home currently generates 9 daily vehicle trips, with 1 trip (0 inbound and 1 outbound) occurring during the AM peak hour and 1 trip (1 inbound and 0 outbound) occurring during the PM peak hour.

After applying the ITE trip rates, appropriate trip reductions, and existing site trip credits, the project would generate a net additional 1,034 daily vehicle trips, with 77 trips (21 inbound and 56 outbound) occurring during the AM peak hour and 106 trips (65 inbound and 41 outbound) occurring during the PM peak hour (see Table 11).

### **Trip Distribution and Assignment**

The trip distribution pattern for the proposed project was estimated based on project information, existing travel patterns on the surrounding roadway system, the locations of complementary land uses, and use of the City of Morgan Hill Traffic Demand Forecasting (TDF) Model. The peak hour trips generated by the proposed development were assigned to the roadway system in accordance with the trip distribution patterns discussed above. Additional details regarding vehicle trip assumptions are included in the Traffic Impact Analysis.

### **Existing Plus Project**

Under Existing Plus Project conditions, the existing roadway network and configurations are assumed to remain unchanged, with the exception of minor changes to the Monterey Road/Old Monterey Road intersection. As part of the proposed project, a new east approach at the intersection of Monterey Road and Old Monterey Road would be constructed to serve as the main access to the project site. The east approach would include a separate left-turn lane and a shared through and right-turn lane. To facilitate access to the project site, the addition of a separate southbound left-turn lane and restriping of the middle exclusive eastbound left-turn lane to a shared through and left-turn lane would also be required. The addition of the east approach to serve the proposed project would require signal modification at the intersection.

Net new project trips, as represented in the project trip assignment discussed above, were added to the existing traffic volumes to obtain Existing Plus Project traffic volumes. The results of the intersection LOS analysis under existing plus project conditions are summarized in Table 12. All of the study intersections are projected to operate at acceptable levels of service under Existing Plus Project conditions during both the AM and PM peak hours. Therefore, the proposed project would result in a less-than-significant impact to study intersections under the Existing Plus Project condition.

**Table 11  
Trip Generation Estimates**

Land Use	Size	Daily		AM Peak Hour			PM Peak Hour				
		Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
<b>Proposed Land Uses</b>											
Single-Family Housing (ITE 120)	101 units	9.440	953	0.740	19	56	75	0.990	63	37	100
<i>Housing and Retail Mixed-Use Reduction (15%)</i>			-20		0	0	0		-1	-1	-2
Shopping Center (ITE 820)	3,500 sf	37.750	132	0.940	2	1	3	3.810	6	7	13
<i>Housing and Retail Mixed-Use Reduction (15%)</i>			-20		0	0	0		-1	-1	-2
<i>Retail Pass-by (20%)</i>			-2		0	0	0		-1	-1	-2
<b>Total Project Trips</b>			<b>1,043</b>		<b>21</b>	<b>57</b>	<b>78</b>		<b>66</b>	<b>41</b>	<b>107</b>
<b>Existing Land Uses</b>											
Single-Family Housing (ITE 120)	1 unit	9.440	9	0.740	0	1	1	0.990	1	0	1
<b>Net New Trips</b>											
			<b>1,034</b>		<b>21</b>	<b>56</b>	<b>77</b>		<b>65</b>	<b>41</b>	<b>106</b>

Source: Hexagon Transportation Consultants, Inc., 2019.

**Table 12**  
**Existing and Existing Plus Project Conditions Intersection LOS**

Intersection	LOS Standard	Peak Hour	Existing			Existing Plus Project				
			Warrant Met? <sup>1</sup>	Average Critical Delay <sup>2</sup>	LOS	Warrant Met? <sup>1</sup>	Average Critical Delay <sup>2</sup>	LOS	Average Critical Delay Change	Critical Change V/C
1. Monterey Road and Cochrane Road	E	AM	-	28.1	C	-	28.1	C	0.2	0.005
		PM	-	24	C	-	24.9	C	1.1	0.013
2. Monterey Road and Old Monterey Road	D	AM	-	10.8	B	-	18.5	B	2.4	0.121
		PM	-	15	B	-	22.9	C	6	0.038
3. Monterey Road and Wright Avenue	D	AM	-	19.1	B	-	19.1	B	0	0.002
		PM	-	20.4	C	-	20.4	C	0.1	0.004
4. Monterey Road and Central Avenue	D	AM	No	19.5	C	No	20.1	C	N/A	N/A
		PM	No	15.7	C	No	15.9	C	N/A	N/A
5. Monterey Road and Main Avenue	F	AM	-	44.2	D	-	44.4	D	0.3	0.006
		PM	-	45.1	D	-	45.2	D	0.1	0.003
6. Butterfield Boulevard and Cochrane Road	D	AM	-	12.3	B	-	12.4	B	0	0.007
		PM	-	12	B	-	11.9	B	0	0
7. Sutter Boulevard and Cochrane Road	D	AM	-	17.2	B	-	17.2	B	0	0.007
		PM	-	17.9	B	-	18	B	-0.1	0.005
8. Madrone Parkway/Cochrane Plaza and Cochrane Road	E	AM	-	19.1	B	-	19.2	B	-2.9	-0.003
		PM	-	31.4	C	-	31.2	C	-0.1	0.005
9. US 101 Southbound Ramps and Cochrane Road	E	AM	-	12.8	B	-	12.8	B	0.2	0.011
		PM	-	16.5	B	-	16.7	B	0.3	0.015
10. US 101 Northbound Ramps and Cochrane Road	E	AM	-	8.6	A	-	8.6	A	0	0
		PM	-	11.3	B	-	11.3	B	0	0.002
11. Old Monterey Road and Llagas Road	D	AM	No	8.4	A	No	8.4	A	N/A	N/A
		PM	No	8.4	A	No	8.4	A	N/A	N/A

Notes:

- <sup>1</sup> Signal warrant analysis based on the Peak Hour Signal Warrant #3, Figure 4C Caltrans MUTCD, 2014. Signal warrant analysis is not applicable to signalized intersections.
- <sup>2</sup> The reported delay and corresponding LOS for signalized and all-way stop-controlled intersections represents the average delay for all approaches at the intersection. The reported delay and corresponding LOS for one- and two-way stop-controlled intersections are based on the stop-controlled approach with the highest delay.

Source: Hexagon Transportation Consultants, Inc., 2019.

### **Cumulative Plus Project**

Traffic volumes for the Year 2025 Cumulative condition were developed based on traffic forecasts produced for the City of Morgan Hill 2035 General Plan using the City's Traffic Demand Forecasting (TDF) model. The Year 2035 General Plan traffic forecasts include land use growth and transportation improvements associated with buildout of the City's General Plan, including future development of up to 409 residential units on the property to the east of the project site as part of the approved Butterfield-Keenan General Plan Amendment Project. The Year 2025 Cumulative traffic volumes were developed using a growth method that involved adding a proportion (10 years, or 50 percent) of the 2035 projected growth, developed from forecasted turn-movements, to existing traffic counts at each of the study intersections. The projected growth was calculated by taking the difference between Base Year 2015 and Year 2025 forecasted turn movements. The Traffic Impact Study did not account for any future roadway improvements under the cumulative conditions beyond those included for the Existing Plus Project conditions.

Traffic associated with buildout of the project site was included in the City's General Plan forecasts and the developed Year 2025 Cumulative traffic volumes. Therefore, the trips associated with the adopted General Plan land uses for the project site were removed to develop Year 2025 Cumulative no project traffic volumes. The adopted GP land uses for the project site were estimated to consist of 52 residential units, 3,000 square feet of retail space, and 3,000 square feet of office space. The land uses of the proposed project are of greater intensity than those assumed in the General Plan. When compared with the land uses included in the City's General Plan, the proposed project would result in an additional 34 AM peak hour trips and 48 PM peak hour trips at the project site.

The LOS results under Cumulative and Cumulative Plus Project conditions are summarized in Table 13. As shown in the table, the intersection of Monterey Road and Central Avenue is projected to operate unacceptably (LOS E) during the AM peak hour without the addition of project traffic, and the signal warrant would be met. Under the Cumulative Plus Project condition, the proposed project would add vehicle trips to the intersection; however, the City has not established a vehicle delay or V/C increase threshold to indicate whether the added trips would result in a significant impact. In addition, the proposed project is consistent with the site's current General Plan land use designation. Per Public Resources Code (PRC) Section 21083.3, if a development project is consistent with the local general plan and zoning, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. The General Plan EIR concluded that cumulative development would result in significant cumulative traffic impacts to certain intersections within the City, including to the Monterey Road and Central Avenue intersection.<sup>36</sup> Mitigation was included in the General Plan EIR requiring the City to signalize the intersection. According to CEQA Guidelines Section 15130(a)(3), paying a "fair share fee" is permissible as effective mitigation for cumulative impacts if the fees are part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing. Thus, the project will be conditioned to pay its fair-share towards the improvement project. Pursuant to PRC 21083.3, additional cumulative traffic analysis is not required for the project.

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<sup>36</sup> City of Morgan Hill. *2035 General Plan Draft EIR* [pg 4.14-43]. January 2016.

**Table 13**  
**Cumulative and Cumulative Plus Project Conditions Intersection LOS**

Intersection	LOS Standard	Peak Hour	Cumulative			Cumulative Plus Project				
			Warrant Met? <sup>1</sup>	Average Critical Delay <sup>2</sup>	LOS	Warrant Met? <sup>1</sup>	Average Critical Delay <sup>2</sup>	LOS	Average Critical Delay Change	Critical Change V/C
1. Monterey Road and Cochrane Road	E	AM	-	29.1	C	-	29.2	C	0.3	0.005
		PM	-	25.6	C	-	26.5	C	1.1	0.013
2. Monterey Road and Old Monterey Road	D	AM	-	11	B	-	20.4	C	5.2	0.168
		PM	-	16.6	B	-	25.2	C	7.1	0.041
3. Monterey Road and Wright Avenue	D	AM	-	21	C	-	21.1	C	0.1	0.002
		PM	-	21.8	C	-	21.9	C	0.1	0.004
4. Monterey Road and Central Avenue	D	AM	Yes	36.9	E	Yes	39.4	E	N/A	N/A
		PM	No	23	C	No	23.6	C	N/A	N/A
5. Monterey Road and Main Avenue	F	AM	-	46.4	D	-	46.6	D	0.3	0.006
		PM	-	47.6	D	-	47.7	D	0.1	0.003
6. Butterfield Boulevard and Cochrane Road	D	AM	-	12.6	B	-	12.7	B	0.1	0.007
		PM	-	13.5	B	-	13.4	B	0.0	0.000
7. Sutter Boulevard and Cochrane Road	D	AM	-	17.5	B	-	17.6	B	0.0	0.007
		PM	-	17.5	B	-	17.5	B	0.1	0.013
8. Madrone Parkway/Cochrane Plaza and Cochrane Road	E	AM	-	18.9	B	-	18.9	B	0.0	0.001
		PM	-	31.9	C	-	31.8	C	-0.1	0.005
9. US 101 Southbound Ramps and Cochrane Road	E	AM	-	13.9	B	-	14.0	B	0.2	0.011
		PM	-	19.5	B	-	19.8	B	0.6	0.015
10. US 101 Northbound Ramps and Cochrane Road	E	AM	-	7.9	A	-	7.9	A	0.0	0.000
		PM	-	11.5	B	-	11.5	B	0.0	0.002
11. Old Monterey Road and Llagas Road	D	AM	No	8.5	A	No	8.5	A	N/A	N/A
		PM	No	8.9	A	No	8.9	A	N/A	N/A

Notes:

- <sup>1</sup> Signal warrant analysis based on the Peak Hour Signal Warrant #3, Figure 4C Caltrans MUTCD, 2014. Signal warrant analysis is not applicable to signalized intersections.
- <sup>2</sup> The reported delay and corresponding LOS for signalized and all-way stop-controlled intersections represents the average delay for all approaches at the intersection. The reported delay and corresponding LOS for one- and two-way stop-controlled intersections are based on the stop-controlled approach with the highest delay.

Source: Hexagon Transportation Consultants, Inc., 2019.

All other study intersections are projected to operate at acceptable levels of service under Cumulative Plus Project conditions during both the AM and PM peak hours. Therefore, the proposed project would result in a less-than-significant impact to study intersections under the Cumulative Plus Project condition.

### **Pedestrian, Bicycle, and Transit Facilities**

Sidewalks are provided along the east side of Monterey Road, with a short discontinuity between Old Monterey Road and Granada Street, and on the west side of the street south of Old Monterey Road. The proposed project would provide a new sidewalk along the project frontage on Monterey Road, connecting to the existing pedestrian sidewalk to the north of the Old Monterey Road and Monterey Road intersection. In addition, the signalized intersection of Monterey Road and Old Monterey Road currently has a crosswalk across the south approach, providing a connection between sidewalks on both sides of Monterey Road. Such pedestrian facilities would provide a pedestrian connection between the project site and nearby land uses along Monterey Road. Thus, the proposed project would not conflict with any existing or planned pedestrian facilities and would provide for improved pedestrian connectivity in the project area.

Bike lanes are currently provided along the length of Monterey Road, with a discontinuity between Main Avenue and Dunne Avenue. In addition, bike lanes are located along Main Avenue, Cochrane Road, Butterfield Boulevard, and Hale Avenue. With development of the proposed project, the existing bike lane along the Monterey Road frontage would be retained. Per the Traffic Impact Analysis prepared for the proposed project, bicycle trips would comprise one percent or less of the total project-generated trips. Thus, the project could potentially generate approximately one new bicycle trip during each of the peak hours. The demand generated by the proposed project could be accommodated by the existing bicycle facilities in the vicinity of the project site. Thus, the proposed project would not conflict with any existing or planned bicycle facilities and sufficient bicycle facilities would be available for future project residents, workers, and guests.

The project site is not directly served by any existing bus route. The nearest bus stops for Route 68 to the project are located approximately 0.4-mile west of the site at Hale Avenue and Llagas Road. A typical mode split in Morgan Hill would be a three percent transit share. Assuming up to three percent transit mode share for the proposed project, the project would generate approximately three transit riders or less during the AM and PM peak hours. The transit ridership demands of the proposed project would not justify the enhancement of any existing transit facilities. Overall, the proposed project would not have a substantial adverse effect on transit facilities in the project area.

Based on the above, a **less-than-significant** impact would occur related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

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

The proposed project would include features to reduce overall VMT. Pursuant to Section 15064.3(b)(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. Bus service is currently provided in the project region by the VTA, and the site is located approximately 0.4-mile from the nearest bus stop. As noted previously, numerous bike lanes and bike paths are provided in the vicinity of the project site, including along Monterey Road. The proposed project would include installation of new sidewalks along the southern portion of the site's Monterey Road frontage. The availability of such transit, bicycle, and pedestrian infrastructure in the site vicinity would help to reduce VMT associated with residents, workers, and guests travelling to and from the project site. Furthermore, the proposed project would include both retail and residential uses. As such, future project residents may rely in part on the on-site retail uses, as opposed to travelling off-site, and a portion of the workers at the proposed retail uses would likely reside on-site. Such internal trip capture would further reduce VMT associated with the project.

Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a ***less-than-significant*** impact would occur.

- c,d. Primary access to the proposed project would be by way of a new right-in, right-out access at the existing Monterey Road and Old Monterey Road intersection. A new southbound left-turn lane would be added to the intersection as part of the project to facilitate access to the site. Per the Traffic Impact Analysis, the maximum vehicle queues for the southbound left-turn movement and westbound approach are projected to be 75 feet and 50 feet long, respectively. The proposed southbound left-turn lane would be designed to accommodate the projected 75-foot-long queue, and the driveway throat between Monterey Road and the internal on-site drive aisle would provide sufficient storage to accommodate the projected 50-foot-long westbound queue.

A proposed 26-foot-wide internal drive aisle would connect to the access and provide connection to the proposed residential and retail uses. The proposed circulation system would be designed consistent with applicable City of Morgan Hill design standards and would provide adequate width and turn radii at and along all drive/parking aisles to allow for two-way circulation, including circulation of larger vehicles such as emergency trucks, garbage trucks, and delivery trucks. While the project would include several dead-end drive aisles, emergency vehicles would have sufficient maneuvering space to turn around before exiting the site without encountering obstructions. Given compliance with required roadway design standards, adequate emergency vehicle access would be provided at the project site.

Based on the above, the proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and would not result in inadequate emergency access. Therefore, a ***less-than-significant*** impact would occur.

**XVIII. TRIBAL CULTURAL RESOURCES.**

*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a,b. As discussed in Section V, Cultural Resources, of this IS/MND, the project site does not contain any existing permanent structures or any other known resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), and does not contain known resources that could be considered historic pursuant to the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Furthermore, based on a search of the NAHC Sacred Lands File, the project site does not contain known tribal cultural resources.<sup>37</sup> The records search of the CHRIS database for cultural resource site records and survey reports within the project area indicated that a moderate potential exists for unrecorded tribal cultural resources to occur within the project site.<sup>38</sup> However, ethnographic literature does not reference any Native American resources in or adjacent to the project area.

Based on the above, the proposed project is not expected to adversely impact tribal cultural resources. In addition, the project applicant would be required to comply with the City’s standard conditions of approval related to cultural resource discovery. Therefore, a **less-than-significant** impact to tribal cultural resources would occur.

<sup>37</sup> Native American Heritage Commission. *Monterey Gateway Project, Santa Clara County*. November 5, 2019.

<sup>38</sup> California Historical Resources Information System. *Record search results for the proposed Monterey Gateway Project located at 18110 Monterey Road, Morgan Hill, Santa Clara County, California*. November 13, 2019.

**XIX. UTILITIES AND SERVICE SYSTEMS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

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

**Water**

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

According to the City's Urban Water Management Plan, the City's projected water supply far exceeds the water demand for normal, single-dry, and multiple-dry years until at least 2040.<sup>39</sup> For example, during a normal year in 2020, the anticipated supply exceeds the anticipated demand by 55,351 acre-feet per year. Given that the proposed project is consistent with the site's current land use and zoning designations, the type and intensity of growth that would be induced by the proposed project was generally considered in the 2035 General Plan and associated water use has been analyzed in the General Plan EIR. Therefore, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and sufficient water supplies would be available to serve the project from existing entitlements and resources.

<sup>39</sup> City of Morgan Hill. 2015 Urban Water Management Plan [pg. 7-4 to 7-7]. 2016.

## Wastewater

The City of Morgan Hill sewer collection system consists of approximately 160 miles of gravity sewers, over 3,000 manholes, nearly 3 miles of force mains, and 14 lift stations. The sewer lines range in size from four inches to 30 inches in diameter and the piping system includes 26 siphons. The City's collection system moves the City's wastewater south to the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Facility (WWTF) located in southern Gilroy. SCRWA is a joint powers authority formed by the cities of Morgan Hill and Gilroy to collectively treat the wastewater of both cities.<sup>40</sup> The City of Morgan Hill has an allocation of 3.56 million gallons per day (MGD) from the WWTF. The average dry weather flow from the City of Morgan Hill was approximately 2.7 MGD in 2015.<sup>41</sup>

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

## Stormwater

Issues related to stormwater infrastructure are discussed in Section X, Hydrology and Water Quality, of this IS/MND. As noted therein, the proposed project would not significantly increase stormwater flows into the City's existing system. The final drainage system design for the project will be subject to review and approval by the City of Morgan Hill City Engineer to confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

## Electricity, Natural Gas, and Telecommunications

Electricity would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. Internet and telephone services would be provided by Frontier Communications, AT&T, Charter Communications, or a similar service provider operating within the City. The project would not require major upgrades to, or extension of, existing infrastructure. Thus, impacts to electricity and telecommunications infrastructure would be less than significant. The City prohibits the use of natural gas for new construction.

## Conclusion

Based on the above, the type and intensity of growth that would be induced by the proposed project was generally considered in the 2035 General Plan and associated

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<sup>40</sup> City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. February 6, 2019.

<sup>41</sup> City of Morgan Hill. *2035 General Plan Draft EIR*. January 2016.

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

Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater, electric power, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Sufficient water supplies would be available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Furthermore, adequate wastewater capacity would be available to serve the project's projected demand in addition to the SCRWA's existing commitments. Thus, a **less-than-significant** impact would occur.

- d,e. Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. Per the Landfill's proposed 2018 Solid Waste Facility (SWF) Permit, the Landfill has a maximum permitted tonnage limit of 1,574 tons per day, a design capacity of 13,834,328 cubic yards, and an estimated closure date of 2055.<sup>42</sup> For fiscal year 2016/2017, 198,388 tons of waste were disposed of at the Landfill.<sup>43</sup> The proposed project would not produce enough solid waste for the landfill to exceed capacity. Therefore, sufficient permitted capacity exists at the Johnson Canyon Sanitary Landfill to accommodate the proposed project's incremental increase in solid waste disposal needs.

The proposed residences and retail uses would involve the generation of typical solid waste types and would not require specialized solid waste disposal needs. Furthermore, per CBC Section 4.408, the proposed project would be required to submit a Waste Management Plan to the City detailing on-site sorting of construction debris. Implementation of the Waste Management Plan would ensure that the proposed project meets established diversion requirements for reused or recycled construction waste. As such, the proposed project would comply with applicable federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed project would have a **less-than-significant** impact related to solid waste.

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<sup>42</sup> California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Available at: <https://www2.calrecycle.ca.gov/swfacilities/Directory/27-AA-0005>. Accessed December 2019.

<sup>43</sup> Salinas Valley Solid Waste Authority. *2016-17 Annual Report*. 2018.

**XX. WILDFIRE.**

*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

a-d. As discussed in Section IX, Hazards and Hazardous Materials, of this IS/MND, the City’s Wildland Urban Interface map indicates that the project site is not located in a High or Very High FHSZ.<sup>44</sup> While the residential area further to the west of the site past Del Monte Avenue is located within a Very High FHSZ, the area was classified as such in 2008, prior to buildout of the area with residential uses. The project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.44 of the City’s Municipal Code, including installation of fire sprinkler systems.

As noted in Section IX, implementation of the proposed project would not result in any substantial modifications to the City’s existing roadway system and would not interfere with potential evacuation or response routes used by emergency response teams. The project would not conflict with the City’s Emergency Operations Plan.<sup>45</sup> In addition, the project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for future residents, workers, or visitors. Given that the project site is located within a developed urban area and is situated adjacent to existing roads, water lines, and other utilities, the project would not result in substantial fire risks related to installation or maintenance of such infrastructure. Lastly, as discussed in Section VII, Geology and Soils, and Section X, Hydrology and Water Quality, of this IS/MND, development of the proposed project would not expose people or structures to significant risks related to flooding or landslides.

Based on the above, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and **no impact** would occur.

<sup>44</sup> City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.

<sup>45</sup> City of Morgan Hill. *Emergency Operations Plan*. January 11, 2018.

<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</b>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. As discussed in Section IV, Biological Resources, of this IS/MND, the proposed project would be required to implement mitigation measures to minimize potential impacts to burrowing owl and nesting migratory birds and raptors protected by the MBTA. In addition, the site does not contain known historical or cultural resources. Although unlikely, the possibility exists that subsurface excavation of the site during grading and other construction activities could unearth deposits of cultural significance. However, this IS/MND explains how the City’s Municipal Code requires standard measures for development projects that would ensure any impacts to such resources would be less than significant. Therefore, the proposed project’s impact related to degradation of the quality of the environment, substantial reduction of habitat or plant and wildlife species, and elimination of important examples of the major periods of California history or prehistory would be ***less than significant with mitigation incorporated***.
  
- b. As discussed in Section XI, Land Use and Planning, of this IS/MND, the proposed project would be consistent with the site’s current MU-F General Plan land use and zoning designations. As such, the type and intensity of growth that would be induced by the proposed project were generally anticipated in the 2035 General Plan and associated cumulative environmental effects were analyzed in the General Plan EIR. Furthermore, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level with implementation of project-specific mitigation measures and compliance with applicable General Plan policies. When viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the proposed project would not contribute to cumulative impacts in the City of Morgan Hill, and the project’s contribution to the cumulative impact would be ***less than significant with mitigation incorporated***.
  
- c. The proposed project site would be developed in a generally urbanized and built-up area of the City of Morgan Hill. Development of the proposed project would not be expected to result in substantial adverse impacts to human beings, either directly or indirectly. The

potential for substantial environmental effects on human beings is addressed within this IS/MND and all impacts have been identified as less-than-significant or less than significant with the incorporation of mitigation measures. As such, a ***less-than-significant*** impact would result.

## **Appendix A**

### **Air Quality and Greenhouse Gas Modeling Results**

**Appendix B**  
**Biological Assessment**

## **Appendix C**

### **Tree Report**

**Appendix D**  
**Geotechnical Investigation**

## **Appendix E**

### **Phase I and Phase II Environmental Site Assessment**

## **Appendix F**

### **Exterior Noise and Façade Acoustical Analysis**

**Appendix G**  
**Traffic Impact Analysis**