

Draft Initial Study  
Morgan Hill Technology Center  
Mixed Use Project



May 2020

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## Figures

Please refer to the ADEIR for the Project Description and Figures

## **SECTION 1.0 INTRODUCTION AND PURPOSE**

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This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of Morgan Hill. This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from development of approximately 89 acres of vacant land with up to 50,000 square feet of commercial space, 1,044,600 square feet of general light industrial space, 45,000 square feet of industrial office space, and 319 residential units.

The City of Morgan Hill is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project. The Initial Study is intended to focus the project EIR on effects determined to be significant, in conformance with CEQA Guidelines Section 15063(c)(3).

All documents referenced in this Initial Study are available for public review in the office of the City of Morgan Hill Development Services Department, 17575 Peak Avenue Morgan Hill, CA 95037.

## **SECTION 2.0 PROJECT INFORMATION**

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### **2.1 PROJECT TITLE**

Morgan Hill Technology Center

### **2.2 LEAD AGENCY CONTACT**

Jim Rowe  
Project Manager  
Development Services Department  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

### **2.3 PROJECT APPLICANT**

Trammell Crow Company  
415 Mission Street  
45th Floor  
San Francisco, CA 94105

### **2.4 PROJECT LOCATION**

The approximately 89-acre site is located west of Mission View Drive, south of Cochrane Road, east of US 101, and north of Half Road (APN: 728-30-001 through -004; 728-30-006, -008, -009; 728-31-014 through 016). The site is bisected by DePaul Drive.

### **2.5 ASSESSOR'S PARCEL NUMBER**

Assessor's Parcel Numbers: 728-30-001 through -004; 728-30-006, -008, -009; 728-31-014 through 016

### **2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT**

General Plan Designation: Commercial and Commercial/Industrial, Residential Attached Low  
Zoning District: Commercial Highway, Administrative Office, Light Industrial, Residential Attached Low Density

### **2.7 HABITAT PLAN DESIGNATION**

Private Development Areas: Urban Development Equal to or Greater Than 2 Acres Covered  
Land Cover: Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallowed, Orchard  
Land Cover Fee Zone: Agricultural and Valley Floor Lands (Fee Zone B)  
Burrowing Owl Survey and Fee Zone: N/A

## **SECTION 3.0      PROJECT DESCRIPTION**

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Please refer to the ADEIR for the Project Description, including Figures.

## SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

## 4.1 AESTHETICS

### 4.1.1 Environmental Setting

#### 4.1.1.1 *Regulatory Framework*

##### State

##### Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in Morgan Hill. In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos City Limit.

##### Local

##### Morgan Hill 2035 General Plan

The following policy related to aesthetics is applicable to the proposed project:

*Policy NRE-2.1* Hillside and Ridgeline Views. Protect vies of hillsides, ridgelines, and prominent natural features surrounding the City. These features help define the City’s historic rural character, sense of place, image and identity.

#### 4.1.1.2 *Existing Conditions*

The 89-acre project site is located in central Morgan Hill and is bounded by Cochrane Road to the north; Mission View Drive to the east; Half Road to the south; and U.S. 101 to the west. DePaul Drive bisects the site. The project site is flat, with the majority of the site consisting of a mix of undeveloped field covered by non-native grassland and tree nursery. A single-family home and storage structures are located on the southern portion of the site.<sup>1</sup> Views of existing conditions are shown in Photos 1 through 3 on the following pages.

#### 4.1.1.3 *Surrounding Visual Character*

The project area is a patchwork of developed and undeveloped parcels. Newer commercial development is located across Cochrane Road north of the project site, including one-story restaurant and retail buildings. East of the project site across DePaul Drive are two single-family homes, a two-story assisted living facility, and the two-story De Paul Health Center. East across Mission View Drive are additional single-family homes and an orchard. South of the project site across Half Road are active agricultural fields. U.S. 101 is adjacent to the project site’s western property line. Cochrane Road is a large roadway (two lanes in each direction) with landscaped medians, sidewalks, bike lanes, and streetlights. DePaul Drive is a two-lane road providing access to the De Paul Health Center. Mission View Drive is a two-lane road with a sidewalk and landscaping on the eastern side

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<sup>1</sup> Santa Clara Valley Habitat Agency. *Geobrowser*. Accessed February 6, 2020. <http://www.hcpmaps.com/habitat/>.

until it reaches an orchard near the southeast corner of the project site. Half Road is a two-lane road with no shoulder or pedestrian improvements. Views of the surrounding area are shown in Photos 4 through 12 on the following pages.

#### **4.1.1.4        *Scenic Vistas and Resources***

Due to the flat topography, existing development, and orchard trees in the project area, views of the northwestern portion of the project site are limited to the immediate vicinity. The southeastern portion of the project site is surrounded by low-lying development or agricultural fields and has views of the western and eastern foothills. The site is not located within a designated scenic view corridor or visible from a designated scenic highway. The nearest state-designated highway is State Route (SR) 9, approximately 19 miles west of the site (at the SR 17 interchange).



**Photo 1:** View of existing tree nursery on proposed commercial property, looking south.



**Photo 2:** View of proposed commercial/industrial properties, looking north/northwest.

PHOTOS 1 & 2



**Photo 3:** View of fallowed field/proposed residential property off Mission View Drive, looking west/southwest.



**Photo 4:** View of commercial/industrial use across DePaul Drive from tree nursery, looking east.

PHOTOS 3 & 4



**Photo 5:** View of neighboring health center across DePaul Drive from tree nursery, looking southwest.



**Photo 6:** View of commercial uses across Cochrane Road from tree nursery, looking northwest.

PHOTOS 5 & 6



**Photo 7:** View of residences across Mission View Drive, looking east/northeast.



**Photo 8:** View of orchard across Mission View Drive, looking northeast.

PHOTOS 7 & 8



**Photo 9:** View of residential structure across Half Road, looking southeast.



**Photo 10:** View of south adjacent commercial property, looking southeast from the corner of Condit Road/Half Road.

PHOTOS 9 & 10



**Photo 11:** View of Highway 101 from Condit Road/Half Road between adjacent commercial land and the project site, looking southwest.



**Photo 12:** View of fallowed field across Half Road, looking east.

PHOTOS 11 & 12

**4.1.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
3) Substantially degrade the existing visual character or quality of public views <sup>2</sup> of the site and its surroundings? 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"/>
4) 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"/>

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**Impact AES-1:** The project would not have a substantial adverse effect on a scenic vista.  
**(Less than Significant Impact)**

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Trees are considered visual resources in urban environments since they contribute to aesthetic interest and character. A total of 28 trees are present on the site, including coast live oak, locust, Lombardy poplar, acacia, plum, walnut, California pepper, and Canary Island pine species. Although 25 of these trees would be removed, trees would be planted in accordance with City policies to offset the aesthetic effects of tree removal (see Section 4.4 Biological Resources for a detailed discussion). The numerous boxed trees on the tree nursery portion of the site are not considered aesthetic resources, as they are commercial property intended to be moved from the site. For this reason, the project would not have an adverse effect on a scenic vista. **(Less than Significant Impact)**

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<sup>2</sup> Public views are those that are experienced from publicly accessible vantage points.

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**Impact AES-2:** The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

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The project site is not located along a state scenic highway. Views of the project site area are limited to the immediate area. The proposed project would not block views of the foothills to the west or east since views from developments east of the site are obstructed by existing development. As noted above, trees removed from the site would be replaced in accordance with City standard requirements, and the vast majority of the trees on the site are associated with a tree nursery, and not visual resources. **(Less than Significant Impact)**

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**Impact AES-3:** The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. **(Less than Significant Impact)**

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The proposed project would develop the project site with a mix of industrial, commercial, and residential uses. Industrial and commercial uses would be limited to the western side of the project site bounded by DePaul Drive to the east and U.S. 101 to the west. These uses would be similar in scale and use to the existing developments north of the project site, the adjacent DePaul Medical Center, and industrial uses across U.S. 101. The proposed residential uses would be located on the eastern portion of the project site along Mission View Drive. This would be consistent with the existing single-family homes across Mission View Drive and provide an area of transition between the proposed industrial uses and the existing residential neighborhoods. All development on the site would be subject to review and approval by the City of Morgan Hill Design Permit process to ensure the development meets local design and aesthetic standards. For these reasons, the proposed project would not substantially degrade the existing visual character or quality of the project area, which is not considered a sensitive visual environment due to the varied nature of the developed land uses. **(Less than Significant Impact)**

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**Impact AES-4:** The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

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The proposed development of industrial, commercial, and residential buildings would incrementally increase light and glare in the project area, due to the new reflective surfaces and outdoor lighting on the site and vehicles traveling on and to and from the site. These new sources of light and glare from the project would be similar in character to light and glare from the nearby existing industrial, commercial, and residential development. Building design, glazing materials and outdoor lighting would be subject to review by the City of Morgan Hill Design Permit process for conformance with City standards. For these reasons, development on the site under the proposed project would not result in a new source of substantial light or glare that would affect day or nighttime views in the area. **(Less than Significant Impact)**

## **4.2 AGRICULTURE AND FORESTRY RESOURCES**

The project would result in potentially significant impacts related to agricultural resources. As a result, impacts of the project on agriculture and forestry resources will be discussed in detail in the EIR.

### **4.3 AIR QUALITY**

The project would result in potentially significant impacts related to air quality. As a result, impacts of the project on air quality will be discussed in detail in the EIR.

#### **4.4 BIOLOGICAL RESOURCES**

The project would result in potentially significant impacts related to biological resources. As a result, impacts of the project on biological resources will be discussed in detail in the EIR.

#### **4.5 CULTURAL RESOURCES**

The project would result in potentially significant impacts related to cultural resources. As a result, impacts of the project on cultural resources will be discussed in detail in the EIR.

## **4.6 ENERGY**

The project would result in potentially significant impacts related to energy. As a result, impacts of the project on energy will be discussed in detail in the EIR.

## 4.7 GEOLOGY AND SOILS

### 4.7.1 Environmental Setting

#### 4.7.1.1 *Regulatory Framework*

##### State

##### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

##### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

##### California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

##### California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

## Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

### **Local**

#### City of Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to due to geological conditions and seismicity.<sup>3</sup> The following policies related to geology and soils is applicable to the proposed project:

- |                       |  |
|-----------------------|--|
| <i>Policy SSI-1.2</i> | Hazard Reporting. Known or potential geologic, fire, and flood hazards shall be disclosed as part of every real estate transaction and recorded on documents to be reported for building permits, subdivisions, and land development reports. Mitigation of hazards shall be noted in the same manner.                 |
| <i>Policy SSI-2.1</i> | Land Use and Geologic Hazards. Limit uses on lands with geologic hazards but allow uses on previously urbanized lands with proper mitigation. Keep development in hazardous areas to a minimum by encouraging low-density, low-intensity uses and the types of uses least disruptive to the soil and vegetative cover. |

#### **4.7.1.2 Existing Conditions**

##### **Geology and Soils**

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Hamilton/Diablo Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by the continued tectonic uplift and regression of the inland sea that had previously inundated this area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Upper Jurassic to Cretaceous age (70-140 million years old). Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of Tertiary and Quaternary age.

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<sup>3</sup> City of Morgan Hill, California (2016). "Chapter 9, Safety, Services, and Infrastructure." *City of Morgan Hill General Plan 2035*. Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

Soils on the site and in the immediate project area consist of Arbuckle gravelly loam, Pleasanton loam, and San Ysidro loam.<sup>4</sup> The shrink-swell potential of these soils ranges from low to high, respectively. The site is predominantly Arbuckle gravelly loam, which has a low shrink-swell potential. The shrinking and swelling is the result of the soil absorbing water in the winter and drying in the summer. The shrinking and swelling action can damage improperly designed and/or constructed building foundations and pavements.

The potential for erosion and landslides at the project site is low, due to the flat slope of the project site and surrounding area. The project site is not located within a landslide hazard zone.<sup>5</sup>

### **Seismicity**

An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions. According to the City of Morgan Hill Geotechnical Hazards maps and the County’s Geologic Hazard Zones Map, the project site is not located in a fault rupture hazard zone.

The nearest active fault lines to the site include the San Andreas Fault, Hayward Fault Southeast Extension, and Calaveras Fault, which are located approximately 12 miles southwest, 11 miles north, and three miles northeast of the project site, respectively. Other faults near the project site include the Coyote Creek Fault (approximately two miles northeast of the project site), and the Silver Creek Fault (approximately 2.5 miles northeast of the project site).

### **Liquefaction**

Soil liquefaction is a phenomenon in which saturated, cohesion-less soils undergo a temporary loss of strength during earthquake ground shaking. The liquefaction potential of valley floor terrain is estimated based on groundwater elevations in alluvial deposits within 50 feet of the ground surface.<sup>6</sup> The project site is not located within a liquefaction hazard zone.<sup>7</sup>

#### **4.7.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

<sup>4</sup> United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Eastern Santa Clara Area, California*. May 15, 2019.

<sup>5</sup> County of Santa Clara. *County Geologic Hazard Zones Map 53*. October 26, 2012.

<sup>6</sup> Pacific Geotechnical Engineering, *Geology, Geologic, and Geotechnical Hazards, City of Morgan Hill*, December, 1991.

<sup>7</sup> County of Santa Clara, *County Geologic Hazard Zones Map 53*, October 26, 2012.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>Would the project:</b>				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Be located on a geologic unit or soil that is unstable, or that will 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"/>
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) 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"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact GEO-1:** The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

The likelihood that a fault rupture would occur at the site is low; however, the site is located in a seismically active region and strong ground shaking will likely occur during the life of the project. The site is located in an area of relatively stable ground not likely to be involved in landsliding, faulting or other lateral displacement type ground failures. Based on the Santa Clara County

Geologic Hazard Zones Map, the site is not located in a fault rupture, landslide, or liquefaction hazard zone.

Since the soils on the site are not prone to liquefaction and the site is not near a natural creek, the probability of lateral spreading occurring on-site is low. The Madrone Channel is an open channel adjacent to the western edge of the site but is an engineered channel and not likely to be subject to lateral spreading.

Impacts from seismic and seismic-related hazards can be minimized through the use of standard engineering and seismic safety design techniques per the City's Building Division and the California Building Code as required by the following standard measure.

**Standard Measures:** In accordance with the City of Morgan Hill standards, the project shall implement the following measures to reduce and/or avoid soil hazards. Implementation of the standard measure, SM GEO-1, would ensure that impacts to the project from soil conditions and seismic hazards would be less than significant.

**SM GEO-1:** To avoid or minimize potential damage from seismic shaking, the proposed residential mixed-use development shall be built using standard engineering and seismic safety design techniques. Prior to issuance of building permits, building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings will be required to meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project will be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code. **(Less than Significant Impact)**

With implementation of SM GEO-1, the proposed development would be designed to withstand soil hazards and to reduce the risk to life or property to the extent feasible and in compliance with the California Building Code. **(Less Than Significant Impact)**

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**Impact GEO-2:** The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

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Ground disturbance would be required during grading, trenching, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City developed standard conditions to avoid significant soil erosion impacts during construction. The following conditions would be included as part of the project:

**Standard Condition (SC GEO-1), Storm Drain System:** Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

1. Storm drain calculations to determine detention pond sizing and operations.
2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
3. Water Pollution Control Drawings for Sediment and Erosion Control.

**Standard Condition (SC GEO-2), Storm Drain System:** As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002)

With implementation of the above standard conditions, the proposed project would result in a less than significant soil erosion impact. **(Less than Significant Impact)**

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**Impact GEO-3:** The project would not 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. **(Less than Significant Impact)**

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The project site is located in an area of moderate to high expansion potential, moderately low to low potential for vertical and lateral ground failure, and very strong ground shaking during an earthquake. As discussed in Impact GEO-1, the proposed project would be constructed in compliance with the CBC and development of the project site would not change or exacerbate the geologic conditions of the project area and would not result in a significant geology hazards impact. **(Less than Significant Impact)**

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**Impact GEO-4:** The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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Soils on the project site range from a low to high expansion potential. Expansive soil conditions could damage future development and improvements proposed under the project, which would represent a significant impact (unless substantial damage is avoided by incorporating appropriate engineering into the grading and foundation design of proposed buildings). The project shall implement SM GEO-1 (see Impact GEO-1) to reduce and/or avoid soil hazards. Implementation of the standard measure would ensure that impacts to the project from soil conditions and seismic hazards would be less than significant. **(Less than Significant Impact)**

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**Impact GEO-5:** The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. **(No Impact)**

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New development at the site would connect to the existing sewer sanitary system. No septic systems would be developed under the project; therefore, no impacts to soils related to septic systems would occur. **(No Impact)**

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**Impact GEO-6:** The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

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The proposed project would excavate to a maximum depth of approximately 13 feet to install necessary utility infrastructure. Given the soils and underlying geology of the site are comprised of relatively young valley floor sediments that are unlikely to contain fossils unless at extensive depth where bedrock is present, the project, which would only excavate to depths of 13 feet for utility trenches, would have a less than significant impact on paleontological resources. **(Less than Significant Impact)**

#### **4.8 GREENHOUSE GAS EMISSIONS**

The project would result in potentially significant impacts related to greenhouse gas emissions. As a result, impacts of the project on greenhouse gas emissions will be discussed in detail in the EIR.

#### **4.9 HAZARDS AND HAZARDOUS MATERIALS**

The project would result in potentially significant impacts related to hazards and hazardous materials. As a result, impacts of the project on hazards and hazardous materials will be discussed in detail in the Focused EIR.

## **4.10 HYDROLOGY AND WATER QUALITY**

### **4.10.1 Environmental Setting**

#### **4.10.1.1 *Regulatory Framework***

##### **Overview**

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the RWQCBs. The project site is within the jurisdiction of the Central Coast RWQCB.

##### **Federal and State**

###### **National Flood Insurance Program**

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

###### **Statewide Construction General Permit**

The SWRCB has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

##### **Regional and Local**

###### **Phase II Small MS4 General Permit**

Gilroy, Morgan Hill, and the portion of Santa Clara County that drains to the Pajaro River-Monterey Bay watershed, the City of Morgan Hill are traditional permittees under the state's Phase II Small MS4 General Permit. Since these regions are located in RWQCB Region 3 (Central Coast Region), they are subject to the Central Coast Post-Construction Requirements per Provision E.12.k of the Phase II Permit. The Central Coast Post-Construction Requirements became effective in 2014 and are specific to the Central Coast Region. Post-construction controls are permanent features of a new development or redevelopment project designed to reduce pollutants in stormwater and/or erosive

flows during the life of the project. Types of post-construction controls include low impact development (LID) site design, pollutant source control, stormwater treatment, and hydromodification management measures. The LID approach reduces stormwater runoff impacts by minimizing disturbed areas and impervious surfaces, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses).<sup>8</sup>

### Water Resources Protection Ordinance and District Well Ordinance

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water’s Water Resources Protection Ordinance and District Well Ordinance.

### Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

## **Local**

### Morgan Hill 2035 General Plan

The following goal and policies to reduce impacts to hydrology and water quality are applicable to the proposed project:

- |                        |   |
|------------------------|---|
| <i>Policy SSI-16.2</i> | Drainage System Capacity. Ensure that the level of detention or retention provided on the site of any new development is compatible with the capacity of the regional storm drainage system.                                      |
| <i>Policy SSI-16.3</i> | Stormwater Management Plans. Require a stormwater management plan for each proposed development, to be presented early in the development process and describe the design, implementation, and maintenance of the local drainage. |

#### **4.10.1.2 Existing Conditions**

### **Water Quality**

The water quality of ponds, creeks, streams, and other surface waterbodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Grading and excavation activities during construction of the proposed billboard could increase the amount of surface water runoff (i.e., particles of fill or excavated soil) from the site, or could erode soil downgradient, if the flows are not controlled. Deposition of eroded material in water features could increase turbidity, thereby endangering aquatic

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<sup>8</sup> City of Gilroy, City of Morgan Hill, and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.

life, and reducing wildlife habitat. Excessive precipitation can carry these non-point pollutants downstream.

### **Drainage and Flooding**

The City of Morgan Hill is divided into several hydrologically distinct drainage areas. Each of these areas consist of conveyance facilities, pumps, and detention basins to collect and dispose of the runoff. The storm runoff from these areas is discharged into creeks or ponds that flow through the City and that are tributaries to Monterey Bay or San Francisco Bay. The project site is located in the Madrone Channel storm water drainage basin and drains to Monterey Bay.<sup>9</sup>

The project site is not located within a 100-year flood hazard area. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the majority of project site is located within Zone X with a smaller strip extending from the southern property line north in Zone D.<sup>10</sup> Zone X is an area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. Zone D is an area of undetermined flood hazard.

### **Groundwater**

The depth to groundwater at the project site is approximately 20 to 30 feet below ground surface (bgs).<sup>11</sup> The site does not contain aquifer recharge facilities, such as streams or ponds. There are two existing wells on the property associated with the agricultural activities that have been occurring on the property for decades.

### **Dam Failure**

The Association of Bay Area Governments has compiled dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The maps for the City of Morgan Hill show the project site to be in the dam failure inundation hazard zone for Anderson Reservoir.<sup>12</sup> The dams in Santa Clara County are managed by the Santa Clara Valley Water District. Anderson Dam is currently limited to about half its capacity due to seismic concerns, in order to protect against potential dam failure. The dam is currently being retrofitted to solve the seismic issue.<sup>13</sup>

### **Seiches, Tsunamis, and Mudflows**

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that in the event of a seiche will affect the site.

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<sup>9</sup> City of Morgan Hill. *2018 Storm Drainage System Master Plan*. September 2018.

<sup>10</sup> Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel #06085C0443H, May 18, 2009.

<sup>11</sup> Haley Aldrich. *Due-Diligence Level Geotechnical Investigation DePaul Technology Center*. January 21, 2019.

<sup>12</sup> Association of Bay Area Governments, *Bay Area Dam Failure Inundation Hazards*, October 5, 2009, <http://www.abag.ca.gov/bayarea/eqmaps/damfailure/>.

<sup>13</sup> Santa Clara Valley Water District. "Anderson Dam Seismic Retrofit". 2018. <https://www.valleywater.org/project-updates/dam-reservoir-projects/anderson-dam-seismic-retrofit>.

A tsunami is a series of water waves caused by the displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. The project site does not lie within a tsunami inundation hazard area.<sup>14</sup>

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site is relatively flat and is not susceptible to mudflows.

#### 4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– 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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>14</sup> California Emergency Management Agency, Tsunami Inundation Map for Emergency Planning San Francisco Bay Area, December 9, 2009. [http://www.consrv.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/Documents/Tsunami\\_Inundation\\_SanFranciscoBayArea300.pdf](http://www.consrv.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Documents/Tsunami_Inundation_SanFranciscoBayArea300.pdf).

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact HYD-1:** The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

#### 4.10.2.1 Construction Water Quality Impacts

There is the potential for water quality impacts to occur during project construction. In addition to generating dust, litter, oil, and other pollutants that could contaminate runoff from the site, construction activities would increase the potential for erosion and sedimentation by disturbing and exposing underlying soil to the erosive forces of water and wind. Since construction of the proposed project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities.

In accordance with the City of Morgan Hill Standard Conditions of Approval and the NPDES General Permit for Construction Activities, Standard Condition HYD-1 and Standard Measure HYD-1 are included in the project to reduce construction-related water quality impacts to a less than significant level.

**Standard Condition HYD-1** - The applicant shall implement the following standard condition prior to construction:

- As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002).

**Standard Condition HYD-2:** In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following measures are included in the project to reduce construction-related water quality impacts to a less than significant level:

The following BMPs shall be implemented during project construction:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- All exposed or disturbed soil surfaces will be watered at least twice daily to control dust.
- Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site will be swept daily (with water sweepers).
- Vegetation in disturbed areas will be replanted as quickly as possible.

With the implementation of the above BMPs, the project would not violate any water quality standards during construction. **(Less than Significant Impact)**

#### **4.10.2.2**      *Post-Construction Water Quality*

Stormwater runoff from urban uses such as the proposed project contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. The project would conform to the City's Storm Water Management Plan (SWMP) to reduce the discharge of pollutants into waterways and to protect local water quality that could be degraded by storm water and urban run-off within the corporate limits of Morgan Hill.

In order to meet SWMP requirements onsite, the industrial project site plan proposes to direct all runoff to the onsite bio-retention areas located along the edges of the project site. An onsite network of drain pipes would collect the runoff filtered through the landscape/bioretenion areas and move the remaining water to the western edge of the project site, before being discharged into the public storm drain system. The Commercial and Residential project components, for which no current site is currently proposed or available for review, would be subject to the City's stormwater requirements in place at the time applications were submitted. Conformance with the SWMP, as proposed by the project, would reduce the potential for the project to result in post-construction water quality impacts. **(Less than Significant Impact)**

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**Impact HYD-2:** 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 basin. **(Less than Significant Impact)**

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The depth to groundwater is approximately 20 to 30 feet below ground surface according to the geotechnical report prepared for the project, deep enough such that ground disturbance during construction, expected at most to be 13 feet during utility trenching, would not interfere with groundwater flow or expose any aquifers. The project site is not an aquifer recharge facility (i.e., streams or ponds); therefore, development of the project site would not substantially interfere with aquifer recharge. The existing wells on the property would be properly removed under permit from the Santa Clara Valley Water District, as required per the District Well Ordinance. **(Less than Significant Impact)**

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**Impact HYD-3:** The project would not 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 result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in 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; or impede or redirect flood flows. **(Less than Significant Impact)**

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The approximately 89-acre project site is currently nearly entirely pervious, with the exception of the two small residential structures and associated driveways and other paving. The proposed development would add approximately 50 acres of impervious surface area for the industrial portion of the site, consisting of the proposed walkways, roof tops, and asphalt paved parking lots. An additional amount of impervious surface area would be constructed in relation to the residential and commercial project components, as well as the Not a Part Parcel on the west side of DePaul that would be developed with industrial office uses. These areas, which together are approximately 34 acres, would be covered predominantly with impervious surfaces.

Per the implementation of the SWPPP and other drainage standards implemented by the City, the project should not significantly increase stormwater flows into the existing system. The various components of the project would each be required to minimally retain all water from the 85<sup>th</sup> percentile of rainfall events (approximately two to five year storm events) on site; therefore, during 85 percent of the rainfall events, the existing storm drain system would not be impacted by the project. Furthermore, any on-site systems (retention basins) would be required to be designed to detain a volume of water up to a 25-year storm event while releasing water at a rate reflective of the 10-year predevelopment flow. This design limits stormwater flows off-site to less than 10-year predevelopment flows. The existing public storm water system is already designed to convey a 10-year storm event; therefore, the project should not significantly contribute to any additional flooding during the most frequent events. The final drainage system design for each of the project components would be subject to review and approval by the City of Morgan Hill Public Works Department, who

would confirm that the proposed drainage system for each component of the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. **(Less Than Significant Impact)**

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**Impact HYD-4:** The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

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The project is not located within a 100-year flood hazard zone and, therefore, would have no impact on 100-year flows or expose people to flood hazards or release of pollutants due to inundation associated with the 100-year flood. **(No Impact)**

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**Impact HYD-5:** The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(No Impact)**

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The various components of the project would each comply with the City's Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. The project would not impact groundwater recharge and would not conflict with the SCVWD's 2016 Groundwater Management Plan. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(No Impact)**

## 4.11 LAND USE AND PLANNING

### 4.11.1 Environmental Setting

#### 4.11.1.1 *Regulatory Framework*

### **Regional**

#### South County Airport Comprehensive Land Use Plan

A small portion of Morgan Hill extends into the Airport Influence Area (AIA) of the South County Airport, which is located in the unincorporated community of San Martin between Morgan Hill and Gilroy. The airport is operated by Santa Clara County and is used for general aviation, which includes all aviation activities other than commercial passenger flights, commuter/air taxi, and military uses. The subject site does not extend into the AIA.

The AIA includes all areas surrounding the airport that are affected by noise, height, and safety considerations. All development projects within the AIA must be reviewed by the Santa Clara County Airport Land Use Commission (ALUC) to ensure consistency with the Comprehensive Land Use Plan (CLUP). The Morgan Hill City limits are located outside of the airport's noise contours and safety zones.

The CLUP also establishes height restrictions for structures, and the area subject to these height restrictions is slightly greater than the AIA. Per Figure 6, FAR Part 77 Surfaces, of the CLUP, structures in the southern portion of the Morgan Hill City limits should not exceed the height limits of between 481 feet and 631 feet above mean sea level depending on the location of the structure.

### **Local**

#### Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts.<sup>15</sup> The following policies related to land use and planning are applicable to the proposed project:

- |                        |   |
|------------------------|---|
| <i>Policy CNF-9.1</i>  | Density Feathering from High to Low Densities. Encourage feathering from higher urban densities to lower rural densities to occur within the City limits. Feathering should begin as development nears the Urban Growth Boundary. |
| <i>Policy CNF-17.3</i> | Buffer between Industrial and Incompatible Uses. Ensure that all industrial uses are well sited and buffered from incompatible uses; buffers may include offices adjacent to sensitive uses, landscaping, berms, etc.             |

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<sup>15</sup> City of Morgan Hill, California (2016). "Chapter 3, City and Neighborhood Form." *City of Morgan Hill General Plan 2035*. Accessed May 16, 2019. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22839/MH2035-General-Plan---December-2017?bidId=>

**4.11.1.2 Existing Conditions**

The approximately 89-acre site is located west of Mission View Road, south of Cochrane Road, east of US 101, and north of Half Road. The site has a General Plan land use designations of Industrial, Commercial/Industrial, and Residential Attached Low-Density. Industrial and Commercial/Industrial General Plan designations are intended for retail, office, services or warehouses, offices, and manufacturing. The Residential Attached Low-Density designation allows for six to 16 dwelling units per acre. The majority of the site is vacant, with smaller portions being used as a plant nursery for trees. The project site is surrounded by a mall to the north across Cochrane Road; the DePaul Health Center, single-family homes, and agricultural lands to the east; agricultural land to the south; and US 101 to the west. Surrounding sites are zoned as Highway Commercial, Commercial Industrial, and Residential Attached Low Density.

**4.11.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) 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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact LU-1:** The project would not physically divide an established community. **(No Impact)**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes seven legal lots to construct one commercial and six industrial developments, and a residential component to construct a maximum of 319 units. While the project would introduce new uses to the area, it would not include the construction of dividing infrastructure. The proposed extension of DePaul Drive to provide access to the industrial and residential parcels would not divide an established community, as it would instead serve the future users of those parcels. Thus, the project would not physically divide an established community. **(No Impact)**

**Impact LU-2:** The project would not 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. **(Less than Significant Impact)**

Land use conflicts can arise from a new development or land use that would cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from

some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.

The project's conformance with various City policies adopted for the purpose of avoiding or mitigating an environmental effect is discussed in various other sections of this EIR, e.g. Air Quality, Biological Resources, Noise, Hazards and Hazardous Materials. There are no additional policies pertaining specifically to land use and planning that were adopted for the purpose of avoiding or mitigating an environmental effect, therefore, the project would not create a significant environmental impact or create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

**4.12 MINERAL RESOURCES**

**4.12.1 Environmental Setting**

**4.12.1.1 *Regulatory Framework***

**Surface Mining and Reclamation Act**

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

**4.12.1.2 *Existing Conditions***

The project site is located in an urban area within the City of Morgan Hill. Mineral resource recovery activities do not occur on or near the project site, nor does the site contain any known mineral resources.

**4.12.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact MIN-1:** The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Based on the United States Geological Survey (USGS) map of mines and mineral resources, the project site is not comprised of known mineral resources or mineral resource production areas.<sup>16</sup> The General Plan does not identify the project site or area as a mineral resource recovery site. Therefore,

<sup>16</sup> United States Geological Survey. *Mineral Resources Online Spatial Data: Interactive maps and downloadable data for regional and global Geology, Geochemistry, Geophysics, and Mineral Resources*. Accessed June 27, 2019. <https://mrdata.usgs.gov/general/map-us.html#home>.

the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the residents in the state or region. **(No Impact)**

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**Impact MIN-2:** The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

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See response to Impact MIN-1. **(No Impact)**

#### **4.13 NOISE**

The project would result in potentially significant impacts related to noise. As a result, impacts of the project on noise will be discussed in detail in the EIR.

## 4.14 POPULATION AND HOUSING

### 4.14.1 Environmental Setting

#### 4.14.1.1 *Regulatory Framework*

##### State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.<sup>17</sup> The City of Morgan Hill Housing Element and related land use policies were last updated in February 2015.

##### Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA.<sup>18</sup>

##### Local

#### Morgan Hill 2035 General Plan

The following goal and policy to reduce the effects of population and housing are applicable to the proposed project:

*Policy CNF-3.4:* Population Limit. Plan for a January 1, 2035 population of 58,200 residents.

*Policy CNF-11.10* Open Space. Require new subdivisions to feature integrated common open spaces, parks, and community facilities that serve as social and design focal points. Open spaces should be a close walking distance from all residents and should be large enough to be useful for residents.

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<sup>17</sup> "Regional Housing Needs Allocation and Housing Elements" Accessed May 16, 2019.

<http://hcd.ca.gov/community-development/housing-element/index.shtml>.

<sup>18</sup> ABAG, Metropolitan Transportation Commission. Project Mapper. <http://projectmapper.planbayarea.org/>.

**4.14.1.2 Existing Conditions**

The population of Morgan Hill was estimated to be approximately 45,742 in January of 2019 and the average persons per household was an estimated 3.15.<sup>19, 20</sup> The City grew in population by 2.4 percent from January 2018 to January 2019. Based on the City’s General Plan projections, the City’s total population was projected to grow to approximately 46,100 by 2030.<sup>21</sup> The City had a growth measure which paced development and limited residential allotments to 215 per year. In light of the passage of SB 330, which suspends this growth measure for five years effective January 1, 2020, this population is expected to grow at a rate faster as a function of new housing construction. By 2035 the existing and net new non-residential development would be 3.26 million square feet of retail space, 2.14 million square feet of office space, 12.13 million square feet of industrial space, 1.55 million square feet of service space, and approximately 774,000 square feet of total public facilities space.<sup>22</sup> The project site contains one vacant single-family home adjacent to Half Road.

**4.14.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact POP-1:** The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).  
**(No Impact)**

The project proposes a maximum of 319 dwelling units on approximately 29 acres in the southeast portion of the project site. Assuming 3.15 persons per household, development of the project would generate approximately 1,005 new residents in the City of Morgan Hill.

<sup>19</sup> California Department of Finance. *E-1: City/County Population Estimates with Annual Percent Change – January 1, 2018 and 2019*. May 2019. Accessed February 6, 2020.

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>.

<sup>20</sup> --. *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2019 with 2010 Census Benchmark. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2019*. May 2019. Accessed February 6, 2020. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

<sup>21</sup> City of Morgan Hill. *Morgan Hill General Plan: City of Morgan Hill Housing Element*. Adopted February 2015.

<sup>22</sup> City of Morgan Hill, Addendum to the Morgan Hill 2035 Environmental Impact Report for Zoning Code Update page 2-7. Accessed February 6, 2020. <https://www.morgan-hill.ca.gov/DocumentCenter/View/22813/Addendum-to-Morgan-Hill-2035-EIR?bidId=>.

The project would result in residential growth in the area compared to existing conditions. However, the project is consistent with the site's General Plan designation of Residential Attached Low-Density, which allows housing of up to 16 dwelling units per acre (464 dwelling units on 29 acres). The project would construct substantial employment and retail/commercial uses, which would have approximately 1,500 employees in combination (assuming 1,300 general light industrial, 56 industrial office, and 200 commercial jobs), however the site is currently identified in the General Plan as being planned for commercial and industrial development, and the proposed adjustment of acreage that would be designated Commercial/Industrial that is currently designated Commercial, would not induce substantial additional population growth beyond what was evaluated in the General Plan EIR. Thus, the project is accounted for in the City's General Plan and projected growth and would not result in substantial unplanned population growth. **(Less than Significant Impact)**

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**Impact POP-2:** The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

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The project site does not include residents or occupied housing units and, therefore, the project would not displace existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

**4.15 PUBLIC SERVICES**  
**4.15.1 Environmental Setting**  
**4.15.1.1 *Regulatory Framework***

**State**

Quimby Act

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

**Regional and Local**

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Morgan Hill 2035 General Plan

The City's 2035 General Plan includes policies that call for adequate staffing and timely response for police and fire services. The General Plan also contains policies that contribute to the preservation and continued establishment of park land for the benefit of the community. The policies below are specific to public services and are applicable to the proposed project.

*Policy HC-3.3* Park Land Fees. Continue to require park land dedication or in-lieu fees from all new development to meet the recreation and open space needs of the residents of Morgan Hill.

<i>Policy HC-3.20</i>	Safety. Incorporate fire and police services into the design review process for new parks, recreation facilities, and trails.
<i>Policy HC-3.29</i>	Development Requirements. Continue to require park acquisition and development fees and/or land dedication to support the acquisition and development of parks, trails and other recreation facilities.
<i>Policy SSI-11.2</i>	Prevention through Design. Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.
<i>Policy SSI-12.4</i>	Maintenance of Emergency Access Routes. Require that emergency access routes be kept free of traffic impediments.

#### **4.15.1.2 Existing Conditions**

##### **Fire Protection**

The City of Morgan Hill contracts with the California Department of Forestry and Fire Protection (CalFire) for fire and emergency medical services. The City is served by three stations at the following locations: 1) El Toro Fire Station, located at 18300 Old Monterey Road (approximately 1.1 mile southwest of the project site), 2) Dunne Hill Fire Station, located at 2100 East Dunne Avenue (approximately 2.0 miles southeast of the project site), and 3) 15670 Monterey Street (approximately 2.8 miles south of the project site). In general, the response time meets the current standard of eight minutes 95 percent of the time; although it is expected that most responses will be approximately five minutes 90 of the time.<sup>23</sup>

##### **Police Protection**

Police service is provided to the project site by the City of Morgan Hill Police Department (MHPD). The MHPD facility is located at 16200 Vineyard Boulevard, approximately 2.3 mile south of the project site. The department employs 39 sworn officers.<sup>24</sup> The Police Department's goal is to respond to Priority One calls within five minutes and Priority Two calls within eight minutes.<sup>25</sup> Priority One calls are reports of a crime in progress or where an injury has occurred and Priority Two calls are reports of felonies and other major calls.

##### **Schools**

The project site is located within the Morgan Hill Unified School District (MHUSD). The MHUSD has eight elementary schools, two middle schools, two comprehensive high schools, one continuation high school, and a community adult school, as well as a home schooling program. The project site is located within the enrollment areas of Nordstrom Elementary School (1.5 miles southeast), Martin Murphy Middle School (8.5 miles north), and Live Oak High School (0.6 mile southeast).

<sup>23</sup> City of Morgan Hill, City Council Staff Report. *Fire and Emergency Medical Services (EMS) CalFire Proposal Update*. Meeting Date April 4, 2012.

<sup>24</sup> City of Morgan Hill. *Police*. Accessed June 14, 2018. <http://www.morgan-hill.ca.gov/index.aspx?nid=129>.

<sup>25</sup> City of Morgan Hill. *Operating and CIP Budget, FY 13-14. Police Field Operations, Performance Measures*. 2013.

## **Parks**

The City owns 70 acres of developed park land (including the Civic Center, assessment district parks and city owned trails) and 59 acres of recreation facilities. Included within this inventory, the City maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly-owned park land, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38 acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools.

The General Plan includes policies that support the City's park land and recreational goal to provide useful, accessible, and high-quality parks, recreation, and trail facilities. To achieve this goal, the City has adopted General Plan Policies and a park land dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires park land dedication or in-lieu fees for residential developments.

In accordance with General Plan Policies HC-3.3 and HC-3.29, park land dedication or in-lieu fees are required by new developments to meet the recreation and open space needs of residents in Morgan Hill.

## **Libraries**

The Morgan Hill Library is a member of the Santa Clara County Library District. The Santa Clara County Library District (SCCLD) governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24-7 online library for all library users. The SCCLD serves all unincorporated communities of Santa Clara County, as well as nine Santa Clara County cities, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, and Saratoga. As one of the SCCLD's member cities, Morgan Hill has a community library located on 680 West Main Avenue, approximately two miles southwest of the project site.

**4.15.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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:				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**Impact PS-1:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 fire protection services. **(Less than Significant Impact)**

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**4.15.2.1 Fire Protection Impacts**

Development on the project site under the proposed project would be constructed in conformance with current building and fire codes, including features that would reduce potential fire hazards. The development would be reviewed by both CalFIRE and the Morgan Hill Police Department to ensure appropriate safety features to reduce fire hazards and criminal activity are included in the project. Given that the proposed project is infill development, the development of industrial, commercial, and residential uses on the site would not substantially increase the demand for fire or police protection, or otherwise require construction or expansion of fire or police facilities. **(Less than Significant Impact)**

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**Impact PS-2:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 police protection services. **(Less than Significant Impact)**

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#### **4.15.2.2**      *Police Protection Impacts*

The project site would be served by MHPD. As discussed in 4.15.1.2, the project site is located less than 2.5 miles from MHPD, which is within the eight minute response time requirement. As with fire protection services, the proposed project is not expected to substantially increase the demand for police protection; therefore, it would not require new or expanded police protection facilities. Additionally, MHPD would review the site design to ensure the project provides adequate safety measures. **(Less than Significant Impact)**

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**Impact PS-3:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 schools. **(Less than Significant Impact)**

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#### **4.15.2.3**      *School Impacts*

The project proposes a maximum of 319 dwelling units. Using the MHUSD's student generation rates per unit for housing, the addition of 319 dwelling units would generate approximately 149 students.<sup>26</sup> As required by state law (Government Code Section 65996) and the City's municipal code Chapter 18.144), the project proponent shall pay the appropriate school impact fees to offset the increased demands on school facilities caused by the project. The City's General Plan EIR determined that buildout of the General Plan would not result in the need for new school facilities; since the residential component of the project that would generate students is consistent with the General Plan, implementation of the proposed project would not result in the need for new permanent facilities to be constructed, and impacts from the project would be less than significant. **(Less Than Significant Impact)**

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<sup>26</sup> Morgan Hill Unified School District. *Demographic Study 2014-2015*. March 2015. The estimated student generation rate of 0.465 for new residences within the Morgan Hill Unified School District.

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**Impact PS-4:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 parks. **(Less than Significant Impact)**

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#### **4.15.2.4 Park Impacts**

The City of Morgan Hill has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. The proposed project includes a maximum of 319 residential units resulting in approximately 1005 new residents, assuming 3.15 persons per household, and would increase use of nearby parks, creating the demand for approximately three acres of parkland. The project would be subject to the parkland dedication/park land in-lieu fee ordinance, which would avoid significant impacts to the City's park facilities. **(Less Than Significant Impact)**

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**Impact PS-5:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 other public facilities. **(Less than Significant Impact)**

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#### **4.15.2.5 Library Impacts**

The proposed project would develop up to 319 residential units resulting in approximately 1,005 new residents, assuming 3.15 persons per household.<sup>27</sup> The General Plan EIR determined that new growth under the General Plan would occur incrementally over the next 20 years and the planned improvements to the Morgan Hill Library would accommodate that growth. In addition, the City in 2015 set aside approximately \$900,000 to expand the Morgan Hill Library. For these reasons, the proposed project would not have a significant impact on library resources. **(Less than Significant Impact)**

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<sup>27</sup> California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018.* May 2018. Accessed March 29, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

## **4.16 RECREATION**

### **4.16.1 Environmental Setting**

#### **4.16.1.1 *Regulatory Framework***

##### **State**

##### Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

##### **Local**

##### Morgan Hill 2035 General Plan

The City's 2035 General Plan includes policies that call for adequate park and recreation services. The General Plan also contains policies that contribute to the preservation and continued establishment of park land for the benefit of the community. The policies below are specific to parks, recreation, and trails applicable to the proposed project.

*Policy HC-3.3* Park Land Fees. Continue to require park land dedication or in-lieu fees from all new development to meet the recreation and open space needs of the residents of Morgan Hill.

*Policy HC-3.29* Development Requirements. Continue to require park acquisition and development fees and/or land dedication to support the acquisition and development of parks, trails and other recreation facilities.

##### Morgan Hill Municipal Code

Chapter 17.28 (Dedications and Reservations) includes different dedication requirements for the City in Article I (Park Land Dedication). The Park Land Dedication regulations are applied to all development except commercial or industrial subdivisions, condominium projects, or stock cooperatives which consist of the subdivision of airspace in an existing apartment building, which is more than five years old when no new dwelling units are added. The amount of dedicated land is determined by multiplying the average number of persons per unit and the park acreage standard of three acres of parkland for every 1,000 residents as allowed by the Quimby Act. The in-lieu fee would be determined based upon the fair market value of the land which would otherwise be required to be dedicated.

#### **4.16.1.2 *Existing Conditions***

The City owns 70 acres of developed park land (including the Civic Center, assessment district parks and city owned trails) and 59 acres of recreation facilities. Included within this inventory, the City

maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly-owned park land, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38 acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools.

The nearest parks to the project site are Murphy Springs Park (1.6 miles west) and Diana Park (1.3 miles southwest), and the nearest recreational centers are the Centennial Recreation Center (2.6 miles south) and the Morgan Hill Aquatics Center (2.2 miles south).

**4.16.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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 checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

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**Impact REC-1:** The project would not 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. **(Less than Significant Impact)**

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The proposed project would include up to 319 residential units, resulting in approximately 1005 new residents, assuming 3.15 persons per household, and would increase use of nearby parks, creating the demand for approximately three acres of parkland. based on the city standard of three acres per 1,000 residents. the proposed project, at the time a specific residential development is proposed, would be required to provide approximately three acres of park space, satisfying the City’s parkland requirement. For this reason, the provision of park space by the project would offset the impacts from the proposed new residential development. **(Less than Significant Impact)**

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**Impact REC-2:** The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

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As discussed throughout this Initial Study and the EIR, the construction of the future public park, consistent with construction of the various other components of the multi-part mixed-use project, could result in substantial adverse physical impacts to air quality, nesting birds, water quality, release of contaminants in on-site soils, and noise on surrounding uses, however those environmental effects will be reduced to less than significant levels through implementation of various Standard Measures and Mitigation Measures presented in this Initial Study and EIR. No new or additional mitigation is required to address this issue. **(Less than Significant Impact)**

#### **4.17           TRANSPORTATION**

The project would result in potentially significant impacts related to transportation. As a result, impacts of the project on transportation will be discussed in detail in the EIR.

## **4.18 TRIBAL CULTURAL RESOURCES**

### **4.18.1 Environmental Setting**

#### **4.18.1.1 *Regulatory Framework***

##### **State**

##### Assembly Bill 52 – Tribal Cultural Resources

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the California Register of Historic Resources (CRHR). AB 52 includes a broad definition of what may be considered a tribal cultural resource and includes a list of recommended mitigation measures for potential impacts. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

The following mitigation measures may be considered to avoid or minimize the significant impacts under AB 52:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - (a) Protecting the cultural character and integrity of the resource.
  - (b) Protecting the traditional use of the resource.
  - (c) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

#### **4.18.1.2 *Existing Conditions***

No tribes that are culturally affiliated with the area have requested notification of projects in the City of Morgan Hill under AB 52.

**4.18.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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:				
1) 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"/>
2) 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"/>

**Impact TCR-1:** The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). **(Less than Significant Impact)**

No known tribal cultural resources are present on-site. For this reason, the project would not cause an adverse change in the significance of TCRs listed on the California Register or City of Morgan Hill historic properties inventory. In the event that any cultural resources are unearthed, both the Ohlone Indian Tribe and the Amah Mutsun Tribal Band would be contacted. As discussed in the accompanying EIR (see Section 3.4 Cultural Resources), in the unlikely event that human remains or other TCRs are discovered during construction activities, implementation of MM CUL-2 and MM CUL-3 would reduce the project’s impact to a less than significant level. **(Less than Significant Impact)**

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**Impact TCR-2:** The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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.  
**(Less than Significant Impact)**

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As discussed in Impact TCR-1, there are no known tribal cultural resources on-site; however, if any TCRs are found, the Ohlone Indian Tribe and Amah Mutsun Tribal Band would be contacted and implementation of MM CUL-2 and MM CUL-3 would reduce the project's impact to a less than significant level. **(Less than Significant Impact)**

#### **4.19 UTILITIES AND SERVICE SYSTEMS**

The project would result in potentially significant impacts related to utilities and service systems. As a result, impacts of the project on utilities and service systems will be discussed in detail in the Focused EIR.

**4.20 WILDFIRE**

**4.20.1 Environmental Setting**

**4.20.1.1 *Existing Conditions***

The project site is located in an urban area of Morgan Hill and is designated as a non-very high fire hazard severity zone in a local responsibility area.<sup>28</sup>

**4.20.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) 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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) 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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) 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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

<sup>28</sup> CPUC. “CPUC Fire Map”. Accessed June 28, 2019. [http://cpuc\\_firemap2.sig-gis.com/](http://cpuc_firemap2.sig-gis.com/).

**MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Impact MFS-1:** The project does 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. **(Potentially Significant Impact)**

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This Initial Study evaluates the environmental impacts that could result from the project’s implementation. With implementation of the standard measures and standard conditions included in the project and described in sections 4.7 Geology and Soils and 4.10 Hydrology and Water Quality and compliance with City General Plan policies, the proposed project would not result in significant degradation of the environment. Potentially significant impacts to biological resources and impacts to cultural resources are discussed in the accompanying EIR. **(Potentially Significant Impact)**

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**Impact MFS-2:** The project does have impacts that are individually limited, but cumulatively considerable. **(Significant Cumulative Impact)**

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Pursuant to Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

With implementation of standard measures and conditions to address environmental impacts to geology and soils and hydrology and water quality, the proposed project would not result in cumulative impacts on these resources, consistent with the findings of the General Plan EIR.

The project’s less than significant impacts to aesthetics and land use would be limited to the area surrounding the subject property, and would not combine with the effects of other projects spread throughout the City. The project would have no impacts to mineral resources and wildfire. The project would not contribute to significant cumulative impacts to population and housing, public services, and recreation, as the residential component of the project is consistent with the General Plan, and the General Plan EIR did not disclose cumulative impacts related to those topics.

Cumulative impacts to agriculture, air quality, cultural resources, energy, greenhouse gas emissions, hazardous materials, noise, transportation, and utilities are discussed in the accompanying EIR. **(Less than Significant Cumulative Impact)**

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**Impact MFS-3:** The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

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Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Pursuant to this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the Standard Permit Conditions and mitigation measures, and adherence to General Plan, City Code, and state and federal regulations described in these sections of the report, would avoid significant impacts (see accompanying EIR for detailed discussion). No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

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## **SECTION 6.0 LEAD AGENCY AND CONSULTANTS**

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## SECTION 7.0      ACRONYMS AND ABBREVIATIONS

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ABAG	Association of Bay Area Governments
ADMP	Asbestos Dust Mitigation Plan
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
BAAQMD	Bay Area Air Quality Management Plan
Cal/OSHA	California Division of Occupational Safety and Health
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CLUP	Comprehensive Land Use Plan
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LID	Low Impact Development
MHPD	Morgan Hill Police Department
MHUSD	Morgan Hill Unified School District
MND	Mitigated Negative Declaration
NOD	Notice of Determination
PDA	Priority Development Area
RDCS	Residential Development Control System
RWQCB	Regional Water Quality Control Board
SCCLD	Santa Clara County Library District
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMP	Soil Management Plan
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Water Control Board
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey