



PLANNING DIVISION

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MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: October 11, 2021

Application #s: SR2020-0027/EA2020-0020

APN: 726-36-059

Project Title: The Monterey-Miner (JEMCOR) Apartments Project

Project Location: North of Monterey Road and Madrone Parkway Intersection
Morgan Hill, CA 95037

Project Proponent: Jemcor Development Partners
1700 South El Camino Real, Ste 400
San Mateo, CA 94402

Project Description: The Monterey-Miner (JEMCOR) Project would include the demolition of all on-site structures to construct two, two-story buildings and 12, three-story buildings containing 249 multi-family units, all of which would be affordable to low-income households. Project amenities would be located in a separate building on-site and would include a club terrace containing a fitness room, computer room, kitchen, clubroom, and leasing office. The proposed project would require City approval of Design Review. Because 100 percent of the proposed units would be affordable to lower income households, the proposed project would qualify for a density bonus and is expected to follow the entitlement guidelines of the Senate Bill 330 program and Government Code Section 65915 regarding density bonus.

The proposed project would require the following City approval:

- Design Review Permit

II. DETERMINATION

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

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

III. MITIGATION AND AVOIDANCE MEASURES

A. Biological Resources

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

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

IV-2. The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

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

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.*
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.*
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.*

- *Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.*
- *The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.*
- *Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.*
- *The 'rooting' area shall be mulched with an acidic, organic compost or mulch.*
- *The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.*
- *Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.*

B. Geology and Soils

VII-1 All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical Engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Engineering Study prepared for the proposed project by Geo-Engineering Solutions are properly incorporated and utilized in the project design.

C. Hazards and Hazardous Materials

IX-1 Under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), the project applicant shall remove all wrecked vehicles and scrap metal from the site prior to implementation of the Workplan for Shallow Soil Remediation prepared by GeoSolve (April 12, 2021). The SCCDEH shall oversee implementation of the Workplan for Shallow Soil Remediation, which shall include, but shall not be limited to, the excavation and disposal of the COCs identified in the environmental investigations conducted by Earth Systems Pacific (March 26, 2020) and GeoSolve (October 5, 2020) by a State-licensed hazardous waste contractor, and the collection of confirmation soil samples to be analyzed by a state-certified hazardous waste testing laboratory for diesel (TEPHd), motor oil (TEPHmo), chromium, lead, and nickel . A qualified field geologist shall be present to observe excavation, disposal, and soil collection activities. The field geologist shall prepare a report summarizing the results of the Workplan for Shallow Soil Remediation upon completion of soil remediation activities. The report shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to demolition activities.

IX-2

Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Department an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

D. Noise

XIII-1

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

XIII-2

To the maximum extent practical, the following measures shall be implemented during project construction:

- *All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;*
- *All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;*
- *Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;*
- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;*
- *Project area and site access road speed limits shall be established and enforced during the construction period.*
- *Nearby noise-sensitive receptors shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*

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

XIII-3 *Mechanical equipment shall be selected and designed to reduce impacts on surrounding to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and the installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors. The proposed mechanical equipment systems and noise reduction measures shall be included on project improvement plans and building plans, subject to review and approval by the City of Morgan Hill Development Services Department.*

XIII-4 *During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department*

E. Transportation

XVII-1 *The project applicant shall install a dedicated eastbound left-turn lane on Madrone Parkway to serve the project driveway. The turn lane shall be designed in accordance with City standards and included on project Improvement Plans to be reviewed and approved by the City Engineer.*

XVII-2 *The project applicant shall install a right-turn channelization island at the Monterey Road Driveway with the project site to restrict inbound and outbound left-turns at the driveway. Design of the channelization island shall be included on project Improvement Plans to be reviewed and approved by the City Engineer.*

III. FINDING

The City of Morgan Hill hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study will reduce the impacts to a less-than-significant level.

Jennifer Carman, Development Services Director

Date