

JOINT INITIAL STUDY / ENVIRONMENTAL ASSESSMENT

**CIOLINO GENERAL PLAN
AMENDMENT AND REZONE PROJECT
EA-14-08; GPA 14-07**

August 2014

Prepared by:



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PLEASE NOTE: ALL APPENDICES ARE AVAILABLE FOR REVIEW AT THE CITY OF MORGAN HILL, 17575 PEAK AVENUE, MORGAN HILL.

- A: Site Photos
- B: Agricultural Resources Analysis
- C: CDFW CNDDDB Results for Mt. Madonna, CA
- D: USFWS Endangered and Threatened Species List for Mt. Madonna, CA
- E: USFWS Critical Habitat Map
- F: USFWS National Wetlands Map
- G: Santa Clara Valley HCP/NCCP Map
- H: OHP Clearance Letter
- I: Alquist-Priolo Special Studies Zone Map
- J: ABAG Liquefaction Susceptibility Map
- K: USDA Soil Survey and Map
- L: Phase II ESA, May 2014
- M: Fuel Leak Site Case Closure, November 23, 2011
- N: FEMA Flood Insurance Rate Map (Panel 06085C0607H)
- O: Dam Failure Inundation Hazard Map
- P: Future Noise Contour Map
- Q: HUD Site DNL Calculator
- R: USEPA Sole Source Aquifer Map
- S: National Wild and Scenic Rivers System Map

SECTION 1. PROJECT INFORMATION

1.1 Project Title: Ciolino General Plan Amendment and Rezone Project

1.2 CEQA Lead Agency Contact

City of Morgan Hill
Community Development Agency
Planning Division
17575 Peak Avenue
Morgan Hill, CA 95037
Contact: Steve Maxey, Assistant Planner

1.3 NEPA Responsible Entity Contact [24 CFR 58.2(a) (7)]

City of Morgan Hill
Community Development Agency
Planning Division
17575 Peak Avenue
Morgan Hill, CA 95037
Contact: Steve Maxey, Assistant Planner
(408) 778-6480

1.4 Certifying Officer [24 CFR 58.2(a) (2)]

City of Morgan Hill
Housing Services Division
17575 Peak Avenue
Morgan Hill, CA 95037
Contact: Sidney Stone, Housing Manager
Phone: (408) 778-6480

1.5 Project Location

The proposed project is located on the southwest corner of Monterey Road and Ciolino Avenue in the City of Morgan Hill, CA. The project site is identified as Assessor's Parcel Number (APN) 767-09-029.

1.6 Project Sponsor

EAH Housing
2169 E. Francisco Boulevard, Suite B
San Rafael, CA 94901

1.7 Estimated total project cost: \$ 5,094,044

1.8 Grant Recipient [24 CFR 58.2(a) (5)]

City of Morgan Hill, Housing Services Division

1.9 Recipient Address

17575 Peak Avenue
Morgan Hill, CA 95037
Phone: (408) 778-6480

1.10 Existing General Plan Designation and Zoning

General Plan Land Use Designation: Commercial (C)
Zoning: General Commercial District (GC)

1.11 Conditions for Approval [24 CFR 58.40(d), 40 CFR 1505.2(c)]: *List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements.*

Mitigation Measures

VI-1. In conjunction with submittal of a site development plan, the applicant shall submit a design-level geotechnical report for the project site to determine the extent of high shrink-swell soils and backfill material on-site. Design-level geotechnical recommendations shall be included in the Geotechnical Report, to ensure that expansive soils and backfill material do not result in adverse effects to people and structures on-site. Any necessary fill removal/replacement operations identified in the geotechnical report, shall be supervised by a registered geotechnical engineer; and a written summary of the operations shall be submitted to the City Engineer.

IX-1. Prior to occupancy of the project, the plan(s) shall indicate that the first floor of all structures proposed within areas designated as zone AE on the Federal Emergency Management Agency's Flood Insurance Rate Map shall be a minimum of one foot above the base flood level as shown on the flood map. The applicant shall obtain an elevation certificate and respective FEMA letter of map revision based on fill (LOMR-F) for each building, or group of buildings, prior to occupancy.

XII-1. In conjunction with submittal of a Site Plan for development, the applicant shall submit to the Morgan Hill Community Development Department a design-level acoustical analysis to confirm that the design of residential units is sufficient to reduce interior average noise levels to 45 dBA Ldn or lower, and to reduce interior maximum instantaneous noise levels to 50

dBa Lmax or less in bedrooms, and 55 dBA Lmax in all other habitable rooms. If a site development plan is submitted that includes a courtyard area that could be subject to the 65 DNL standard, the residential building(s) could be oriented to shield the courtyard area from Monterey Road vehicle noise. If interior noise levels are predicted to exceed HUD's/the City of Morgan Hill's General Plan Noise Element interior noise level standards (45 dBA Ldn/ 50 dBA Lmax for bedrooms, and 45 dBA Ldn/55 dBA Lmax for all other habitable rooms), then the analysis shall include mitigation measures sufficient to reduce interior noise levels to at or below HUD's/the City's interior noise standards. Measures may include, but not necessarily be limited to: installation of STC-rated windows, mechanical ventilation (air conditioning) for all residences to allow the occupants to close doors and windows as desired, and solid-core exterior doors with perimeter weather stripping and threshold seals. In addition, a qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to determine what, if any, additional noise insulation treatments are necessary. Results of the analysis, including the description of any other needed noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit.

If a site development plan is submitted that includes a courtyard area that could be subject to the 65 DNL standard, the residential building(s) shall be oriented to shield the courtyard area from Monterey Road vehicle noise.

Standard City Conditions related to Potential Environmental Impacts

The project would be conditioned per Chapter 18.75.110 (B) to comply with the following measures, which "...shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less than significant level":

1. An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a. Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;

- c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the community development director. The action plan shall be in conformance with California Public Resources Code 21083.2.
2. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - a. If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
 3. In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
 4. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find).
 5. The exclusion zone shall be secured (e.g., twenty-four hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.
 6. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately

contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

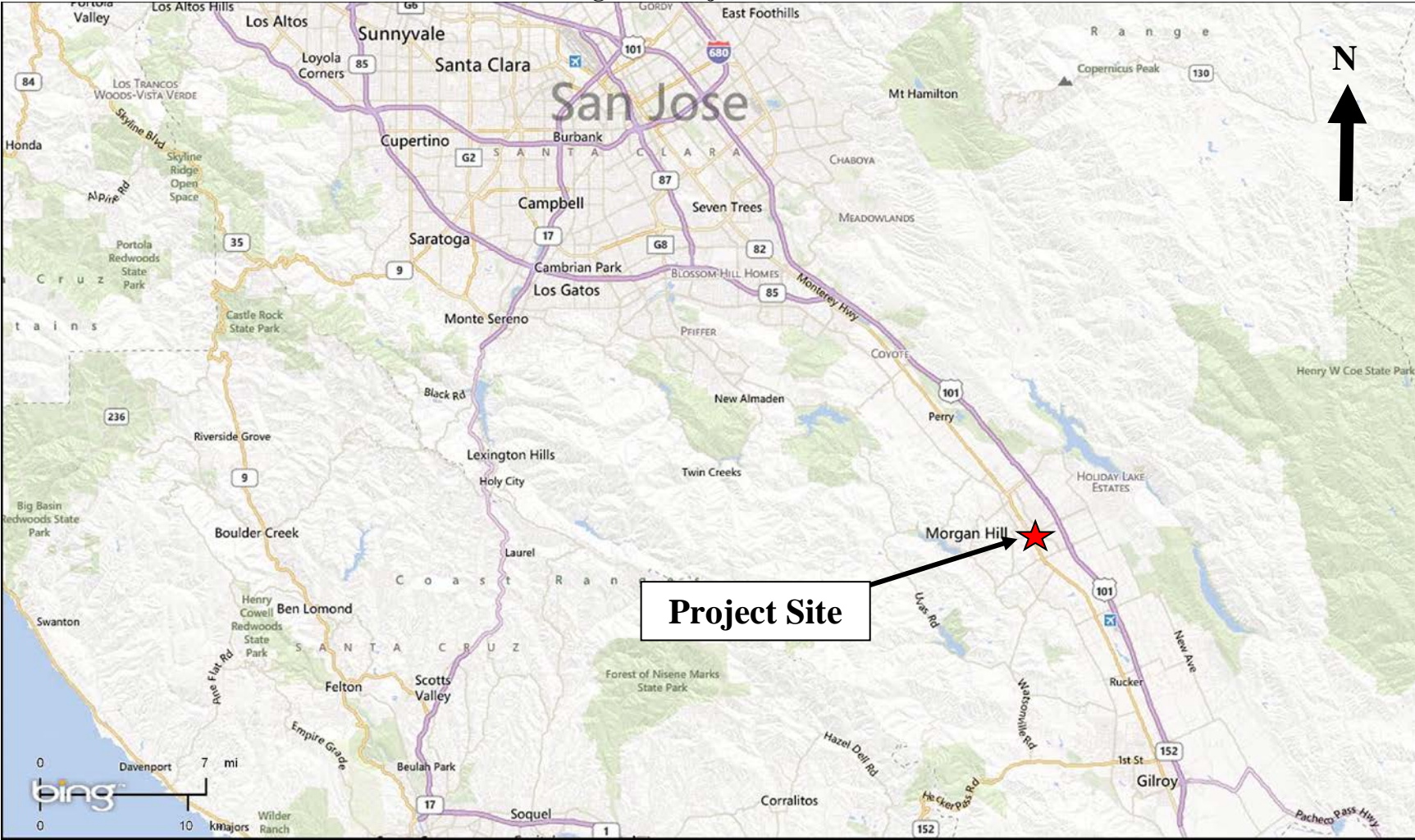
- a. The city of Morgan Hill Community Development Director,
 - b. The contractor's point(s) of contact,
 - c. The coroner of the county of Santa Clara (if human remains found),
 - d. The Native American Heritage Commission (NAHC) in Sacramento, and
 - e. The Amah Mutsun Tribal Band.
7. The coroner has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

SECTION 2. PROJECT DESCRIPTION

2.1 Description of the Proposal [24 CFR 58.32, 40 CFR 1508.25]: *Include all contemplated actions which logically are either geographically or functionally a composite part of the proposal, regardless of the source of funding.*

The project site is located at the intersection of Monterey Road and Ciolino Avenue in the City of Morgan Hill, CA (See Figure 1, Regional Project Location, and Figure 2, Project Vicinity Map). The proposed project includes program-level land use entitlements, which include a General Plan Amendment and a Rezone to permit the future development of multi-family housing on the project site. A specific development plan has not been submitted at this time; therefore, the Joint CEQA/NEPA document will evaluate the project at a program level.

**Figure 1
Regional Project Location**



**Figure 2
Project Vicinity Map**



Future development is anticipated to consist of an 8- to 12-unit multi-family affordable housing project, including connections to existing water, sewer, and storm drain lines located in the surrounding road right-of-ways. Primary access to the proposed units is anticipated to be provided from Ciolino Avenue.

Project land use entitlements include the following:

- General Plan Amendment from Commercial to Multi-Family High Density Residential (MFH); and
- Rezone from General Commercial District (GC) to R-4 High-Density Residential District (R4).

The Morgan Hill General Plan (p. 18), in defining the Multi-Family High Density Residential Designation (MFH), states that development within this area shall be supportive of transit oriented design (e.g., development intensity, pedestrian orientation and linkages, parking placement and design, development concentrations, etc.). According to Table 2 of the Community Development Element of the Morgan Hill GP, the MFH designation has a density range of 21-40 units/acre. For the 0.29-acre Ciolino project site, this results in an allowable density range of 6-12 units.

The requested Rezone to R-4 High-Density Residential District would provide a zoning district for the site that is compatible with the proposed MFH GP designation.

Subsequent to the approval of the above land use entitlements, the applicant will be required to obtain project-level approvals before the site can be developed. For example, pursuant to Section 18.74.030 of the Municipal Code, prior to issuance of a building permit, any future residential development project shall undergo Architectural and Site Plan Review/Design Review. The Architectural and Site Plan Review process is intended to allow for review and approval of plans for all structures and physical improvements. All site review applications are reviewed for consistency with policies and guidelines contained in the Architectural Review Handbook for the City of Morgan Hill. The February 2008 Morgan Hill Architectural Review Handbook has a “Multi-Family Residential” section, which generally covers site planning, building design, and landscape design. Any future residential project on the Ciolino site will be designed in substantial conformance with the Multi-Family Residential guidelines of the City’s Architectural Review Handbook.

2.2 Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]

The 0.29-acre Ciolino property has been vacant and fallow for more than ten years. The purpose of the proposed project is to process a General Plan Amendment and Rezone for the 0.29-acre Ciolino property, such that, upon first securing additional development approvals from the City, affordable housing could be developed on this underutilized site near the downtown area of the City of Morgan Hill. The City currently receives several calls a day from renters seeking housing with reasonable rates, which is more of a critical need than keeping the property for commercial uses. The City is over-retailed and does not need more commercial square-footage in this area. The housing will be close to community amenities, downtown, and transportation, which will help reduce the number of vehicle trips generated by the additional residents. The project units could be Transitional-Aged Youth, Senior, or Family Affordable Housing, all of which are identified in the City’s Housing Element and General Plan as needed unit types within the City.

All of the affordable housing developments in the City have waiting lists or are closed to new applications. Morgan Hill, along with the rest of Silicon Valley, has seen housing prices and rents increase in conjunction with the partial economic recovery. Furthermore, not much multi-family residential development has occurred in Morgan Hill over the last 15 years, which has caused the need to greatly increase. As Morgan Hill continues to grow, the demand for housing at all income levels is expanding.

2.3 Existing Conditions and Trends

The 0.29-acre site is currently undeveloped, disturbed land. The site slopes upward along its western edge, and non-native grass currently covers the undeveloped surface of the project site. Wetlands, streams, rivers, or any type of riparian habitat do not exist on-site. The site is identified as Assessor's Parcel Number (APN) 767-09-029 and the current General Plan Land Use designation is Commercial. Former land uses include a gas station in the 1950's, with associated underground storage tanks that have since been removed. According to the Environmental Study performed for the project site by the County of Santa Clara's Hazardous Materials Compliance Division, in August 2006, a total of five (5) underground storage tanks (USTs) were removed from the project site, and additional soil excavation was conducted in the area of the USTs in November 2006. A total of 494.07 tons of soil were excavated from the project site, and then transported and disposed at Marina Landfill. The total depth of excavation was approximately ten to 11 feet. The excavations were subsequently backfilled by Macoy Resources, Corp. (MRC) using a combination of pea gravel and clean fill soil provided by Marina Landfill. Excavation backfill was placed on engineered fill under the supervision and testing of Earth Systems. In November 2011, the County of Santa Clara, Department of Environmental Health, issued a case closure notice for the USTs.

The surrounding vicinity is developed with commercial, retail, and residential uses. Surrounding land uses include a retail commercial center to the north (across Ciolino Avenue); residential and commercial development to the east (across Monterey Road); multi-family housing to the west; and Advanced Wheels to the south. See Appendix A for photographs of the project site and the surrounding vicinity. The immediate surrounding General Plan land uses are as follows:

North - Commercial
West - Multi-Family Low
East - Mixed Use
South - Commercial

2.4 Other Agency Permits or Discretionary Actions if City Pursues Federal Funding

The following federal National Environmental Policy Act (NEPA) actions are required if the Responsible Entity pursues federal funding for the development of an affordable housing project on the Ciolino project site:

- Finding of No Significant Impact from Housing and Urban Development (HUD)
- Request for Release of Funds (RROF) from Housing and Urban Development (HUD)

SECTION 3. EVALUATION OF ENVIRONMENTAL IMPACTS

This combined CEQA Initial Study and NEPA Environmental Assessment, has been completed to meet applicable requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Protection Act. In order to satisfy both CEQA and NEPA for the proposed project, this environmental document has been prepared as a joint document, consisting of an Initial Study (IS) under CEQA and an Environmental Assessment (EA) under NEPA.

This Joint IS/EA identifies and analyzes the potential environmental impacts of the Ciolino Project (proposed project) at a program-level. The information and analysis presented in this document is organized in accordance with the order of the CEQA checklist in Appendix G of the CEQA Guidelines. Other sections required by NEPA, which are not covered by Appendix G of the CEQA Guidelines, are also included in this document. If the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures that should be applied to the project are prescribed.

The City of Morgan Hill adopted their current General Plan Policy Document in 2001, which has undergone updates through February 2010. The current General Plan Final Master Environmental Impact Report (EIR), a program EIR prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*), was prepared in July 2001. The City is in the process of updating its General Plan; however, the updated General Plan is not yet adopted and an EIR has not been certified.

The mitigation measures prescribed for environmental effects identified in this Joint IS/EA will be implemented in conjunction with any future residential development on the project site, as required by CEQA and NEPA. The mitigation measures will be incorporated into any future residential project through project conditions of approval. The City will adopt findings and a Mitigation Monitoring and Reporting Program for this project in conjunction with approval of the project; and any future residential development project on the Ciolino site will be required to comply with the adopted Mitigation Monitoring and Reporting Program.

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

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards | <input checked="" type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population, Employment, & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation & Circulation | <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

3.1 National Environmental Policy Act (NEPA)

This section provides key regulatory context information for NEPA, and identifies where the regulatory requirements are addressed within this Joint IS/EA. This Joint IS/EA includes all of

the information necessary to satisfy the Department of Housing and Urban Development's (HUD) recommended EA format per 24 CFR 58.36.

Statutory Checklist [24CFR §58.5]: *Record the determinations made regarding each listed statute, executive order or regulation. Provide appropriate source documentation. [Note reviews or consultations completed as well as any applicable permits or approvals obtained or required. Note dates of contact or page references]. Provide compliance or consistency documentation. Attach additional material as appropriate. Note conditions, attenuation or mitigation measures required.*

Please refer to Section 4 – Other Sections Required by NEPA – for a full discussion of each listed statute, executive order or regulation and HUD Environmental Standards.

Environmental Assessment Checklist [Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR1508.8 &1508.27]: *Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a determination of impact. Impact Codes: (1) – No impact anticipated; (2) – Potentially beneficial; (3) –Potentially adverse; (4) – Requires mitigation; (5) – Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional material as appropriate. Note conditions or mitigation measures required.*

Please refer to Section 3 – Evaluation of Environmental Impacts – and Section 4 – Other Sections Required by NEPA – for a full discussion of resource issues.

Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]: *Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.*

Please refer to Section 5 – Alternatives – for a full discussion of the alternative considered.

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]: *Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.*

Please refer to Section 4 – Evaluation of Environmental Impacts – and Section 5 – Other Sections Required by NEPA – for a discussion of all mitigation measures applicable to the project.

3.1.1 Environmental Assessment for HUD-Funded Proposals

Finding [58.40(G)]:

- ✘ **Finding of No Significant Impact** (The project will not result in a significant impact on the quality of the human environment)

3.1.2 Preparer Signature:

Nick Pappani
Vice President
Raney Planning & Management, Inc.

Date: _____

Responsible Entity, Approving Official Signature:

Andrew Crabtree
City of Morgan Hill
Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037

Date: _____

3.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The CEQA process, established by state law, requires the review of proposed projects in order to identify and address potential environmental effects. A public agency must comply with CEQA when it undertakes an activity defined as a "project". In accordance with CEQA, a project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (whereby the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment. Once a public project or a project requiring discretionary approval is identified, a determination must be made regarding whether the project is exempt from CEQA.

Projects which are not exempt from CEQA require a Negative Declaration or an Environmental Impact Report (EIR). When a project does not result in any significant environmental effects, or project modification and/or mitigation measures reduce these impacts to a less-than-significant level, a Negative Declaration, or Mitigated Negative Declaration, is prepared. The appropriate level of environmental documentation required for a project can be determined using an Initial Study checklist (incorporated herein).

The Mitigated Negative Declaration (MND) and Initial Study contained herein have been prepared in accordance with CEQA (Public Resources Code §21000), the State CEQA Guidelines (Title 14, California Code of Regulations, §15000).

3.2.1 Determination

On the basis of this initial study:

I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

Signature

Andrew Crabtree
Printed Name

Date

City of Morgan Hill
For

ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended, as appropriate, as part of the proposed project. As explained previously, additional sections required by NEPA are provided after this Checklist.

For this checklist, the following designations are used:

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

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

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

No Impact: The project would not have any impact.

I. AESTHETICS. <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
a,b. The proposed project site is not identified in the Morgan Hill General Plan as an area providing scenic vistas. The site is not visible from a State scenic highway, ¹ nor does the site contain scenic resources, including trees, rock outcroppings, and historic buildings. Rather, the project site is undeveloped without any notable characteristics. As a result,				

¹ The nearest State highway, Highway 101, is not an Officially-Designated scenic highway within the City of Morgan Hill, nor is this segment of 101 considered Eligible by Caltrans.

future anticipated development of the site with residential uses would have a *less-than-significant* impact with respect to creating a substantial adverse effect on a scenic vista, or substantially damaging a scenic resource within a State scenic highway.

- c. The proposed project consists of a General Plan Amendment (GPA) of the 0.29-acre site from Commercial to Multi-Family High Density Residential and a Rezone from General Commercial District (GC) to R-4 High-Density Residential District. Approval of these program-level land use entitlements would not enable the development of any residential uses on-site. Project-level approvals (Architectural and Site Plan/Design Review) would be required from the City before on-site residential development can occur. It is anticipated that, upon approval of the above-discussed program- and project-level entitlements, the Ciolino project site would be developed with an 8- to 12-unit multi-family affordable housing project. Said development would change the visual character of the project site from an open, though disturbed site, encompassed by a chain-link fence, to a multi-family development. For views of the existing site conditions and the surrounding vicinity, refer to the site photos in Appendix A. At the time this document was prepared, conceptual building designs had not yet been drafted. However, any residential structures built on the project site at a later date, subsequent to additional project-level approvals, will comply with the multi-family residential design standards included in Morgan Hill's Architectural Review Handbook. Such compliance will be verified during the Architectural and Site Plan/Design Review process for the project, as required by Municipal Code Section 18.74.030. Generally, in accordance with the Architectural Review Handbook, the proposed units will have a mix of elevations and rooflines, and will have staggered setbacks from the streets. The exterior facades of the proposed residences would consist of a variety of colors, materials, and textures. In addition, landscaping, consistent with the Architectural Review Handbook guidelines, will be provided. For example, all open parking areas would be landscaped, except those areas specifically used for vehicle maneuvering. Landscaping would be used in the design of the future affordable housing project to define areas such as building entrances, provide screening for service areas, and serve as buffers between neighboring uses.

Compliance with the multi-family residential design standards included in the City's Architectural Review Handbook would ensure that future on-site residential development is compatible with the nearby residential communities and carefully planned and implemented so as to ensure that substantial degradation of the existing visual character or quality of the site and its surroundings would not occur, resulting in a *less-than-significant* impact.

- d. Future anticipated residential development at the project site would incrementally increase light and glare due to vehicles traveling to and from the development, and introduction of lighted buildings. The light and glare created by future on-site residential development would be consistent with the levels of light and glare currently emitted in the surrounding developed environment. In addition, new sources of lighting would be required to comply with the standards set forth in Section G of the Multi-Family Residential section of the City's Architectural Review Handbook, which includes measures to minimize glare issues, such as shielding lenses to direct light downward.

Implementation of the project would, therefore, result in a *less-than-significant* impact with respect to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
e. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
a, e. The project site is not considered Farmland of Prime, Unique, or Statewide Importance. According to the Santa Clara County Important Farmland 2010 map, the site is designated Urban and Built-Up Land. Refer to Appendix B, Agricultural Resources Analysis, for the Santa Clara County Important Farmland map. Therefore, future anticipated residential development on the project site would have no impact to the conversion of Prime, Unique, or Farmland of Statewide Importance to non-agricultural use.				
b. The project site is not zoned for agricultural use; rather the project site is zoned General Commercial District. The project includes a request to rezone the site from General Commercial District to R4 High-Density Residential District. In addition, the project site is not under Williamson Act Contract. As a result, the project would not conflict with existing zoning for agricultural use or a Williamson Act Contract, resulting in no impact .				
c, d. The project site is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have no impact with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.				

III. AIR QUALITY.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. The City of Morgan Hill is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area, and is located in the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB is currently designated as a nonattainment area for State and federal ozone, State and federal particulate matter 2.5 microns in diameter (PM_{2.5}), and State particulate matter 10 microns in diameter (PM₁₀) standards. The BAAQMD, in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), prepared the *2005 Ozone Strategy*, which is a roadmap depicting how the Bay Area will achieve compliance with the State one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. Although the California Clean Air Act does not require the region to submit a plan for achieving the State PM₁₀ standard, the *2005 Ozone Strategy* is expected to also reduce PM₁₀ emissions. In addition, to fulfill federal air quality planning requirements, the BAAQMD adopted a PM_{2.5} emissions inventory for year 2010, which was submitted to the U.S. Environmental Protection Agency (USEPA) on January 14, 2013 for inclusion in the State Implementation Plan (SIP).

The current plan in place to achieve progress toward attainment of the federal ozone standards is the *Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard*. The USEPA recently revoked the 1-hour federal ozone standard; however, the region is designated nonattainment for the new 8-hour standard that replaced the older one-hour standard. Until the region either adopts an approved attainment plan or attains the standard and adopts a maintenance plan, the *Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard* remains the currently applicable federally approved plan.

The aforementioned applicable air quality plans contain mobile source controls, stationary source controls, and transportation control measures (TCMs) to be implemented in the region to attain the State and federal ozone standards within the SFBAAB. The plans are based on population and employment projections provided by local governments, usually developed as part of the General Plan process. The Ciolino project would be considered to conflict with, or obstruct implementation of, an applicable air quality plan if the project would be inconsistent with the Ozone Attainment Plan's growth assumptions, in terms of population, employment, or regional growth in Vehicle Miles Traveled (VMT), which are based on ABAG projections that are, in turn, based on the City's General Plan.

Project entitlements include a General Plan Amendment from Commercial to Multi-Family High Density Residential and a Rezone from General Commercial District to R4 High-Density Residential District. A commercial land use designation is typically associated with higher levels of emissions when compared to residential designations. For example, a commercial land use typically generates more AM peak hour, PM peak hour, and daily trips than a residential land use. The existing land use (Commercial) and zoning (General Commercial District) designations allow for a maximum (single-story) building size of 6,316 square feet (sf) (50% lot coverage). According to Section 18.22.020 of the Morgan Hill Municipal Code, the existing zoning designation allows for the following uses: retail stores, restaurants, offices and professional offices, financial services, personal services, day care centers and nursery schools, and commercial recreation uses 3,000 sf or less in area (exclusive of parking). For the purposes of the analysis in this Joint IS/EA, a single-story, 4,417 sf (35% lot coverage) commercial/retail use was assumed for the project site. Utilizing the Institute of Transportation Engineers Manual, 9th edition, Shopping Center (Land Use 820) code, buildout pursuant to existing zoning could result in four AM peak hour trips, 16 PM peak hour trips, and 189 daily trips (see Table 2 in the Transportation and Circulation section of this IS/MND). In comparison, at a maximum potential buildout of 12 multi-family units, future on-site residential development could generate up to six AM peak hour trips, seven PM peak hour trips, and 79 daily trips, as shown in Table 2 of the Traffic Section of this Joint IS/EA. Furthermore, the proposed project is below the BAAQMD screening criteria of 451 dwelling units for operational criteria pollutants. Therefore, the trips resulting from buildout of the project site pursuant to existing zoning would result in greater trips than future on-site residential development, consistent with the density range allowable under the requested General Plan land use designation and associated zone district. In turn, buildout of the project site pursuant to existing zoning would result in higher levels of emissions when compared to the proposed project.

Because future development of an 8-12 unit affordable housing project on the Ciolino project site would generate fewer trips, and thereby fewer vehicle emissions, than could be generated if the site was built-out consistent with existing zoning, the proposed project would have a *less-than-significant* impact with respect to violating any air quality standard or contributing substantially to an existing or projected air quality violation. This is further supported by the fact that the anticipated development of up to 12 dwelling

units would not meet any of the screening criteria for a low-rise apartment development, which are discussed below.

- b.c. According to the California Environmental Quality Act (CEQA) Guidelines, an air quality impact may be considered significant if the proposed project’s implementation would result in, or potentially result in, conditions, which violate any existing local, State or federal air quality regulations. In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants designated as nonattainment in the area, the BAAQMD has established significance thresholds associated with development projects for emissions of reactive organic gases (ROG), nitrogen oxide (NO_x), PM₁₀, and PM_{2.5}. The BAAQMD’s significance thresholds, expressed in pounds per day (lbs/day) for project-level and tons per year (tons/yr) for cumulative, listed in Table 1, are recommended for use in the evaluation of air quality impacts associated with proposed development projects.

Pollutant	Construction (lbs/day)	Operational (lbs/day)	Cumulative (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82	82	15
PM _{2.5}	54	54	10

Source: BAAQMD, CEQA Guidelines, May 2011.

It should be noted that the BAAQMD was challenged in Alameda County Superior Court, on the basis that the BAAQMD failed to comply with CEQA when it adopted its CEQA guidelines, and associated thresholds of significance. The BAAQMD was ordered to set aside the thresholds and conduct CEQA review of the proposed thresholds. On August 13, 2013, the First District Court of Appeal reversed the trial court’s decision striking down BAAQMD’s CEQA thresholds of significance for greenhouse gas (GHG) emissions. The Court of Appeal held that CEQA does not require BAAQMD to prepare an EIR before adopting thresholds of significance to assist in the determination of whether air emissions of proposed projects might be deemed “significant.” The Court of Appeal’s decision provides the means by which BAAQMD may ultimately reinstate the GHG emissions thresholds, though the court’s decision does not become immediately effective. It should be further noted that a petition for review has been filed; however, the court has limited its review to the following issue: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? Ultimately, the thresholds of significance used to evaluate proposed projects are determined by the CEQA lead agency, which would be the City of Morgan Hill for the proposed project. Per CEQA Guidelines Section 15064.7, the City has elected to use the BAAQMD’s thresholds and methodology for this project, as they are based on substantial evidence and remain the most up-to-date, scientifically-based method available to evaluate air quality impacts. Thus, the BAAQMD’s thresholds of significance presented in Table 1, and the below screening criteria, are utilized for this analysis.

The BAAQMD identifies screening criteria for development projects, which provide a conservative indication of whether a development could result in potentially significant air quality impacts. If none of the screening criteria are exceeded by a project, a detailed air quality assessment of that project's air pollutant emissions would not be required. The screening criteria for a low-rise residential apartment are if the development is less than or equal to the following screening level sizes:

- 451 dwelling units for operational criteria pollutants; and
- 240 dwelling units for construction criteria pollutants.

Accordingly, if a low-rise apartment development is less than or equal to the screening size for operational and construction criteria pollutants, the development would not be expected to result in potentially significant air quality impacts, and a detailed air quality assessment would not be required.

Approval of the proposed project would not directly generate any air quality emissions because the project consists of program-level land use entitlements. However, these program-level actions represent the first step in a chain of anticipated actions that would likely lead to the development of an 8- to 12-unit multi-family affordable housing project on the Ciolino project site. Said anticipated development would contribute local emissions in the area during both construction and operation. However, as the anticipated development involves only 8 to 12 dwelling units, the project does not meet any of the screening criteria for a low-rise apartment development, discussed above. As such, the proposed project would not be expected to result in potentially significant air quality impacts, and a detailed air quality assessment is not required. As presented and discussed above, the project would not violate any air quality standard, contribute substantially to the region's nonattainment status of ozone or PM, or result in a cumulatively considerable net increase of any criteria air pollutant. Therefore, a *less-than-significant* impact would occur.

- d. Emissions of carbon monoxide (CO) are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

In addition to screening criteria for criteria pollutants and GHG, BAAQMD has established screening criteria for localized CO emissions, including the following:

- Consistency with applicable congestion management programs;
- Increase in traffic volumes at intersections of more than 44,000 vehicles per hour; and
- Increase in traffic volumes at intersections of more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

As the City has elected to use the BAAQMD's thresholds and methodology for this project, the BAAQMD's screening criteria for localized CO emissions presented above are utilized for this analysis.

The proposed General Plan Amendment and Rezone of the project site could enable the potential future development of an 8- to 12- unit multi-family affordable housing project, if subsequent project-level approvals are first obtained from the City. Said development would result in a maximum of 79 daily trips, with approximately four to six new vehicle trips in the AM peak hour, and approximately five to seven new vehicle trips in the PM peak hour. As such, the proposed project would not result in an increase in traffic volumes at nearby intersections in excess of the screening thresholds presented above. Furthermore, the estimated amount of trips would not be expected to result in any new impacts or an increase in the severity of any existing impacts to nearby roadways or intersections. As such, a substantial increase in levels of CO at surrounding intersections would not occur. Therefore, the project would not generate localized concentrations of CO that would exceed standards.

Toxic Air Contaminants (TACs) are also a category of environmental concern. The California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommendations for siting new sensitive land uses near sources typically associated with significant levels of TAC emissions, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure. Health-related risks associated with DPM in particular are primarily associated with long-term exposure and associated risk of contracting cancer.

Children, pregnant women, the elderly, and those with existing health problems are considered more sensitive to air pollution than others. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, day care centers, playgrounds, and medical facilities. The proposed GPA and Rezone for the site could ultimately result in future on-site development of an 8- to 12-unit multi-family affordable housing project. Such a use would be considered a sensitive receptor.

The CARB, per its Handbook, considers that any project placing sensitive receptors within 500 feet of a major roadway or freeway may have the potential to expose those receptors to DPM. Similarly, the BAAQMD recommends placement of overlay zones at least 500 feet from all freeways and high volume roadways. The nearby State Route (SR) 101 could be considered a major source of DPM; however, the project site is located over 3,000 feet to the west of SR 101. As such, the future residents would not be exposed to substantial concentrations of DPM from SR 101.

The project site is located approximately 1,100 feet to the west of a rail line; however, CARB does not consider train tracks to be a significant source of TAC emissions and is only concerned with rail yards due to the substantial amount of trains and idling. The project site is not located near an existing rail yard.

The project does not involve long-term operation of any stationary diesel engine or other major on-site stationary source of TACs. Emissions of DPM resulting from construction-related equipment and vehicles are minimal and temporary. Relatively few vehicle trips associated with the proposed use would be expected to be composed of diesel-fueled vehicles. Therefore, the project would not generate any substantial concentrations of TACs.

In conclusion, the proposed project would not expose sensitive receptors to substantial concentrations of any TACs. Therefore, impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be considered *less than significant*.

- e. Typical sources of objectionable odor include industrial or intensive agricultural uses. Surrounding land uses include residential, mixed-use, and commercial. Heavy industrial uses are not located in the vicinity of the project site. Although the site has been historically used as a gas station, the site has not been used for such purposes in the recent past. The underground storage tanks associated with the gas station were removed in 2006. Thus, the future residents would not be subjected to any objectionable odor from existing sources.

Residential land uses are not typically associated with the creation of substantial objectionable odors. Diesel fumes from construction equipment and delivery trucks are often found to be objectionable; however, construction of the proposed project would be temporary and diesel emissions would be minimal and regulated. Accordingly, the project would not be expected to create objectionable odors affecting a substantial number of people, resulting in a *less-than-significant* impact.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a, b. The project site is entirely disturbed as a result of past uses and operations, and is currently covered with ruderal grass. The project site was previously used as a gas station, but the site has been vacant for more than a decade. In November 2006, five USTs, associated with the former gas station, were removed from the site, and a total of 494.07 tons of contaminated soil were excavated from the project site, and then transported and disposed at Marina Landfill. The total depth of excavation was approximately ten to 11 feet. The excavations were subsequently backfilled using a combination of pea gravel and clean fill soil provided by Marina Landfill. Excavation backfill was placed on engineered fill. Such extensive disturbance has left the site void of natural habitats, including wetlands, streams, rivers, or any type of riparian habitat. Lands surrounding the project site are developed with residential and commercial uses (e.g., multi-family housing to the west and a retail center to the north).				

According to the California Department of Fish and Wildlife (CDFW) Natural Diversity Database (CNDDDB), 16 endangered, threatened, or otherwise special-status species (e.g., CDFW Fully Protected, Species of Special Concern) have been recorded within the Mt. Madonna United States Geological Survey (USGS) topographic quadrangle, within which the project site is located (see Appendix C for a copy of the CNDDDB search results).² The USFWS Endangered and Threatened Species database search for the Mt. Madonna quadrangle lists many of the same species identified in the CNDDDB, with the addition of seven species (see Appendix D for a copy of the USFWS database results).³ However, due to the lack of natural on-site habitats, including aquatic habitats, none of the special-status species have the potential to occur on the disturbed site.

The nearest USFWS critical habitats are located approximately two miles from the Ciolino project site (see Appendix E). These critical habitat areas consist of Bay checkerspot butterfly.

Therefore, future anticipated construction of an 8- to 12-unit multi-family affordable housing project on the 0.29-acre disturbed site would result in a *less-than-significant* impact with respect to having a substantial adverse effect, either directly or through habitat modifications, on any protected species or sensitive habitats. Please see Question 'f' for discussion regarding the project's consistency with the Santa Clara Valley Habitat Plan.

- c. According to the United States Environmental Protection Agency (USEPA), wetlands are characterized by hydrology, soils, and vegetation. The proposed project site has been previously developed, but is currently vacant and predominantly void of vegetation. Existing development surrounds the project site, and the proposed project would be considered infill development. Watercourses, ponds, rivers, creeks, streams, or other watercourses are not located on the project site. Engineered channels connecting the West Little Llagas Creek are located within the project vicinity; however, the proposed project does not require removal, filling, or hydrologic interruption to West Little Llagas Creek.

According to the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory, wetlands do not exist on-site and the closest freshwater emergent wetland is located approximately 300 feet to the west (see Appendix F). Therefore, the project would have *no impact* on federally-protected wetlands as defined by Section 404 of the Clean Water Act.

- d. The 0.29-acre project site is highly disturbed and surrounded by developed properties. West of the project site is an existing multi-family housing project. North of the project site is a retail commercial center. East of the project site is Monterey Road and mixed-use

² These 16 species are as follows: Anderson's manzanita, Santa Clara Valley dudleya, Hoover's button-celery, Loma Prieta hoita, smooth lessingia, arcuate bush-mallow, woodland woollythreads, Santa Cruz Mountains beardtongue, most beautiful jewelflower, California tiger salamander, burrowing owl, western pond turtle, steelhead, foothill yellow-legged frog, California red-legged frog, and Bay checkerspot butterfly.

³ Santa Cruz tarplant, delta smelt, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, California least tern, Least Bell's vireo, and San Joaquin kit fox.

development. South of the project site is Advanced Wheels and other commercial development. Given the current lack of connectivity between the project site and the surrounding areas, implementation of the project would have a *less-than-significant* impact with respect to interfering substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors.

- e. The project site is void of trees. Because trees do not currently exist on the project site, the project would have *no impact* to existing policies and ordinances protecting trees.
- f. The project site is located within the Santa Clara Valley Habitat Plan area (see Appendix G for map of the Santa Clara Valley Habitat Plan area). The Habitat Plan was developed by the County of Santa Clara, the cities of Gilroy and Morgan Hill, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the "local partners") under the guidance of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The Habitat Plan provides take authorization for 18 listed and non-listed species (i.e. covered species). The Habitat Plan also includes conservation measures to protect all 18 species, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of these species in the study area.

The Habitat Plan has classified the land cover type as "Urban-Suburban".⁴ The HCP/NCCP assumes a certain amount of urban development within the City of Morgan Hill and HCP/NCCP plan area, which have both permanent, direct impacts and indirect impacts. Although future anticipated on-site development activity will permanently alter the land, the project's land cover type, as identified in the plan, is not considered habitat where covered species and plants are known to occur or would likely occur in the future. The project area is also not within a defined wetland area, area with serpentine soils, or area considered to be high quality Burrowing Owl habitat, all of which are more likely to have direct and/or indirect impacts to covered species. The project is not within a planned Priority Reserve Area or within an Urban Reserve System Interface Zone.

The Santa Clara Valley Habitat Plan also considers covered activities to result in a certain amount of indirect impacts from urban development, including the effects of nitrogen deposition. Urban development results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay checkerspot butterfly. As such, all projects within the Habitat Plan area are subject to paying a "Nitrogen Deposition Impact Fee," which would be calculated based on the

⁴ According to the Santa Clara Valley HCP/NCCP "Geobrowser" (<http://www.hcpmaps.com/habitat/>) accessed on June 30, 2014. See Appendix G.

number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

In summary, the applicant would comply with the Santa Clara Valley Habitat Plan by paying the applicable “Nitrogen Deposition Impact Fee.” Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, resulting in a *less-than-significant* impact.

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-d. It is important to note that the majority of cultural resource documentation has been excluded from the appendix section of this Joint IS/EA for confidentiality purposes.

Definition of Area of Potential Effects (APE)

The project’s Area of Potential Effect (APE) includes the 0.29-acre project site and lands immediately adjacent to the project site. Surrounding land uses include a retail commercial center to the north, Advanced Wheels to the south, Monterey Road to the east, and multi-family housing to the west (see Appendix A for site photos).

Native American Consultation

Early consultation letters have been sent to Native American contacts provided by the NAHC, requesting information regarding potential cultural resources within the APE. One comment letter was received by Valentin Lopez, Chairman of the Amah Mutsun Tribal Band. The commenter requested a Native American Monitor from the Amah Mutsun Tribal Band be used on all ground disturbance work. As explained below, the City’s standard conditions for development projects require that an archaeologist be present on-site to monitor all ground-disturbing activities. The City is consulting with the Tribe to discuss further monitoring details.

Records and Literature Search

A Sacred Lands File search was performed by the Native American Heritage Commission (NAHC) for the APE. The Sacred Lands File Search did not indicate the presence of Native American cultural resources within the APE.

In addition, a records search of the California Historical Resources Information System (CHRIS) was conducted for the project site and the APE. The CHRIS records search included review of the archaeological base maps, site records, and survey reports on file at the Northwest Information Center at Sonoma State University. According to the

records search, two archaeological surveys have been conducted that cover approximately 100 percent of the proposed project site and the APE. The area does not contain any recorded archaeological resources and Native American resources have not been identified in the proposed project area. The search did indicate that one building is recorded within a quarter-mile radius of the site – P-43-001801 – which is the nearest known resource, located approximately 0.3-mile southeast of the site. However, the project would not include disturbance of any of the recorded resources or structures. According to the CHRIS records search, due to the proposed project site location, a high potential exists for identifying unrecorded Native American archaeological resources and a moderate to high potential for identifying historic-period archaeological resources in the proposed project area.

Discussion

While the CHRIS records search determined that there is a high potential for Native American archaeological resources and a moderate to high potential for historic-period archaeological resources to be within the project area, these conclusions are not directly applicable to the Ciolino project site for the following reasons.

Former on-site land uses include a gas station in the 1950's, with associated underground storage tanks that have since been removed. According to the Environmental Study performed for the project site by the County of Santa Clara's Hazardous Materials Compliance Division, in August 2006, a total of five (5) underground storage tanks (USTs) were removed from the project site. Between November 8 and November 9, 2006 a total of 494.07 tons of soil were excavated from the subject site, and then transported and disposed at Marina Landfill.⁵ The total depth of excavation was approximately 10-11 feet. The excavations were subsequently backfilled by MRC using a combination of pea gravel and clean fill soil provided by Marina Landfill. Excavation backfill was placed an engineered fill under the supervision and testing of Earth Systems. Archaeological or historic resources were not encountered during this excavation work.

The fact that the project site has undergone extensive disturbance, in combination with the presence of substantial fill material on-site, would render the potential for resources on-site to be remote to nonexistent. Similarly, as evidenced in the APE photos included in Appendix A, historic structures clearly do not exist within the APE, nor would the project result in any off-site impacts.

The State Office of Historic Preservation has concurred with this conclusion, as indicated in their letter to the City of Morgan Hill, dated June 20, 2014 (see Appendix H). In this letter, the State Historic Preservation Officer determined that historic properties will not be affected by the proposed project. The SHPO notes that the City would have Section 106 responsibilities should cultural or historical resources be discovered during implementation of the project. In the unlikely event that any unknown resources are encountered during construction, compliance with the City's standard conditions of

⁵ Environmental Investigation Services, Inc. *Remedial Action Report: Excavation of Impacted Soil, 16873 Monterey Road, Morgan Hill, CA*. February 7, 2007.

approval set forth in Chapter 18.75 of the City's Municipal Code, regarding historical resources, would ensure that no resources are impacted.

The project would be conditioned per Chapter 18.75.110 (B) to comply with the following measures, which "...shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less than significant level":

1. An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a. Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
 - c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the community development director. The action plan shall be in conformance with California Public Resources Code 21083.2.
2. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - d. If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - e. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - f. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
3. In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations

of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.

4. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find).
5. The exclusion zone shall be secured (e.g., twenty-four hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.
6. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - f. The city of Morgan Hill Community Development Director,
 - g. The contractor's point(s) of contact,
 - h. The coroner of the county of Santa Clara (if human remains found),
 - i. The Native American Heritage Commission (NAHC) in Sacramento, and
 - j. The Amah Mutsun Tribal Band.
7. The coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has twenty-four hours to notify the NAHC.
8. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.).
9. Within twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
10. Within twenty-four hours of their notification by the NAHC, the MLD may recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.

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

Compliance with the above standard conditions of approval would ensure that the future anticipated construction of an 8- to 12-unit multi-family affordable housing project would have a *less-than-significant* impact to historical, archaeological, or cultural resources.

VI. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ai-iii. The San Francisco Bay Area is one of the most seismically active regions in the United States. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the Ciolino 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. The three major faults in the area are the Calaveras, Monte Vista-Shannon, and San Andreas faults. The project site is not located within an Alquist-Priolo Earthquake Fault Zone and no previously identified fault lines exist on the site or trend toward the site (see Appendix I). ⁶ The potential for fault rupture at the site is very low.				

Soil liquefaction is a condition where soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface.

⁶ California Department of Conservation. *Special Studies Zones. Revised Official Map.* January 1982.

The Association of Bay Area Governments (ABAG) designates the Ciolino project site as an area with low liquefaction potential (see Appendix J).⁷

Approval of the program-level land use entitlements would not enable the development of residential uses on-site. Additional project-level approvals would be required from the City before on-site residential development can occur. Any future on-site development would be designed using standard engineering and seismic safety design techniques. The buildings will be required to meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code. The project will be designed to withstand soil and earthquake 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. Therefore, impacts related to exposure of people or structures to potential adverse effects would be *less than significant*.

- aiv. The proposed project site is not susceptible to landslides because the area is essentially flat. Therefore, *no impact* would occur.
- b. The future anticipated development of the 0.29-acre site would cause ground disturbance of topsoil related to construction activity. After grading and excavation and prior to overlaying the disturbed ground surfaces with impervious surfaces and structures, the potential exists for wind and water erosion to occur, which could adversely affect downstream storm drainage facilities.

Prior to the approval of improvement plans and issuance of building permits, the applicant will submit a sediment and erosion control plan to the City of Morgan Hill, Public Works Department, as a standard City condition. The plan shall be acceptable and conform to City standards to prevent significant sediment and soil erosion during construction and include the standards and guidelines found in the California Stormwater Quality Association, Stormwater Best Management Practice Handbook. Compliance with these City standards would ensure that the project would have a *less-than-significant* impact with respect to substantial soil erosion.

- c,d. According to the U.S. Department of Agriculture Natural Resources Conservation Science Web Soil Survey⁸ performed for the project site, the project site is made up of San Ysidro loam, zero to two percent slopes (see Appendix K). According to the Santa Clara County Soil Survey (1974), the San Ysidro loam series has high expansive potential. However, between November 8 and November 9, 2006, a total of 494.07 tons of soil were excavated from the project site, and then transported and disposed at Marina Landfill. The total depth of excavation was approximately ten to 11 feet. The excavations were subsequently backfilled by Macoy Resources, Corp. (MRC) using a combination of pea gravel and clean fill soil provided by Marina Landfill. Excavation backfill was placed on engineered fill under the supervision and testing of Earth Systems. As such, due to the

⁷ Association of Bay Area Governments. *Earthquake and Hazards Information*.

<<http://gis.abag.ca.gov/website/liquefactionsusceptibility/>> Accessed May 8, 2014.

⁸ United States Department of Agriculture, National Resources Conservation Service. Web Soil Survey. Available at: <http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed May 15, 2014.

amount of previous excavation on-site, the presence of San Ysidro loam series soil on-site has been substantially altered.

Because the site soils include substantial amounts of fill material, the soils may be considered unstable and unsuitable for future on-site residential development. Therefore, future residential development on-site could result in a ***potentially significant*** impact with respect to being 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 lateral spreading, subsidence, liquefaction or collapse.

Mitigation Measures

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

VI-1. In conjunction with submittal of a site development plan, the applicant shall submit a design-level geotechnical report for the project site to determine the extent of high shrink-swell soils and backfill material on-site. Design-level geotechnical recommendations shall be included in the Geotechnical Report, to ensure that expansive soils and backfill material do not result in adverse effects to people and structures on-site. Any necessary fill removal/replacement operations identified in the geotechnical report, shall be supervised by a registered geotechnical engineer; and a written summary of the operations shall be submitted to the City Engineer.

- e. Any future residential development on the project site would be connected to the City of Morgan Hill's sewer system. Accordingly, septic tanks or alternative wastewater disposal systems would not be required for the proposed project, and ***no impact*** would occur from soils incapable of adequately supporting the use of septic tanks.

VII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>a, b. Estimated GHG emissions attributable to future on-site development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O). Sources of GHG emissions include area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO_{2e}/yr).</p>				

In addition, the BAAQMD identifies GHG screening criteria for development projects, which provide a conservative indication of whether a development could result in potentially significant GHG impacts. If the screening criterion is not met by a project, a detailed air quality assessment of that project’s GHG emissions would not be required. As discussed previously, the City uses the BAAQMD thresholds to evaluate the potential impacts of new development. The screening criterion for a low-rise residential apartment is if the development is less than or equal to the following screening level size:

- 78 dwelling units for operational GHG.

Accordingly, if a low-rise apartment development is less than or equal to the screening size for operational GHG, the development would not be expected to result in potentially significant GHG impacts, and a detailed air quality assessment would not be required. Implementation of the proposed project would contribute local emissions in the area during both the construction and operation of the proposed project. However, because the proposed project is anticipated to result in the future development of up to 12 multi-family dwelling units, the project does not meet the GHG screening criterion for a low-rise apartment development as discussed above. As such, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and impacts associated with the generation of GHG emissions would be considered *less than significant*.

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a,b. This section is based primarily upon the Phase II Environmental Site Assessment (ESA) Report (May 2014) prepared for the project site by Geocon Consultants, Inc (see Appendix L). The purpose of the Phase II ESA was to assess soil and vapor to determine if residual contaminants of concern (COCs) concentrations might warrant remediation or mitigation to render the site suitable for residential use. The following components will be addressed: groundwater, soil vapor, and soil.				

Background

As discussed previously, former on-site land uses include a gas station in the 1950's, with associated underground storage tanks that have since been removed. According to the

Environmental Study performed for the project site by the County of Santa Clara's Hazardous Materials Compliance Division, in August 2006, a total of five (5) underground storage tanks (USTs) were removed from the project site, and additional soil excavation was conducted in the area of the USTs in November 2006 (see Appendix M). The resulting soil excavation area was approximately 22.5 feet by 14 feet and 10 to 11 feet in depth.

The USTs had been abandoned in place by filling with cement slurry. It is unknown when the USTs were installed or abandoned. Analytical results for soil samples collected during the UST excavations confirmed the presence of shallow soil contamination outside of the initial excavation limits. As a result, the impacted shallow soils were overexcavated and removed from the site in November 2006. Between November 8 and November 9, 2006, a total of 494.07 tons of soil were excavated from the project site, and then transported and disposed at Marina Landfill. The total depth of excavation was approximately ten to 11 feet. The excavations were subsequently backfilled by Macoy Resources, Corp. (MRC) using a combination of pea gravel and clean fill soil provided by Marina Landfill. Excavation backfill was placed on engineered fill under the supervision and testing of Earth Systems.

Three groundwater monitoring wells were installed on-site in January 2007 with groundwater monitoring starting in the first quarter of 2007. Following a November 2010 additional soil and groundwater investigation that assessed the lateral and vertical extent of contamination, the project site was recommended for closure as a low-risk environmental case in February 2011. The three groundwater monitoring wells were destroyed in October 2011.

In November 2011, the UST case associated with the site was issued a regulatory "no further action" status from the County. The 2011 closure letter states that residual contamination remains in soil and groundwater that may pose an unacceptable risk to future redevelopment.

Regulatory Screening Levels

The following discussion provides background information and describes the use and application of the applicable regulatory screening levels.

California Human Health Screening Levels (CHHSLs)

The California Environmental Protection Agency (Cal/EPA) has prepared technical reports entitled *Use of CHHSLs in Evaluation of Contaminated Properties* (Cal/EPA, January 2005), which present CHHSLs for soil, shallow soil gas, and indoor air to assist in evaluating sites impacted by releases of hazardous chemicals.

The CHHSLs are concentrations of 54 hazardous chemicals that Cal/EPA considers to be below thresholds of concern for risks to human health. The CHHSLs were developed by the Office of Environmental Health Hazard Assessment (OEHHA) on behalf of Cal/EPA.

The thresholds of concern used to develop the CHHSLs are an excess lifetime cancer risk of one in a million and a hazard quotient of 1.0 for noncancer effects. Under most circumstances, the presence of a chemical at concentrations below its respective CHHSL can be assumed not to pose a significant risk. The presence of a chemical at concentrations above a CHHSL does not indicate that adverse impacts to human health are occurring or will occur but suggests that further evaluation is warranted.

For evaluating vapor intrusion risks to indoor air, analytical results from soil vapor samples collected for the Phase II ESA were compared to the CHHSLs for shallow soil gas. It should be noted that CHHSLs have not been developed for volatile organic compounds (VOCs) in soil.

Environmental Screening Levels (ESLs)

The State Water Board states in their *Leaking Underground Fuel Tank Guidance Manual* (September 2102) that the ESLs “are probably the most widely used screening levels in California [UST] sites since they cover a wide range of exposure scenarios and use California toxicity values.” Therefore, the ESLs are suitable to use despite the project site being located inside the jurisdiction of the Central Coast Regional Water Quality Control Board and not the SFRWQCB.

The SFRWQCB has prepared a technical report titled *User’s Guide: Derivation and Application of Environmental Screening Levels (ESLs), Interim Final* (December 2013), which presents ESLs for soil, groundwater, soil gas, and surface water, to assist in evaluating sites impacted by releases of hazardous chemicals. The ESLs are conservative values for more than 100 commonly detected contaminants, which may be used to compare with environmental data collected at a site. ESLs are strictly risk assessment tools and “not regulatory cleanup standards.” The presence of a chemical at concentrations in excess of an ESL does not necessarily indicate that adverse impacts to human health or the environment are occurring; this simply indicates that a potential for adverse risk may exist and that additional evaluation is warranted (SFRWQCB, 2013).

For evaluating vapor intrusion risks to indoor air, analytical results from soil vapor samples collected for the Phase II ESA were compared to the ESLs for shallow soil gas. For evaluating the potential for exposure to shallow contaminated soil, analytical results from soil samples collected for the Phase II ESA were compared to the ESLs for shallow soil.

Groundwater

The most recent groundwater samples obtained from the project site were collected in May 2011. The laboratory reported maximum gasoline, benzene, and methyl tert-butyl ether (MTBE) concentrations for the samples. The lateral extent of the contaminant plume in groundwater was defined to non-detect levels in all directions from the former source area (the former USTs) except to the northeast where contaminants of concern were detected in grab groundwater samples. However, because the COC concentrations

detected in the groundwater sample are near their regulatory screening levels (San Francisco Bay Regional Water Quality Control Board's [SFBRWQCB] ESL) and the distance of the sample from the USTs is less than 100 feet, the site is expected to meet the groundwater-specific criteria under State Water Board's Low-Threat Underground Storage Tank Case Closure Policy (LTCP) Scenarios 1, 2 or 4. It should be noted that these groundwater-specific criteria are the same for both residential and commercial land use scenarios. In addition, any future affordable housing project will tie into the City's local public water supply.

Soil Vapor

Soil vapor at the project site was not assessed prior to obtaining regulatory "no further action" status. The presence of low-permeability soils on the site should preclude the transport of vapors in the subsurface as a potential vapor intrusion risk. Because of the proposed residential use, soil vapor samples were collected and analyzed to verify site conditions with respect to soil vapor and potential vapor intrusion risk.

The specific purpose of the soil vapor sampling was to assess VOCs in soil vapor beneath the project site where residential units are planned to determine if they might pose a threat to human health via vapor intrusion into indoor air. The objective of the soil vapor sampling was to collect representative soil vapor samples from the area of former USTs on the site in accordance with Cal/EPA and Department of Toxic Substances Control (DTSC) protocol. The soil vapor samples would then be analyzed for VOCs, oxygen, and helium and compared to regulatory screening levels (Cal/EPA's CHHSL and SFBRWQCB's ESLs) for soil vapor in a residential land use scenario.

Toluene was detected at concentrations ranging from 4.5 to 7.9 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), ethylbenzene from 9.2 to 87 $\mu\text{g}/\text{m}^3$ and total xylenes from 52 to 460 $\mu\text{g}/\text{m}^3$, respectively. Benzene and naphthalene were not detected at concentrations equal to or exceeding the laboratory reporting limits (RL). None of the detected VOCs exceed either CHHSLs or ESLs for shallow soil vapor in residential and/or commercial land use scenarios.

Oxygen was detected in each of the four soil vapor samples at concentrations ranging from 7.5 to 11 percent. Helium was not detected at concentrations equal to or exceeding the RLs for each of the soil vapor samples, which indicates that the sample collection train was free of atmospheric leaks and that each sample was a valid representative soil vapor sample for the location tested.

Soil

Of the 61 soil samples previously collected from the project site, 41 were collected from a depth of 10 feet or shallower. Of these, only four soil samples had COCs at concentrations exceeding the residential screening levels in Table 1 of the LTCP. However, three of the four soil samples are not representative of current site conditions because soil from the depths and areas around these samples was removed during the

November 2006 overexcavation. Only one of the four soil samples is representative of soil that remains beneath the site. Ethylbenzene was reported for the representative soil sample at 35.9 milligrams per kilogram (mg/kg) which exceeded the LTCP's residential ethylbenzene screening level of 32 mg/kg.

The analytical results of the previous soil samples adequately define the extent of shallow soil contamination beneath the site. Therefore, the focus of the Phase II soil investigation was to confirm ethylbenzene concentrations in soil in the area of the representative soil sample. The specific purpose of the soil sampling was to determine if the low levels of ethylbenzene previously detected in the representative soil sample have attenuated to concentrations less than the residential screening levels in Table 1 of the LTCP. The objective of the soil sampling was to collect representative soil samples from the representative area discussed above, have them analyzed for gasoline-, diesel, and oil range organics (GRO, DRO, and ORO, respectively), benzene, toluene, ethylbenzene, and total xylenes (BTEX), and compare the detected concentrations to regulatory screening levels (ESLs) for soil in a residential land use scenario.

GRO and BTEX were not detected at concentrations equal to or greater than their respective laboratory reporting limits in either soil sample. DRO was detected at concentrations ranging from 4.1 to 8.1 mg/kg and ORO from 7.1 to 20 mg/kg. These concentrations are less than the ESLs for residential soil of 100 and 100 mg/kg, respectively, and are likely associated with naturally occurring organics.

Conclusion

The COC concentrations detected in soil vapor and soil samples collected for this Phase II ESA are less than the applicable residential CHHSLs and residential ESLs. According to the CHHSL guidelines, "Under most circumstances, and within the limitations described in this document, the presence of a chemical in soil, soil gas or indoor air at concentrations below the corresponding screening level can be assumed to not pose a significant health risk to people who may live (residential CHHSLs) or work (commercial/industrial CHHSLs) at the site." According to ESL guidelines, "under most circumstances, and within the limitations described, the presence of a chemical in soil, soil gas, or groundwater at concentrations below the corresponding ESL can be assumed to not pose a significant threat to human health, water resources, or the environment."

Therefore, the findings of the Phase II ESA suggest the presence of residual contamination beneath the site in the area of the former USTs does not represent a potential threat to human health for future residential land use as a result of vapor intrusion to indoor air or potential exposure to soil. Mitigation of potential vapor intrusion to indoor air of the new development and of potential exposure to shallow contaminated soil does not appear to be warranted⁹. For the above-stated reasons, the project would have a *less-than-significant* impact with respect to the disposal or accidental release of hazardous materials and/or substances.

⁹ Geocon Consultants, Inc. *Phase II Environmental Site Assessment: Proposed Affordable Housing Project, Ciolino Avenue. May 2014.* See Appendix F.

- c. The project site is within one-quarter mile of the Gavilan College, Morgan Hill Community and Cultural Center. The Community and Cultural Center is located approximately 0.14 miles north of the project site. Although the project site is within one-quarter mile of a school, the proposed project would not involve the emission or handling of hazardous materials, substances, or waste. Therefore, the project would have a ***less-than-significant*** impact with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. The proposed project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, ***no impact*** would result from implementation of the proposed project.
- e,f. The nearest airport to the project site is the South County Airport (aka “San Martin Airport”), which is located approximately 4.1 miles southeast of the project site at 13030 Murphy Avenue. The project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport comprehensive land use plan. In addition, the project site is not located within the vicinity of a private airstrip. Therefore, ***no impact*** would occur.
- g. The entitlements for the proposed project are for land use and zoning amendments and subsequent site-specific approvals would be required prior to on-site development. Future on-site development would be designed in accordance with local street and access design standards which would ensure that circulation on and around the site would not interfere with any emergency vehicles traveling along Monterey Road. Future anticipated residential development at the proposed project site would not result in any substantial modifications to the existing roadway system and would not interfere with potential evacuation or response routes used by emergency response teams. Therefore, a ***less-than-significant*** impact would result.
- h. The project site is surrounded by existing developed uses. Fuel sources for wildfires, such as wood and dry vegetation, are not located in close proximity to the project site. The City of Morgan Hill Wildland Urban Interface map illustrates that the project site is not located in a fire hazard severity zone.¹⁰ Therefore, wildland fires would pose a ***less-than-significant*** impact to any future residential structures built on the project site.

¹⁰ City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a.f. Future construction of residential development on the site would have the potential to degrade downstream water quality. The principal effects of construction on surface water quality generally include the loss of eroded soils as suspended solids in surface runoff, and subsequent downstream sedimentation. After project completion, paved facilities and landscape irrigation could contribute incrementally to the degradation of downstream water quality due to introduction of urban pollutants. Future residential development would result in an incremental increase in pollutants typically associated with urban				

stormwater runoff (e.g., sediment, bacteria, metals, solvents, oil grease, pesticides, and herbicides).

The City of Morgan Hill, City of Gilroy, and County of Santa Clara have prepared and are implementing a Revised Regional Storm Water Management Plan (SWMP). The SWMP incorporates the efforts of the City of Morgan Hill, the City of Gilroy, and the unincorporated portion of Santa Clara County, within the watershed of the Pajaro River and Monterey Bay, to meet the Phase II Storm Water Permit requirements for small municipal separate storm sewer systems (MS4s). The Upper Pajaro River Watershed is located within the jurisdiction of the Central Coast Regional Water Quality Control Board (CCRWQCB).

The City of Morgan Hill implements the SWMP through an extensive program that entails: 1) the establishment of SWMP goals for the City; 2) public education and outreach; 3) public involvement and participation; 4) illicit discharge control; 5) construction site storm water runoff control; 6) post-construction storm water management in development; and 7) pollution prevention. For construction activities, the SWMP presents Best Management Practices (BMPs) that are required for the control of storm water runoff quality during construction. BMPs are also provided for the control of runoff quality from new projects and redeveloped properties. The City has also adopted an Ordinance, codified in Chapter 18.71 of the City's Municipal Code, which requires certain development projects to incorporate permanent storm water pollution prevention measures. It is anticipated that ultimate development of the project site with 8-12 multi-family units would create more than 10,000 sf. of impervious surfaces. As such, per Section 18.71.030A, the proposed project would be subject to the City's Post Construction Storm Water Pollution Prevention Ordinance. Per Section 18.71.110, during the future design and development of the 8- to 12-unit multi-family affordable housing project, stormwater best management practices shall be selected and designed to the satisfaction of the City in accordance with the requirements contained in the most recent versions of the following documents:

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

Once stormwater is treated on-site via BMPs, the runoff would be discharged into the City's storm drain system via existing lines in the surrounding roadways. The final design of the proposed drainage system will be reviewed and approved by the City of Morgan Hill Public Works Department, who will ensure that the proposed system complies with

the City's Post Construction Stormwater Pollution Prevention Ordinance with respect to incorporating sufficient permanent stormwater treatment control BMPs. Compliance with the City's Stormwater Pollution Prevention Ordinance would ensure that the project's impacts to water quality are *less than significant*.

- b. The City of Morgan Hill relies on groundwater sources for the public water supply. The project includes program-level land use and zoning amendments and does not include development entitlements at this time. Future residential development would connect to the water lines in the adjacent streets, and water demand associated with development of up to 12 units would not substantially deplete groundwater supplies (see the water supply discussion in the Utilities and Service Systems section). While the project would include additional impervious surfaces on-site, the project site is only 0.29 acres and is not a major source for groundwater recharge. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, and impacts would be *less than significant*.
- c-e. The project site is located within the Central Coast Regional Water Quality Control Board (CCWRQCB) jurisdiction. In July 2013, the CCRWQCB adopted Order R3-2013-0032, with new, more stringent Post-Construction Requirements (PCRs). Projects that receive their first discretionary approval for design elements (for example, building footprints, drainage features) after March 6, 2014—or if no discretionary approval is required, receive their first ministerial permit after that date—are subject to the PCRs, if they create or replace 2,500 square feet or more of impervious area. The PCRs mandate that development projects use Low Impact Development (LID) to detain, retain, and treat runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes.

Because future on-site residential development would create over 2,500 square feet of impervious area, future development would be subject to the newly implemented PCRs. In conjunction with submittal of a future Site Plan for residential development, the applicant shall submit a Stormwater Control Plan (SWCP) in accordance with CCRWQCB PCRs. The SWCP will detail how the project will achieve the LID Post-Construction Stormwater Management Requirements for Tier 2 projects. In addition, Section 18.71.110 of the City's Municipal Code prohibits post-development peak stormwater runoff discharge rates from exceeding the estimated pre-development rate. Therefore, the project would have a *less-than-significant* impact with respect to creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems.

- g,h. According to the Flood Insurance Rate Map for Panel 06085C0607H, the Ciolino project site is within FEMA's mapped Zone AE, areas subject to inundation by the 1-percent-annual-chance-flood event (see Appendix N).¹¹ Mandatory flood insurance purchase

¹¹ Federal Emergency Management Agency. *Santa Clara County, California, Flood Insurance Rate Map Panel 06085C0607H*. May 18, 2009. See Appendix N.

requirements and floodplain management standards apply to areas within Zone AE. The City of Morgan Hill Flood Damage Prevention Ordinance (Section 18.42, Morgan Hill Municipal Code) applies to “high risk areas” as described by FEMA (all types of Zone A’s; one percent chance of flooding in a 100-yr period).

Under NEPA, an 8-step decision-making process is required for projects occurring in a 100-year floodplain unless the process is inapplicable per 55.12(b) of the Code of Federal Regulations. Per Item 8 of 55.12(b), the following action is not subject to the 8-step process:

HUD’s or the responsible entity’s approval of financial assistance for a project on any nonwetland site in a floodplain for which the Federal Emergency Management Agency (FEMA) has issued:

(i) A final Letter of Map Amendment (LOMA), final Letter of Map Revision (LOMR), or final Letter of Map Revision Based on Fill (LOMR-F) that removed the property from a FEMA-designated floodplain location;

or

(ii) A conditional LOMA, conditional LOMR, or conditional LOMR-F if HUD or the responsible entity’s approval is subject to the requirements and conditions of the conditional LOMA or conditional LOMR

The current project does not include development at this time. Additional discretionary, project-level approvals are required before the site can be developed. The applicant will be required to obtain the LOMA/LOMR prior to development. In addition, a development permit shall be obtained from the City before any construction or other development begins within any area of special flood hazard, established in Section 18.42.070. Application for a development permit shall be made on forms furnished by the City’s floodplain administrator and may require, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 18.42.160(C)(3);
- C. All appropriate certifications listed in Section 18.42.140(D) of this chapter; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Flooding might occur on-site under extreme circumstances during a 100-year flood. Therefore, future development of an on-site multi-family affordable housing project would have a *potentially significant* impact with respect to placing housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

Mitigation Measures

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

IX-1. Prior to occupancy of the project, the plan(s) shall indicate that the first floor of all structures proposed within areas designated as zone AE on the Federal Emergency Management Agency's Flood Insurance Rate Map shall be a minimum of one foot above the base flood level as shown on the flood map. The applicant shall obtain an elevation certificate and respective FEMA letter of map revision based on fill (LOMR-F) for each building, or group of buildings, prior to occupancy.

- i. The Association of Bay Area Governments has compiled dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The map for the City of Morgan Hill shows the project site to be in the dam failure inundation hazard zone for Anderson Reservoir (see Appendix O for the Dam Failure Inundation Hazard Map for Morgan Hill).¹² The dams in Santa Clara County are managed by the Santa Clara Valley Water District (SCVWD). The dams are inspected twice each year and are continuously monitored for seepage and settling and inspected immediately following significant earthquakes.

The SCVWD recently completed a seismic stability study for Anderson Dam. The seismic analysis determined that the dam may experience significant damage during an earthquake. As a result, the water level at Anderson Reservoir is being kept 25.5 feet below the crest of the dam until seismic retrofits can be completed. The seismic retrofits are estimated to be complete by the year 2019.¹³ For the above reasons, the likelihood of catastrophic dam failure that would impact the site is considered low, resulting in a *less-than-significant* impact.

- j. A seiche is defined as a wave generated by rapid displacement of water within a reservoir or lake, due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The project site is not located near a water body that is susceptible to seiche hazard. Because steep slopes are not located in close proximity to the site, mudflows would not pose an issue. In addition, given the distance to the nearest coastline, the project site is not subject to tsunami hazards, resulting in *no impact*.

¹² Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>; accessed May 12, 2014. See Appendix O.

¹³ Santa Clara Valley Water District, Anderson Dam and Reservoir <<http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx>>; accessed May 12, 2014.

X. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. The proposed project site is surrounded by existing development and future multi-family residential development, consistent with the requested General Plan and zone designations, would essentially serve as an extension of the multi-family residential development directly west. Therefore, the project would not physically divide an established community and ***no impact*** would occur.
- b. The project site is currently designated Commercial in the Morgan Hill General Plan and zoned General Commercial District. The proposed project consists of a General Plan Amendment of the 0.29-acre site from Commercial to Multi-Family High Density Residential and a rezone from General Commercial District (GC) to R-4 High-Density Residential District.

With respect to the project’s compatibility with surrounding land uses, residential uses currently exist to the west and east (across Monterey Road) of the project site. The 8 to 12 multi-family units proposed for the project would be consistent with these nearby residential land uses. Advanced Wheels is located immediately south of the project site, and the project site faces north towards the back of commercial buildings. However, through compliance with the City’s Architectural Review Handbook guidelines for multi-family development, the anticipated affordable housing project would include landscape and/or masonry wall screening. For these reasons, the project would be considered compatible with the surrounding land uses.

In conclusion, the project’s impact related to conflict with applicable land use plans, policies, regulations, or surrounding uses would be ***less than significant***.

- c. The project site is located within the Santa Clara Valley Habitat Plan area. The Habitat Plan was developed by the County of Santa Clara, the cities of Gilroy and Morgan Hill, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the "local partners") under the guidance of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The Habitat Plan provides take authorization for 18 listed and non-listed species (i.e. covered species). The Habitat Plan also includes conservation measures to protect all 18 species, as well as a

conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of these species in the study area.

The Habitat Plan has classified the land cover type as “Urban-Suburban”.¹⁴ The HCP/NCCP assumes a certain amount of urban development within the City of Morgan Hill and HCP/NCCP plan area, which have both permanent, direct impacts and indirect impacts. Although future anticipated on-site development activity will permanently alter the land, the project’s land cover type, as identified in the plan, is not considered habitat where covered species and plants are known to occur or would likely occur in the future. The project area is also not within a defined wetland area, area with serpentine soils, or area considered to be high quality Burrowing Owl habitat, all of which are more likely to have direct and/or indirect impacts to covered species. The project is not within a planned Priority Reserve Area or within an Urban Reserve System Interface Zone.

The Santa Clara Valley Habitat Plan also considers covered activities to result in a certain amount of indirect impacts from urban development, including the effects of nitrogen deposition. Urban development results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay checkerspot butterfly. As such, all projects within the Habitat Plan area are subject to paying a “Nitrogen Deposition Impact Fee,” which would be calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

In summary, the applicant would comply with the Santa Clara Valley Habitat Plan by paying the “Nitrogen Deposition Impact Fee”; therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, resulting in a *less-than-significant* impact.

¹⁴ According to the Santa Clara Valley HCP/NCCP “Geobrowser” (<http://www.hcpmaps.com/habitat/>) accessed on June 30, 2014. See Appendix G.

XI. MINERAL RESOURCES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. 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"/>	✘
a,b. The project would not result in physical development or in the loss of availability of a known mineral resource; and no mineral excavation sites are present within the project site or surrounding area. The Morgan Hill General Plan does not identify any regionally or locally important mineral resources within the City of Morgan Hill. Therefore, <i>no impact</i> to mineral resources would occur as a result of the approval of the proposed project.				

XII. NOISE.

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a.c. The 0.29-acre project site is surrounded by developed properties. The project site is located immediately adjacent to Monterey Road and approximately 1,108 feet east of the UPRR/Caltrain tracks. The project site is separated from the tracks, by, among other things, intervening buildings. West of the project site is an existing multi-family development. North of the project site is a retail commercial center. East of the project site is Monterey Road and retail and residential development. South of the project site is commercial development, including Advanced Wheels.

The City of Morgan Hill General Plan Acceptable Noise Level standards state that the normally acceptable interior noise level for residential uses is 45 dBA Ldn. General Plan Policy 7a states that noise levels in new residential development exposed to an exterior Ldn of 60 dBA or greater should be limited to maximum instantaneous noise levels, Lmax, (e.g., trucks on busy streets, train warning whistles) in bedrooms of 50 dBA Lmax. Maximum instantaneous noise levels in all other habitable rooms should not exceed 55 dBA. The City’s standards for acceptable exterior noise levels are 65 dBA Ldn in multi-family residential use areas and 70 dBA Ldn for playgrounds, neighborhood parks, agriculture and several types of outdoor recreation.

Because sensitivity to noise increases during the evening and at night, due to excessive noise interfering with the ability to sleep, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening (7:00 PM - 10:00 PM) and a 10 dB addition to nocturnal (10:00 PM - 7:00 AM) noise levels. The Day/Night Average Sound Level (DNL) is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during 7:00 PM and 10:00 PM are grouped into the daytime period.

HUD environmental noise regulations are set forth in 24 CFR Part 51B (Code of Federal Regulations). The following exterior noise standards for new housing construction would be applicable to the proposed project.

- 65 DNL or less – acceptable.
- Exceeding 65 DNL but not exceeding 75 DNL – normally unacceptable (appropriate sound attenuation measures must provide an additional 5 decibels of attenuation over that typically provided by standard construction in the 65 dBA Ldn to 70 dBA Ldn zone; 10 decibels additional attenuation in the 70 dBA Ldn to 75 dBA Ldn zone).
- Exceeding 75 DNL – unacceptable.

HUD requires consideration of all noise sources that may adversely impact noise sensitive uses such as housing. In this regard, the three principal sources of noise that may be properly considered are airports within 15 miles, railroads within 3,000 feet and major roadways within 1,000 feet of the project site.

For the purposes of this study, a significant adverse effect is said to result if noise levels at the project site would exceed HUD Compatibility Guidelines for acceptability (exterior noise levels exceeding 65 dBA Ldn or interior noise levels exceeding 45 dBA Ldn). These thresholds are consistent with those identified in the Morgan Hill General Plan Noise Element for multi-family uses.

The existing noise environment of the site and its vicinity results primarily from railroad trains including Caltrain, Amtrak, and freight, and vehicular traffic on Monterey Road and Ciolino Avenue. Along the portion of the UPRR line closest to the project site, Caltrain operates approximately 3 trains per weekday between Gilroy and San Jose, Amtrak has one passenger train daily, and freight trains travel about 6 times daily¹⁵.

HUD's Site DNL Calculator was used to estimate the resulting noise generated from both Monterey Road and the UPRR tracks. Based upon HUD's calculator, the combined DNL for Monterey Road and the UPRR tracks is approximately 66.2 dB DNL (see Appendix Q). For the above reasons, it is anticipated that the proposed 8 to 12 units would be subject to exterior noise levels approximately equal to, or slightly above, HUD's 65 DNL

¹⁵ Illingworth & Rodkin. *Campoli Residential Projects in Morgan Hill, CA – TAC and PM2.5 Assessment*. April 25, 2012.

exterior noise level threshold. This finding appears to be consistent with the future 2025 noise contour map in the Morgan Hill General Plan,¹⁶ which indicates that the project site is located within the 65 to 70 dBA Ldn noise contour (see Appendix P for the Future Noise Contour Map). However, it is anticipated that the future 8- to 12-unit affordable housing project would not have any useable outdoor space (e.g., courtyard), where its residents may assemble for outdoor activities that could be noise sensitive.¹⁷ Therefore, the focus of this noise analysis will be on interior noise levels.

Regarding interior noise levels, conventional construction materials would be anticipated to reduce exterior noise levels by 20 to 25 decibels. A reduction of 20 to 25 decibels would be expected to result in interior noise levels of 46 to 41 DNL or less within future on-site residential units. Therefore, a possibility exists that some units could be exposed to interior noise levels in excess of the City's/HUD's 45 DNL interior noise level threshold, resulting in a *potentially significant* impact.

Mitigation Measures

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

XII-1. In conjunction with submittal of a Site Plan for development, the applicant shall submit to the Morgan Hill Community Development Department a design-level acoustical analysis to confirm that the design of residential units is sufficient to reduce interior average noise levels to 45 dBA Ldn or lower, and to reduce interior maximum instantaneous noise levels to 50 dBA Lmax or less in bedrooms, and 55 dBA Lmax in all other habitable rooms. If a site development plan is submitted that includes a courtyard area that could be subject to the 65 DNL standard, the residential building(s) could be oriented to shield the courtyard area from Monterey Road vehicle noise. If interior noise levels are predicted to exceed HUD's/the City of Morgan Hill's General Plan Noise Element interior noise level standards (45 dBA Ldn/ 50 dBA Lmax for bedrooms, and 45 dBA Ldn/55 dBA Lmax for all other habitable rooms), then the analysis shall include mitigation measures sufficient to reduce interior noise levels to at or below HUD's/the City's interior noise standards. Measures may include, but not necessarily be limited to: installation of STC-rated windows, mechanical ventilation (air conditioning) for all residences to allow the occupants to close doors and windows as desired, and solid-core exterior doors with perimeter weather stripping and threshold seals. In addition, a qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to determine what, if any, additional noise insulation treatments are necessary. Results of the analysis, including the description of any other needed noise control

¹⁶ City of Morgan Hill. *City of Morgan Hill General Plan, Map 8, Future Noise Contours*. Updated February 2010. See Appendix P.

¹⁷ If a site development plan is submitted that includes a courtyard area that could be subject to the 65 DNL standard, the residential building(s) could be oriented to shield the courtyard area from Monterey Road vehicle noise.

treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit.

If a site development plan is submitted that includes a courtyard area that could be subject to the 65 DNL standard, the residential building(s) shall be oriented to shield the courtyard area from Monterey Road vehicle noise.

- b. For structural damage, the California Department of Transportation has established a vibration limit of 0.5 inches/second, peak particle velocity (in/sec, PPV) for buildings structurally sound and designed to modern engineering standards, and 0.3 in/sec, PPV for buildings that are found to be structurally sound but where structural damage is a major concern.

Drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), such as those that may be used during future on-site construction, may generate substantial vibration for short and intermittent periods of time during construction activities. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels will vary depending on soil conditions, construction methods, and equipment used. Vibration levels will be expected to be 0.2 in/sec PPV or less, below the 0.3 in/sec PPV significance threshold. Vibration generated by construction activities near the property line would at times be perceptible; however, such vibration would not be expected to result in “architectural” damage to nearby buildings, resulting in a *less-than-significant* impact.

- d. During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Activities involved in construction could generate maximum noise levels ranging from 76 to 88 dB at a distance of 50 feet (*Federal Highway Administration, January 2006*). Chapter 8.28 of the Morgan Hill Municipal Code prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays. The Morgan Hill Municipal Code does not specify any short-term noise level limits. Given the limited duration of on-site construction activities, enforcement of time restrictions specified in the Morgan Hill Noise Ordinance would be adequate to maintain construction-related noise at *less-than-significant* levels.
- e,f. The proposed project site is not located near an existing airport or a private airstrip and is not within an area covered by an existing airport land use plan. The nearest airport to the proposed project site, San Martin Airport, is approximately 4.1 miles to the southeast. Therefore, *no impact* related to airport noise would occur.

XIII. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
a. The Morgan Hill General Plan estimated the 2013 population of the City at 39,876. While the proposed project includes program-level land use entitlements at this time, these program-level actions represent the first step in a chain of anticipated actions that would likely lead to the development of an 8- to 12-unit multi-family affordable housing project on the Ciolino project site. Said affordable housing project would generate 25 to 37 additional residents (based on 3.08 persons per household) in the City of Morgan Hill. The increase in population would constitute approximately 0.06 to 0.09 percent, which is not considered a substantial inducement of population growth in the area. Furthermore, the project’s infrastructure (water, sewer, drainage) would be sized to serve only the project. As a result, the project would have a <i>less-than-significant</i> impact with respect to inducing population growth in the area.				
b,c. Residential structures are not currently located on-site. The proposed project is anticipated to help fulfill the need for low-income housing in Morgan Hill. If the proposed General Plan Amendment and Rezone are approved, 8 to 12 affordable multi-family units could be built on-site in the future if additional development approvals are first obtained. As a result, the project would have <i>no impact</i> regarding the displacement of substantial numbers of housing or people.				

XIV. PUBLIC SERVICES.

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

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

a-c,e. The City of Morgan Hill contracts with CAL FIRE (State Department of Forestry and Fire Protection) for fire protection services. Three fire stations are located within the City boundaries: El Toro Station, located at 18300 Old Monterey Road; Dunne-Hill Station, located at 2100 Dunne Avenue; and the CAL FIRE station at 15670 Monterey Street. The project site is located approximately 1.4 miles south of the El Toro Station, approximately 2.1 miles west of the Dunne-Hill Station, and approximately 1.2 miles north of the CAL FIRE station. Accordingly, the response time to the site from the nearest station would be anticipated to be within the City’s preferred response time of five minutes or less.

The Morgan Hill Police Department provides police protection services to incorporated areas in the project vicinity. The project site is located within the Department’s normal patrol routes due to other nearby residential and commercial development located within the City.

The Morgan Hill Unified School District (MHUSD) operates public education facilities that serve the project site and surrounding area. The City of Morgan Hill is served by eight elementary schools, two middle schools, two high schools, one continuation school, and one community adult school. Utilizing the MHUSD student generation rate of 0.475 students per household, the project is only anticipated to add approximately three to six new students to the District’s schools.

The project would incrementally increase demand for fire and police protection services, and generate new students at local schools. Both the City of Morgan Hill and MHUSD collect development impact fees to help pay for fire and police protection capital improvements, and finance additional school facilities, respectively. In general, payment of these fees is considered adequate to mitigate the project’s impact on these services to a less-than-significant level.¹⁸ The project would have a *less-than-significant* impact with

¹⁸ For example, State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project’s effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit.

respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

- d. While the proposed project includes program-level land use entitlements at this time, these program-level actions represent the first step in a chain of anticipated actions that would likely lead to the development of an 8- to 12-unit multi-family affordable housing project on the Ciolino project site. Said affordable housing project would generate 25 to 37 additional residents (based on 3.08 persons per household) in the City of Morgan Hill. The City of Morgan Hill has adopted a parkland dedication/parkland in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code. Any future project applicant will be required to comply with the City's parkland dedication or in-lieu fees for residential developments, which will ensure that the project has a *less-than-significant* impact on parks.

XV. RECREATION.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>a,b. As discussed in the above section, the future anticipated affordable housing project would generate 25 to 37 additional residents (based on 3.08 persons per household) in the City of Morgan Hill. Given the City’s parkland goal of five acres per 1,000 residents, the future residential development on-site would create the need for a minor amount of additional parkland (0.13 to 0.19 acres). As explained previously, the City of Morgan Hill has adopted a parkland dedication/parkland in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. The ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City’s Municipal Code. The proposed project is required to comply with the City’s parkland dedication or in-lieu fees for residential developments, which will ensure that the project has a <i>less-than-significant</i> impact on recreational facilities.</p>				

XVI. TRANSPORTATION/CIRCULATION.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,b. Primary access to any future on-site multi-family units is anticipated to be provided from Ciolino Avenue. Monterey Road to the east provides primary access to Ciolino Avenue and Del Monte Avenue to the west provides secondary access.

Weekday AM, PM, and daily trip generation forecasts were made for the future anticipated affordable housing project using the Low Rise Apartment dwelling unit (Land Use 221) rates identified in *Trip Generation, 9th Edition* (Institute of Transportation Engineers (ITE), 2012). As shown in Table 2, implementation of the proposed project would result in 52 to 79 new daily vehicle trips, with four to six new AM peak hour vehicle trips and five to seven new PM peak hour vehicle trips.

Units	Daily		AM Peak Hour ¹			PM Peak Hour ²				
	Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
8	6.59	52	0.46	1	3	4	0.58	1	4	5
12	6.59	79	0.46	4	2	6	0.58	5	2	7

Notes:
¹ Directional distribution: 21% entering, 79% exiting
² Directional distribution: 65% entering, 35% exiting
 Source: *Trip Generation, 9th Edition*, Institute of Transportation Engineers (2012).

According to the City of Morgan Hill Guidelines for Preparation of Transportation Impact Reports, a transportation impact analysis is required for projects that add between 50 and 99 net new peak hour trips to the roadway system where nearby intersections are operating at LOS D or worse, or projected to operate at LOS D or worse with traffic added by approved developments, or when a project generates 100 or more net new peak hour trips (consistent with the Valley Transportation Authority [VTA] policy). Due to the fact that the ultimately anticipated on-site residential development would only generate a maximum of 13 new peak hour trips, a traffic study does not need to be prepared to evaluate future project traffic impacts.

Table 2 shows that anticipated development of the site would result in an ADT increase of 79 trips. Adding 79 trips to Monterey Road’s current ADT of 21,900 trips would not result in an adverse traffic impact to Monterey Road because this 4-lane divided arterial can accommodate 35,400 ADT and still operate at LOS D, which is considered the LOS threshold for planning purposes.¹⁹

The small increase in traffic associated with anticipated development of the site would also not be expected to cause nearby intersections to degrade to an unacceptable level of service. For example, the major nearby intersection of Monterey Road and Dunne Avenue is projected to operate at the City’s LOS D+, upon 2030 General Plan buildout conditions, which is below the City LOS threshold for this intersection of E.²⁰ Because future anticipated development of the site with 8 to 12 units would generate fewer trips than buildout of the site pursuant to its existing Commercial zoning (see Table 3), the Monterey Road/Dunne Avenue intersection would continue to operate acceptably with the project.

Type	Project Component		Daily		AM Peak Hour		PM Peak Hour	
	Unit	Size	Rate	Trips	Rate	Total	Rate	Total
Shopping Center (ITE Code 820)	Ksf ¹	4.4 ²	42.7	187	0.96	4	3.71	16
Notes:								
¹ Ksf = 1,000 square feet								
² The existing land use (Commercial) and zoning (General Commercial District) designations allow for a maximum (single-story) building size of 6,316 sf (50% lot coverage). For the purposes of the analysis in this Joint IS/EA, a single-story, 4,417 sf (35% lot coverage) commercial/retail use was assumed for the project site.								
<i>Source: Trip Generation, 9th Edition, Institute of Transportation Engineers (2012).</i>								

¹⁹ Fehr & Peers Transportation Consultants. *City of Morgan Hill General Plan Circulation Element Network and Policy Revisions Transportation Impact Analysis*. July 29, 2009, p. 18.

²⁰ Fehr & Peers Transportation Consultants. *Butterfield Boulevard General Plan Amendment – Draft Transportation Impact Analysis*. August 2012, p. 56.

Conclusion

The increase in vehicle trips associated with anticipated buildout of the Ciolino site would not result in adverse traffic-related impacts to Monterey Road or nearby intersections, both of which would continue to operate at acceptable levels of service with the proposed project. Therefore, the project would result in a *less-than-significant* traffic impact.

- c. The proposed project would not require any changes to existing regional air traffic activity and the project area is not located near an airport. The nearest airport to the proposed project site, San Martin Airport, is approximately 4.1 miles to the southeast. Therefore, the proposed project would result in *no impact* to air traffic patterns.
- d,e. Construction of new, or alteration of, existing roadways or intersections are not included in the project. Therefore, the proposed project would not increase hazards due to a design feature, such as a sharp curve or dangerous intersection, or incompatible uses, such as farming equipment. In addition, the anticipated future project design would comply with Morgan Hill's Street Design Standards regarding access; and the design would be reviewed by the Public Works Department. Thus, the proposed project would have a *less-than-significant* impact related to emergency access and hazardous design features.
- f. Route 16, a local community bus, provides service between the Morgan Hill Civic Center and Burnett Avenue; near the project site, Route 16 operates along Monterey Road between Cochrane and Burnett Avenue. Route 16 provides a transit stop along Monterey Road, east of the project site. Route 121, an express bus, provides service between Gilroy and Sunnyvale. Near the project site, Route 121 operates along Monterey Road between Tennant Avenue and East Dunne Avenue. Route 121 provides a transit stop along Monterey Road, east of the project site.

Curb, gutter, and sidewalk exist along the south side of Ciolino Avenue and the west side of Monterey Road. Therefore, future project residents would be able to use the existing sidewalk system to walk to nearby amenities.

Major roadways in the site vicinity include bicycle lanes. For example, Monterey Road has a Class II bicycle lane, which includes striping for bicycles. In addition, the City's 2008 Bikeways Master Plan Update identifies a future bike lane along Ciolino Avenue, from Monterey Road to Del Monte Street.

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

XVII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

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

a,b,d,e. Brief discussions of the wastewater and water systems that will serve the project are included below.

Upon approval of the requested General Plan Amendment and Rezone for the site, it is anticipated that an 8- to 12-unit multi-family affordable housing project would be built on the 0.29-acre site. Prior to development, however, additional project-level approvals (e.g., Architectural Review and Site Plan/Design Review), will be required from the City. Future development of the site with residential units will result in increased water usage, and need for wastewater treatment.

Wastewater

The City of Morgan Hill sewer collection system consists of approximately 135 miles of 6-inch through 30-inch diameter sewers, and includes 15 sewage lift stations and associated force mains. The “backbone” of the system consists of the trunk sewers, generally 12-inches in diameter and larger, that convey the collected wastewater flows through an outfall that continues south to the Wastewater Treatment Facility (WWTF) in Gilroy. The WWTF is jointly owned by the cities of Gilroy and Morgan Hill. The City’s

existing sewer collection system meets the needs of existing customers. The City has planned and constructed sewer facilities in conjunction with new street construction in anticipation of future growth and sewage needs.

The South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant provides service to the cities of Morgan Hill and Gilroy. The treatment plant has capacity to treat an average dry weather flow (ADWF) of 8.5 million gallons per day (mgd) and is currently permitted by the RWQCB, Central Coast Region to treat up to 8.5 mgd. Both the cities of Gilroy and Morgan Hill have growth control systems in place which limit unexpected increases in sewage generation. The ADWF for combined flows from Morgan Hill and Gilroy were approximately 6.8 mgd in 2010. Based on combined population projections for both cities, the current capacity of 8.5 mgd will be reached in approximately 2019, with expansion needed in 2020.²¹

An existing 12-inch sewer line exists in Monterey Road, which borders the project site to the east. The future development is anticipated to connect to the existing sewer drains located in the surrounding road right-of-ways. Per the City's 2002 Sewer Master Plan, the residential flow rate is 90 gallons per day per capita and the commercial flow rate is 1,500 gallons per day per gross acre. The future development (assuming the maximum anticipated population of 37 people) would generate 3,326 gallons of sewage per day. The existing commercial designation would generate 435 gallons of sewage per day. Thus, the proposed future development would result in an additional 2,891 gallons of sewage per day than what is anticipated for the site. This additional amount, however, can easily be accommodated at the WWTP; and the future applicant would pay the sewer impact fees required by the City.

Water

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 14 groundwater wells, 10 potable water storage tanks, 10 booster stations, and over 181 miles of pressured pipes ranging from two to 14 inches in diameter. The City's water distribution system meets the needs of existing customers. The City has planned and constructed water projects in conjunction with new street construction in anticipation of future growth and water needs.

An existing water line exists in Monterey Road, which borders the project site to the east. Future project improvements would include connections to this existing water line. According to the City's 2010 Urban Water Management Plan, the City's projected water supply far exceeds the water demand for normal, single-dry, and multiple-dry years until at least 2030.²² For example, during a normal year in 2015, the anticipated supply exceeds the anticipated demand by 6,923 acre-feet per year. Furthermore, during a normal dry year in 2030, the anticipated supply exceeds the anticipated demand by 6,309

²¹ South County Regional Wastewater Authority. *Biennial Budget Transmittal – FY 14 & FY 15*. April 3, 2013.

²² City of Morgan Hill. *2010 Urban Water Management Plan*. 2010, p. 5-23 to 5-24.

acre-feet per year. As such, the City has adequate water supply to serve the anticipated future residential development of 8- to 12-units.

Thus, future anticipated development would have *less-than-significant* impacts to water supply and sewer treatment capacity.

- c. As discussed above in the Hydrology and Water Quality section, the project site is located within the Central Coast Regional Water Quality Control Board (CCWRQCB) jurisdiction. In July 2013, the CCRWQCB adopted Order R3-2013-0032, with new, more stringent Post-Construction Requirements (PCRs). Projects that receive their first discretionary approval for design elements (for example, building footprints, drainage features) after March 6, 2014—or if no discretionary approval is required, receive their first ministerial permit after that date—are subject to the PCRs, if they create or replace 2,500 square feet or more of impervious area. The PCRs mandate that development projects use Low Impact Development (LID) to detain, retain, and treat runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes.

Because the proposed project would create over 2,500 square feet of impervious area, future development would be subject to the newly implemented PCRs. In conjunction with submittal of a future Site Plan for residential development, the applicant shall submit a Stormwater Control Plan (SWCP) in accordance with CCRWQCB PCRs. The SWCP will detail how the project will achieve the LID Post-Construction Stormwater Management Requirements for Tier 2 projects. In addition, Section 18.71.110 of the City's Municipal Code prohibits post-development peak stormwater runoff discharge rates from exceeding the estimated pre-development rate. Therefore, the project would have a *less-than-significant* impact with respect to creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems.

- f,g. Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted through 2017 with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. Johnson Canyon Sanitary Landfill has substantial remaining capacity²³ and the minor contribution of solid waste resulting from future anticipated residential development at the project site could be easily accommodated within the remaining landfill capacity. Therefore, the project would have a *less-than-significant* impact to solid waste facilities.

²³ See CalRecycle at <http://www.calrecycle.ca.gov/FacIT/Facility/Operations.aspx?FacilityID=18565>; accessed May 13, 2014.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. The project site lacks the potential to support special-status plant and wildlife species. Because the project site has undergone extensive disturbance over time, a remote possibility exists for unknown cultural resources to be discovered during future on-site construction/earthwork activities. The State Office of Historic Preservation has concurred with this conclusion, as indicated in their letter to the City of Morgan Hill, dated June 20, 2014 (see Appendix H). In this letter, the State Historic Preservation Officer determined that historic properties will not be affected by the proposed project. The SHPO notes that the City would have Section 106 responsibilities should cultural or historical resources be discovered during implementation of the project. In the unlikely event that any unknown resources are encountered during construction, compliance with the City's standard conditions of approval set forth in Chapter 18.75 of the City's Municipal Code, regarding historical resources, would ensure that no resources are impacted. Therefore, the proposed project would have <i>less-than-significant</i> impacts to important examples of California history or prehistory and the overall quality of the environment.				
b. The proposed General Plan Amendment and Rezone of the 0.29-acre project site to allow for future development of an 8- to 12-unit multi-family affordable housing project would not cause environmental impacts that would be cumulatively considerable when evaluated in conjunction with other current or probable projects. Only program-level approvals are being sought at this time; and future development of up to 12 multi-family units would not be anticipated to contribute significantly to cumulative impacts, as evidenced by the fact that this IS/EA has concluded that all project-level impacts would be less than significant. Therefore, this impact is considered <i>less than significant</i> .				

- c. The proposed project site is located in a generally urbanized and built-up area of the City of Morgan Hill. Anticipated development of 8 to 12 units of multi-family housing would not be expected to result in adverse impacts to human beings, either directly or indirectly. The potential for environmental effects on human beings is addressed within this IS/EA and all impacts have been identified as less than significant after incorporation of mitigation measures, in limited cases. New unmitigated impacts to human beings would not occur; and a *less-than-significant* impact would result.

SECTION 4. OTHER SECTIONS REQUIRED BY NEPA

The National Environmental Policy Act (NEPA) requires consideration of physical and socioeconomic impacts beyond those required by the California Environmental Quality Act (CEQA). The purpose of this chapter is to address those additional NEPA requirements and to fulfill the additional environmental documentation required by the U.S. Department of Housing and Urban Development prior to its taking a federal action.

I. ENVIRONMENTAL JUSTICE

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, applies in low-income or minority neighborhoods where the grantee proposes the acquisition of housing, the acquisition of land for development, and new construction. Environmental justice issues may include, but are not limited to new, continued or historically disproportionate potential for high and adverse human health and environmental effects on minority or low-income populations.

The proposed project would help fulfill the need for low-income housing in Morgan Hill by redesignating and rezoning a 0.29-acre underutilized commercial property for high density development. While the proposed project includes program-level land use entitlements at this time, these program-level actions represent the first step in a chain of anticipated actions that would likely lead to the development of an 8- to 12-unit multi-family affordable housing project on the Ciolino project site.

Industrial, agricultural, or other land uses that could potentially result in health risks to the future occupants are not located in the vicinity of the project site. As discussed in Section IX below, the project site would not be affected by any existing nearby hazardous sites. Therefore, the project site and future residents would not suffer from disproportionately adverse environmental effects relative to the community-at-large. Consequently, the proposed project would not result in impacts associated with environmental justice.

Documentation Citation

See Section IX below.

II. FLOODPLAIN MANAGEMENT (EXECUTIVE ORDER 11988)

Review of the Flood Insurance Rate Map, published by the Federal Emergency Management Agency (FEMA) dated May 18, 2009, indicates the proposed project is located in Zone AE, meaning that it is within an area subject to inundation by the 1-percent-annual-chance-flood event.²⁴ Mandatory flood insurance purchase requirements and floodplain management standards apply to areas within Zone AE. The City of Morgan Hill Flood Damage Prevention Ordinance (Section 18.42, Morgan Hill Municipal Code) applies to “high risk areas” as described by FEMA (all types of Zone A’s; one percent chance of flooding in a 100-yr period).

²⁴ Federal Emergency Management Agency. *Santa Clara County, California, Flood Insurance Rate Map Panel 06085C0607H*. May 18, 2009.

Under NEPA, an 8-step decision-making process is required for projects occurring in a 100-year floodplain unless the process is inapplicable per 55.12(b) of the Code of Federal Regulations. Per Item 8 of 55.12(b), the following action is not subject to the 8-step process:

HUD's or the responsible entity's approval of financial assistance for a project on any nonwetland site in a floodplain for which the Federal Emergency Management Agency (FEMA) has issued:

(i) A final Letter of Map Amendment (LOMA), final Letter of Map Revision (LOMR), or final Letter of Map Revision Based on Fill (LOMR-F) that removed the property from a FEMA-designated floodplain location;

or

(ii) A conditional LOMA, conditional LOMR, or conditional LOMR-F if HUD or the responsible entity's approval is subject to the requirements and conditions of the conditional LOMA or conditional LOMR

The current project does not include development at this time. Additional discretionary, project-level approvals are required before the site can be developed. The applicant will be required to obtain the LOMA/LOMR prior to development. In addition, a development permit shall be obtained from the City before any construction or other development begins within any area of special flood hazard, established in Section 18.42.070. Application for a development permit shall be made on forms furnished by the City's floodplain administrator and may require, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any structure will be flood-proofed, if required in Section 18.42.160(C)(3);
- C. All appropriate certifications listed in Section 18.42.140(D) of this chapter; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Flooding might occur on-site under extreme circumstances during a 100-year flood. Therefore, future development of an on-site multi-family affordable housing project would have a ***potentially significant*** impact with respect to placing housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

Mitigation Required in this IS/EA

IX-1 Prior to occupancy of the project, the plan(s) shall indicate that the first floor of all structures proposed within areas designated as zone AE on the Federal Emergency Management Agency's Flood Insurance Rate Map shall be a minimum of one foot above the base flood level as shown on the flood map. The applicant shall obtain an

elevation certificate and respective FEMA letter of map revision based on fill (LOMR-F) for each building, or group of buildings, prior to occupancy.

Source documentation:

Federal Emergency Management Agency. *Santa Clara County, California, Flood Insurance Rate Map Panel 06085C0607H*. May 18, 2009.

III. WETLANDS PROTECTION (EXECUTIVE ORDER 11990)

According to the United States Environmental Protection Agency (USEPA), wetlands are characterized by hydrology, soils, and vegetation. The proposed project site has been previously developed, but is currently vacant and predominantly void of vegetation. Existing development surrounds the project site, and the proposed project would be considered infill development. Watercourses, ponds, rivers, creeks, streams, or other watercourses are not located on the project site. According to the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory, wetlands do not exist on-site and the closest freshwater emergent wetland is located approximately 300 feet to the west. Engineered channels connecting the West Little Llagas Creek are located within the project vicinity; however, the proposed project does not require removal, filling, or hydrologic interruption to West Little Llagas Creek. In addition, the project site is not located within a floodplain, as noted above. Therefore, the project would have **no impact** on federally-protected wetlands as defined by Section 404 of the Clean Water Act.

Source documentation:

USFWS. *National Wetlands Inventory*. Accessed: May 13, 2014. <<http://www.fws.gov/nwi>>. See Appendix F.

IV. SOLE SOURCE AQUIFERS (40CFR149)

The project site is not located within an area designated by USEPA as being supported by a sole source aquifer. The proposed project site is located approximately 17.5 miles northeast of the nearest designated boundary of a sole source aquifer, which is the Santa Margarita Aquifer. Because the project site is not within a sole source aquifer or sole source aquifer recharge area, the proposed GPA and rezone would have **no impact** to a sole source aquifer.

Source documentation:

USEPA. NEPAassist. Available at: <http://nepassisttool.epa.gov/nepassist/entry.aspx>. Accessed May 15, 2014.

USEPA. *Pacific Southwest, Region 9, Ground Water, Sole Source Aquifer*. Available at: <http://www.epa.gov/region9/water/groundwater/ssa.html>. Accessed May 15, 2014. See Appendix R.

V. ENDANGERED SPECIES ACT (50CFR402)

According to the California Department of Fish and Wildlife (CDFW) Natural Diversity Database (CNDDDB), 16 endangered, threatened, or otherwise special-status species (e.g., CDFW Fully Protected, Species of Special Concern) have been recorded within the Mt. Madonna United States Geological Survey (USGS) topographic quadrangle, within which the project site is located (see Appendix C for a copy of the CNDDDB search results).²⁵ The USFWS Endangered and Threatened Species database search for the Mt. Madonna quadrangle lists many of the same species identified in the CNDDDB, with the addition of seven species (see Appendix D for a copy of the USFWS database results).²⁶ However, due to the lack of natural on-site habitats, including aquatic habitats, none of the special-status species have the potential to occur on the disturbed site.

The nearest USFWS critical habitats are located approximately two miles from the Ciolino project site (see Appendix E). These critical habitat areas consist of Bay checkerspot butterfly.

Therefore, future anticipated construction of an 8- to 12-unit multi-family affordable housing project on the 0.29-acre disturbed site would result in a *less-than-significant* impact with respect to having a substantial adverse effect, either directly or through habitat modifications, on any protected species or sensitive habitats. Please see Question ‘f’ for discussion regarding the project’s consistency with the Santa Clara Valley Habitat Plan.

Source documentation:

United States Fish and Wildlife Service. *Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in Mt. Madonna (406C) U.S.G.S. 7 ½ Minute Quad.* July 8, 2014.

California Department of Fish and Wildlife. *California Natural Diversity Database, Rarefind 5 online application.* July 7, 2014.

VI. WILD AND SCENIC RIVERS ACT (SECTIONS 7(B), (C))

Designated Wild and Scenic Rivers do not occur on the project site. The Wild and Scenic River nearest the project site is the Big Sur River, which is located within the Los Padres National Forest, approximately 60 miles southwest of the project site. Because the project site is not within the vicinity of a Wild and Scenic River, and the construction of the proposed project would not affect the nearest river designated as a Wild and Scenic River, implementation of the proposed project would result in *no impact* to any Wild and Scenic Rivers.

²⁵ These 16 species are as follows: Anderson’s manzanita, Santa Clara Valley dudleya, Hoover’s button-celery, Loma Prieta hoita, smooth lessingia, arcuate bush-mallow, woodland woollythreads, Santa Cruz Mountains beardtongue, most beautiful jewelflower, California tiger salamander, burrowing owl, western pond turtle, steelhead, foothill yellow-legged frog, California red-legged frog, and Bay checkerspot butterfly.

²⁶ Santa Cruz tarplant, delta smelt, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, California least tern, Least Bell’s vireo, and San Joaquin kit fox.

Source documentation:

USDA Forest Service; USDI Bureau of Land Management; Fish and Wildlife Service; National Park Service in cooperation with the National Atlas of the United States. *National Wild and Scenic Rivers System*. Available at: <http://www.rivers.gov/mapping-gis.php>. Accessed May 13, 2014. See Appendix S.

VII. AIR QUALITY (CLEAN AIR ACT, SECTIONS 176(C), (D), AND 40CFR6, 51, 93)

On June 2, 2010, the Bay Area Air Quality Management District (BAAQMD) adopted new CEQA significance thresholds for evaluating air quality impacts to projects. The new BAAQMD CEQA Thresholds of Significance establish thresholds of significance for community risk. The State Standards for significance are more restrictive than the federal levels – normally required under NEPA. This Air Quality analysis is based on the more conservative BAAQMD Thresholds of Significance. As the anticipated development involves only 8 to 12 dwelling units, the project does not meet any of the screening criteria for a low-rise apartment development. As such, the proposed project would not be expected to result in potentially significant air quality impacts, and a detailed air quality assessment is not required.

The closest air quality monitoring station to the project which measures ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, PM10, and PM2.5 is located in San Jose, one of five monitoring stations in Santa Clara County. In 2013, there was one exceedance or day above both the State 1-Hour Standard for Ozone and the National 8-hour Standard for Ozone. For PM2.5 in 2013 there were six days above the National 24-Hour Standard. For PM10 in 2013 there were no days where the National 24-Hour Standard was exceeded. In general, air quality in the area is generally good.

As discussed in Section III, Air Quality, of the above Initial Study, the anticipated 8- to 12-unit multi-family development would not be located near air pollution sources of concern and therefore, could not expose new sensitive receptors to substantial pollutant concentrations. The impacts associated with the project would be considered *less-than-significant*.

Source documentation:

Bay Area Air Quality Management District. *Adopted Air Quality CEQA Thresholds of Significance*. San Francisco: s.n., June 2, 2010.

Bay Area Air Quality Management District. *Bay Area Air Pollution Summary - 2013*. Accessed May 15, 2014.

Institute of Transportation Engineers (ITE). *Trip Generation*. 9th Edition. 2012.

VIII. FARMLAND PROTECTION POLICY ACT (7CFR658)

Prime farmland is land best suited for producing food, forage, fiber, and oilseed crops and also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). The proposed project site is located in an urban area within the City of Morgan Hill. The site is currently vacant and is surrounded by existing

residential, commercial, and mixed-use development. The project site is not designated or zoned as farmland or for agricultural uses.

According to the California Department of Conservation's Williamson Act 2013/2014 map and Important Farmland 2010 map for Santa Clara County, the project site is identified as "Urban and Built-Up Land", and is surrounded by a large area of "Urban and Built-Up Land." The project site does not contain and is not located near land zoned for agricultural use or land subject to a Williamson Act Contract pursuant to Section 512101 of the California Government Code and Farmland Protection Policy Act 7 CFR 658. Therefore, *no impacts* associated with the Farmland Protection Policy Act would occur as a result of the proposed project.

Source documentation:

California Department of Conservation. *Santa Clara County Important Farmland 2010 Sheet 1 of 2*. 2010. See Appendix B.

California Department of Conservation. *Santa Clara County Williamson Act 2013/2014 Sheet 1 of 2*. 2014. See Appendix B.

United States Department of Agriculture. *Soil Survey of Santa Clara County*. Soil Conservation Service, September 1974.

IX. SITING OF HUD-ASSISTED PROJECTS NEAR HAZARDOUS OPERATIONS (24CFRS1C)

Explosive and Flammable Operations

[24 CFR 51C]

Two above-ground storage tanks (ASTs) are located within 1-mile of the project site. The nearest AST is located 0.35-mile from the project site, at 301 Diana Avenue. The second AST is located 0.74-mile from the project site, at 515 Barrett Avenue (i.e., Morgan Hill Retirement Community). These ASTs are not anticipated to result in any significant explosive concerns for the proposed project.

Hazardous, Toxic or Radioactive Materials & Substances

[24 CFR 58.5(i)(2)]

Subject Site

Former on-site land uses include a gas station in the 1950's, with associated underground storage tanks that have since been removed. According to the Environmental Study performed for the project site by the County of Santa Clara's Hazardous Materials Compliance Division, in August 2006, a total of five (5) underground storage tanks (USTs) were removed from the project site, and additional soil excavation was conducted in the area of the USTs in November 2006. The resulting soil excavation area was approximately 22.5 feet by 14 feet and 10 to 11 feet in depth.

Analytical results for soil samples collected during the UST excavations confirmed the presence of shallow soil contamination outside of the initial excavation limits. As a result, the impacted

shallow soils were overexcavated and removed from the site in November 2006. Between November 8 and November 9, 2006, a total of 494.07 tons of soil were excavated from the project site, and then transported and disposed at Marina Landfill. The total depth of excavation was approximately ten to 11 feet. The excavations were subsequently backfilled using a combination of pea gravel and clean fill soil provided by Marina Landfill.

Three groundwater monitoring wells were installed on-site in January 2007 with groundwater monitoring starting in the first quarter of 2007. Following a November 2010 additional soil and groundwater investigation that assessed the lateral and vertical extent of contamination, the project site was recommended for closure as a low-risk environmental case in February 2011. The three groundwater monitoring wells were destroyed in October 2011.

In November 2011, the UST case associated with the site was issued a regulatory “no further action” status from the County. The 2011 closure letter states that residual contamination remains in soil and groundwater that may pose an unacceptable risk to future redevelopment.

As discussed in detail in Section VIII (Hazards and Hazardous Materials) of this Joint IS/EA, the contaminants of concern (COC) concentrations detected in soil vapor and soil samples collected for the Ciolino Phase II ESA are less than the applicable residential California Human Health Screening Levels (CHHSLs) and residential Environmental Screening Levels (ESLs). According to the CHHSL guidelines, “Under most circumstances, and within the limitations described in this document, the presence of a chemical in soil, soil gas or indoor air at concentrations below the corresponding screening level can be assumed to not pose a significant health risk to people who may live (residential CHHSLs) or work (commercial/industrial CHHSLs) at the site.” According to ESL guidelines, “under most circumstances, and within the limitations described, the presence of a chemical in soil, soil gas, or groundwater at concentrations below the corresponding ESL can be assumed to not pose a significant threat to human health, water resources, or the environment.”

Therefore, the findings of the Phase II ESA suggest the presence of residual contamination beneath the site in the area of the former USTs does not represent a potential threat to human health for future residential land use as a result of vapor intrusion to indoor air or potential exposure to soil. Mitigation of potential vapor intrusion to indoor air of the new development and of potential exposure to shallow contaminated soil does not appear to be warranted. For the above-stated reasons, the project would not have an adverse effect with respect to the disposal or accidental release of hazardous materials and/or substances.

Adjacent Properties

Adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. However, according to the State Water Resources Control Board’s Geotracker database, two “Open” leaking underground storage tank (LUST) sites are located within 1,000 feet of the Ciolino project site (see Appendix L). One site is a gas station located at the southwest corner of the intersection of Monterey Road and Dunne Avenue. Two 6,000-gallon and one 8,000-gallon underground storage tanks (USTs) were removed and

replaced in April 1987. Nineteen groundwater monitoring wells and two groundwater extraction wells are active at and in the vicinity of the site. Remediation at the gas station is ongoing. The potential groundwater impacts resulting from past operations on this site would not adversely affect future residential development on the Ciolino project site, which would connect to the City's existing water system.

The second LUST site is a gas station at the northeast corner of the intersection of Monterey Road and San Pedro Avenue, known as World Oil Station No. 52. Beginning in 1998, five original USTs were removed and replaced with three new double-walled fiberglass USTs. During UST replacement, soils were removed and treated on-site. In addition, a groundwater remediation system has been utilized on-site over the past several years. In February 2013, the Santa Clara County Department of Environmental Health issued a no further action letter.

Based upon the above, the future anticipated residential development on-site would not be impacted by hazardous substances on adjacent properties.

Source documentation:

Geocon Consultants, Inc. *Phase II Environmental Site Assessment: Proposed Affordable Housing Project, Ciolino Avenue*. May 2014.

County of Santa Clara Department of Environmental Health. *Fuel Leak Site Case Closure Villa Ciolino, 16873 Monterey Road, Morgan Hill, CA; Case No. 14-768, SCVWDID No. 09S3E28F05f*. November 23, 2011.

State Water Resources Control Board. Geotracker Online Database. Accessed July 18, 2014 at: [http://geotracker.waterboards.ca.gov/map/default.asp?global_id=&senate=&assembly=&x=-121.64856993812259&y=37.12462421020654&zl=16&ms=640,480&mt=roadmap&geotracker_luft=true&geotracker_slic=true&geotracker_landfill=true&geotracker_dod=true&agland=true&wdr=true&geotracker_ust=false&dtsc_cleanup=false&dtsc_permit=false&showdist=true&searchdist=1000&searchaddr=16873 monterey road, morgan hill](http://geotracker.waterboards.ca.gov/map/default.asp?global_id=&senate=&assembly=&x=-121.64856993812259&y=37.12462421020654&zl=16&ms=640,480&mt=roadmap&geotracker_luft=true&geotracker_slic=true&geotracker_landfill=true&geotracker_dod=true&agland=true&wdr=true&geotracker_ust=false&dtsc_cleanup=false&dtsc_permit=false&showdist=true&searchdist=1000&searchaddr=16873%20monterey%20road,%20morgan%20hill).

X. AIRPORT CLEAR ZONES AND ACCIDENT POTENTIAL ZONES (24CFR51D)

HUD policy, as described in 24 CFR 51, Subpart D, explains that assistance for construction or major rehabilitation of any real property located on a clear zone site is prohibited for a project to be frequently used or occupied by people. For properties located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway, the airport operator should make a finding stating whether or not the property is located within a runway clear zone for civil airports or a clear zone or accident potential zone at a military airfield.

The nearest airport to the proposed project site would be the San Martin Airport, located approximately 4.1 miles southeast of the site. As such, the project site is not located within 2,500 feet of the end of a civil airport runway or 8,000 feet of the end of a military airfield runway. Therefore, the proposed project would result in *no impacts* associated with airport clearance zones or accident potential zones.

Source documentation:

Airport Land Use Commission for Santa Clara County, California. *Santa Clara County Comprehensive Airport Land Use Plan, South County Airport Land Use Plan*. November 2008.

OneCPD Resource Exchange. Airport Hazards. *Environment Review Main*. Online. Accessed May 19, 2014. <https://www.onecpd.info/environmental-review/airport-hazards>.

XI. COASTAL BARRIER RESOURCES ACT/COASTAL BARRIER IMPROVEMENT ACT (§58.6(C))

The Coastal Barrier Resources Act of the United States (CBRA, Public Law 97-348), enacted October 18, 1982, designated various undeveloped coastal barriers, depicted by a set of maps adopted by law, for inclusion in the John H. Chafee Coastal Barrier Resources System (CBRS). Areas so designated were made ineligible for direct or indirect Federal national security, navigability, and energy exploration. CBRS areas extend along the coasts of the Atlantic Ocean and the Gulf of Mexico, Puerto Rico, the U.S. Virgin Islands, and the Great Lakes, and consist of 857 units.

In 2000, the Service reported to Congress on the inclusion of Pacific Coast coastal barriers in the CBRS. Coastal barriers are defined to include barrier islands, bars, spits, and tombolos, along with associated aquatic habitats, such as adjacent estuaries and wetlands. If some portion of a barrier landform is developed, the remaining undeveloped portion may be included in the CBRS. The Department of the Interior (Department), through the United States Fish and Wildlife Service (Service) is the primary authority in the implementation of this act, and may approve the use of subsidies for such uses as emergency assistance. In 2000, the Service did not recommend the inclusion of Pacific Coast coastal barriers within the CBRS, and Congress has not subsequently amended CBRA to include these barriers. The proposed project would not affect any resources covered by the Coastal Barrier Resources Act. Therefore, *no impact* would occur.

Source documentation:

United States Fish and Wildlife Service. John H. Chafee Coastal Barrier Resources System. Available at: <http://www.fws.gov/CBRA/Act/index.html#CBRS>. Accessed May 13, 2014.

SECTION 5. NEPA ALTERNATIVES ANALYSIS

This alternatives analysis is included to fulfill the requirements for an Environmental Assessment under NEPA. Under NEPA, an Environmental Assessment shall include brief discussions of alternatives. For the proposed project, the No Action (No Build) Alternative was included.

I. ALTERNATIVES AND PROJECT MODIFICATIONS CONSIDERED [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

Off-Site Alternative

The Off-Site Alternative would include development of the proposed project at a different location. Development of the proposed project at an alternative site may or may not result in similar impacts as those identified for the proposed project. As discussed above, the proposed project would not result in any significant and adverse impacts to the environment. If the Off-Site Alternative location is an infill development on a currently vacant or underutilized parcel in an established neighborhood, similar impacts as those identified for the proposed project would likely result. However, if such a parcel is not available for an Off-Site Alternative, greenfield development in a currently undeveloped area would likely result. Greenfield development would not be considered “smart growth” and would likely result in more and/or different impacts to the physical environment than those identified for the proposed project.

Affordable housing is a permitted use under most of the City’s land use and zoning designations; therefore, the Off-Site Alternative could still be located within the City of Morgan Hill. However, an Off-Site Alternative may or may not meet the need for or objective of the proposed project, that being to provide needed affordable housing on an underutilized site near the downtown area of the City of Morgan Hill. Any alternative location for the proposed project would be unlikely to improve the range and proximity of the amenities available to the future residents of the development beyond what is currently available at the proposed project site. For example, the nearest bus stop to the Ciolino site is approximately 300 feet to the north, on Monterey Road; and the Caltrain station is located within one-third of a mile from the site. As such, implementation of the Off-Site Alternative would not necessarily reduce impacts to less than those anticipated for the proposed project.

I. NO ACTION (NO BUILD) ALTERNATIVE [24 CFR 58.40(e)]: *Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative.*

Under the No Action (No Build) Alternative, the 0.29-acre vacant parcel would remain vacant. The proposed General Plan Amendment and Rezone would not occur and the site would remain designated and zoned for commercial uses. Under the No Action (No Build) Alternative, the site would remain vacant and thus underutilized.

Because the land would remain vacant, potential physical impacts resulting from future anticipated development of the site with an 8- to 12-unit affordable housing project would not occur under the No Action (No Build) Alternative. For example, impacts associated potential development of residential units within the 100-year floodplain, on unstable fill material, would not occur under the No Action (No Build) Alternative. In addition, under the No Action Alternative, the possible exposure of new sensitive residential receptors to interior noise levels above the City’s and HUD’s threshold would not occur.

The No Action (No Build) Alternative would not achieve the purpose of the project; and the City’s affordable housing goals would be curtailed.

SECTION 6. SOURCES

The following documents are referenced information sources utilized by this analysis:

1. Airport Land Use Commission for Santa Clara County, California. *Santa Clara County Comprehensive Airport Land Use Plan, South County Airport Land Use Plan*. November 2008.
2. Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. <<http://www.abag.ca.gov/cgi-bin/pickdamx.pl>>; accessed May 12, 2014.
3. Association of Bay Area Governments. *Earthquake and Hazards Information*. <http://gis.abag.ca.gov/website/liquefactionsusceptibility/>; Accessed May 12, 2014.
4. Bay Area Air Quality Management District. *Adopted Air Quality CEQA Thresholds of Significance*. San Francisco: s.n., June 2, 2010.
5. Bay Area Air Quality Management District. *Air Quality Plans*. Available at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans.aspx>. Accessed May 12, 2014.
6. Bay Area Air Quality Management District. *Air Quality Standards and Attainment Status*. Available at: http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm. Accessed May 12, 2014.
7. Bay Area Air Quality Management District. *Bay Area Air Pollution Summary - 2013*. Accessed May 15, 2014.
8. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2011.
9. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
10. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. *Santa Clara County Important Farmland 2010*. June 2011.
11. California Department of Conservation. *Santa Clara County Williamson Act 2013/2014 Sheet 1 of 2*. 2014.
12. California Department of Conservation. *Special Studies Zones. Revised Official Map*. January 1982.
13. California Department of Fish and Wildlife. *California Natural Diversity Database, Rarefind 5 online application*. July 7, 2014.
14. CalRecycle. *Facility Operations: Johnson Canyon Sanitary Landfill*. <http://www.calrecycle.ca.gov/FacIT/Facility/Operations.aspx?FacilityID=18565>; accessed May 13, 2014.
15. City of Morgan Hill. *2010 Urban Water Management Plan*. Prepared by: Risk Management Professionals.
16. City of Morgan Hill. *City of Morgan Hill General Plan, Map 8, Future Noise Contours*. Updated February 2010.
17. City of Morgan Hill. *Morgan Hill Architectural Review Handbook*. February 2008.
18. City of Morgan Hill. *Bikeways Master Plan Update*. May 2008.
19. City of Morgan Hill. *Morgan Hill General Plan*. Updated through February 2010.
20. City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.

21. City of Morgan Hill. *Revised Regional Storm Water Management Plan*. February 22, 2010.
22. County of Santa Clara Department of Environmental Health. *Fuel Leak Site Case Closure Villa Ciolino, 16873 Monterey Road, Morgan Hill, CA; Case No. 14-768, SCVWDID No. 09S3E28F05f*. November 23, 2011.
23. Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: <http://www.calepa.ca.gov/sitecleanup/corteselist/SectionA.htm>. Accessed July 7, 2014.
24. Federal Emergency Management Agency. *Santa Clara County, California, Flood Insurance Rate Map Panel 06085C0607H*. May 18, 2009.
25. Fehr & Peers Transportation Consultants. *Butterfield Boulevard General Plan Amendment – Draft Transportation Impact Analysis*. August 2012.
26. Fehr & Peers Transportation Consultants. *Morgan Hill General Plan Circulation Element Network and Policy Revisions Transportation Impact Analysis – Draft Report*. June 29, 2009.
27. Geocon Consultants, Inc. *Phase II Environmental Site Assessment: Proposed Affordable Housing Project, Ciolino Avenue*. May 2014.
28. Illingworth & Rodkin. *Campoli Residential Projects in Morgan Hill, CA – TAC and PM2.5 Assessment*. April 25, 2012.
29. Institute of Transportation Engineers. *Trip Generation, 9th Edition*. 2008.
30. OneCPD Resource Exchange. Airport Hazards. *Environment Review Main*. Online. Accessed May 19, 2014. <https://www.onecpd.info/environmental-review/airport-hazards>.
31. Raney Planning & Management Site Visit. March 2, 2014.
32. Santa Clara County. *Final Santa Clara Valley Habitat Plan*. August 2012.
33. South County Regional Wastewater Authority. *Biennial Budget Transmittal – FY 14 & FY 15*. April 3, 2013.
34. State Water Resources Control Board. Geotracker Online Database. Accessed July 18, 2014 at:
http://geotracker.waterboards.ca.gov/map/default.asp?global_id=&senate=&assembly=&x=121.64856993812259&y=37.12462421020654&zl=16&ms=640,480&mt=roadmap&geotracker_luft=true&geotracker_slic=true&geotracker_landfill=true&geotracker_dod=true&agland=true&wdr=true&geotracker_ust=false&dtsc_cleanup=false&dtsc_permit=false&showdist=true&searchdist=1000&searchaddr=16873 monterey road, morgan hill.
35. United States Department of Agriculture, National Resources Conservation Service. *Web Soil Survey*. Available at:
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed May 15, 2014.
36. United States Department of Housing and Urban Development. Site DNL Calculator. Available at:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/dnlcalculatortool. Accessed July 7, 2014.
37. United States Fish and Wildlife Service. *Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in Mt. Madonna (406C) U.S.G.S. 7 1/2 Minute Quad*. July 8, 2014.

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