Depot - Hale Mixed Use Project
Initial Study
SR-19-03 Depot – Latala
August 2019

CITY OF MORGAN HILL

Prepared by M-Group
For City of Morgan Hill

PROJECT DESCRIPTION AND BACKGROUND

Table 1:
Project Summary

Project Title:	Depot-Hale Mixed Use Project Depot – Latala: Site Review SR2019-0003, Tentative Subdivision Map SD2018-0007, and Environmental Assessment EA2018-0013
Lead agency name and address:	City of Morgan Hill Community Development Department 17575 Peak Avenue Morgan Hill CA 95037
Contact person and phone number:	Tiffany Brown, (408) 310-4655
Project Location:	Northeast corner of Depot Street and East Dunne Avenue (17020 Depot Street) (APN's: 726-13-049 and 726-13-052)
Project sponsor's name and address:	Paul Latala The Latala Group, LLC 1999 S. Bascom Avenue Suite 7000 Campbell, CA 95008
General plan description:	Mixed-Use
Zoning:	Downtown Mixed Use (MU-D) Public Facilities (PF)
Overlays:	Central Business District (CBD)
Description of project:	The project site includes the Hale Lumber property (APN's: 726-13-049 and 726-13-052), the 0.24-acre segment of Depot Street adjacent to the Hale Lumber property, and the Morgan Hill Community and Cultural Center (CCC) parking lot. The project includes right-of-way dedication and vacation with the realignment of Depot Street which will be rerouted through the CCC parking lot to align with the Church Street intersection with Dunne Avenue. The CCC lot will be modified and restriped to provide no net loss in parking. The project proposes site preparation of a

	mixed-use development to include 49 residential units and a 3,076 square foot commercial office space. The residential units will include two, three and four bedrooms. On-site parking is provided in compliance with City requirements. Parking for the residential units will be provided within garages and carports, with some uncovered tandem and guest spaces provided. Parking has been provided for the office use. Pursuant to the Development Agreement, the office use parking will be shared with the CCC.
Surrounding land uses and setting:	The project is located within the City's Downtown. The existing uses on the project site include an industrial use (Hale Lumber) and the parking lot associated with the CCC. The project site is designated as Mixed Use and Public Facilities. The surrounding properties have similar General Plan land use designations and Zoning classifications. The surrounding uses include the community center and residential uses ranging from one to two-story buildings.
Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):	None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 12 for additional information.

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

DETERMINATION:

On the basis of this initial evaluation:

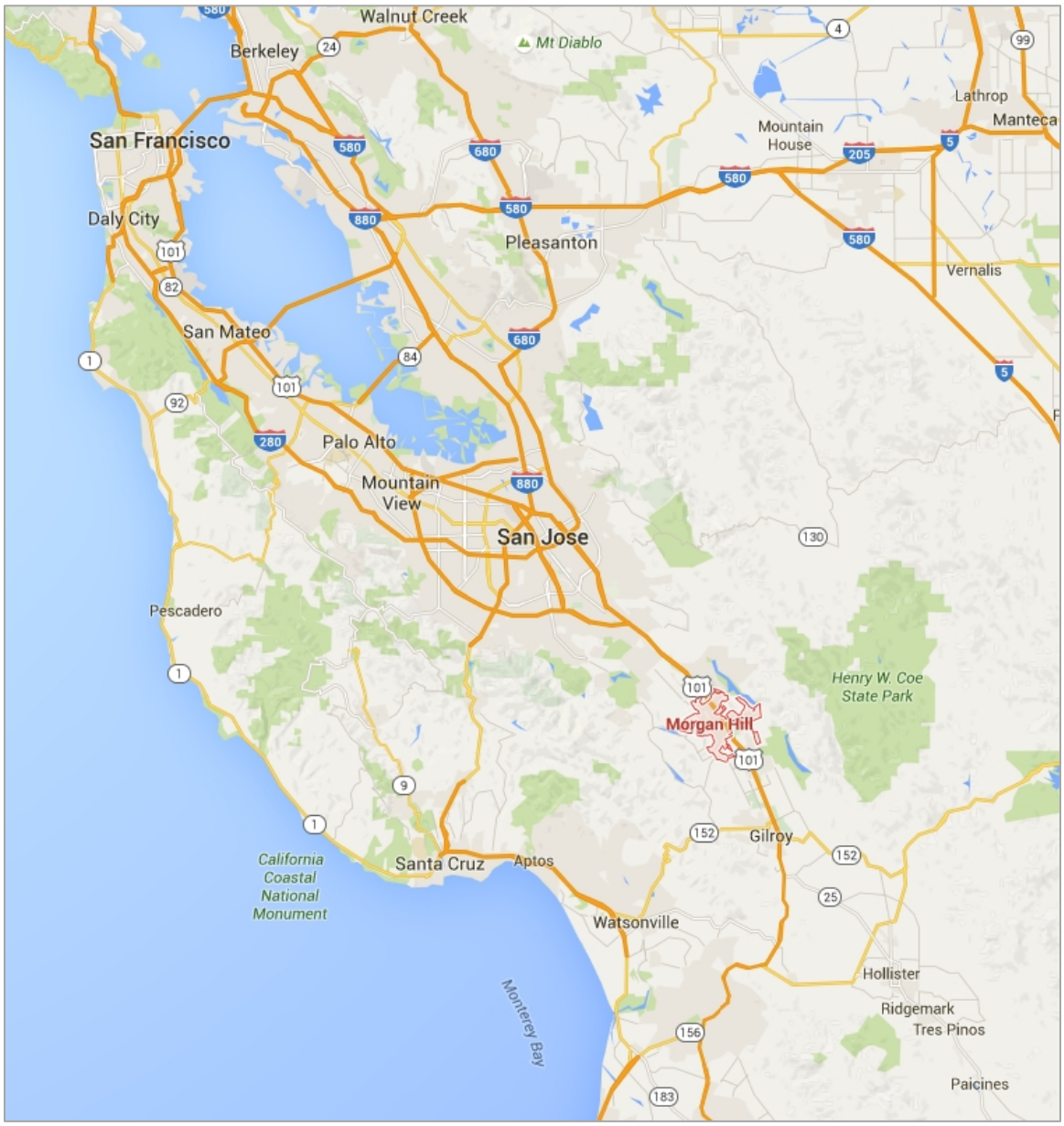
☒	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in a Master EIR (MEIR) for the Downtown Specific Plan, and (b) have been avoided or mitigated pursuant to that earlier MEIR, including revisions or mitigation measures that are imposed upon the project, nothing further is required. **Furthermore,** pursuant to CEQA Guidelines Section 15179, no substantial changes have occurred with respect to the circumstances under which the MEIR was certified, and there is no new available information, which was not known and could not have been know at the time that the MEIR was certified.

_____ _____

Jennifer Carman Date

Development Services Director

Figure 1:
Regional Map



Source: Google

Figure 2:
Local Vicinity

Source: Google

Figure 3:
Proposed Site Plan

Source: The Lumber Yard Plans. Dated July 22, 2019.

Figure 4:
Existing Site Photos

View from Depot Street and East Dunne intersection looking northeast towards Hale Lumber.

View near railroad crossing at E. Dunne Avenue towards Hale Lumber.

Hale Lumber Depot Street Southern Entrance

View from Depot Street and E. Dunne Avenue towards CCC Parking Lot.

Figure 5:

Partial Architectural Elevations

Front Elevation (Buildings 1 & 5)

Rear Elevation (Buildings 1 & 5)

Front Elevation Building 2

Rear Elevation Building 2

Source: The Lumber Yard Plans. Dated July 22, 2019.

PROJECT DESCRIPTION

Location and Existing Setting

The Depot-Hale mixed-use project (Project) is located within the City of Morgan Hill (City) in Santa Clara County. The project site encompasses the east side of Depot Street between Dunne Avenue and Fourth Street (APN's 726-13-049 and 726-13-052), as well as the adjacent segment of Depot Street, and the Morgan Hill Community and Cultural Center (CCC) parking lot (Figure 2: Local Vicinity). The 5.2-acre site is bordered by: the City parking lot with public park to the north, multi-family residential to the south, Union Pacific Railroad (UPRR) tracks to the east, and CCC building to the west, with multi-family residential to northwest. The site is adjacent to the railroad tracks owned and maintained by UPRR and used by Caltrain and Amtrak trains. The site is within 700 feet of the Morgan Hill Caltrain Station.

Mixed Used Use Project

The project proposes site preparation of a mixed-use development to include 49 residential units and a 3,076 square foot commercial office space. The residential units will include two, three and four bedrooms. Each building is three stories with heights varying from 39-feet and two inches to 43-feet and 10 inches. The mixed-use building is the tallest structure.

The parcel will be subdivided into two lots. Lot 1 would contain 33 of the 49 units and Lot 2 would contain 16 of the 49 units and the 3,076 square feet of commercial office space. A portion of Depot Street would be vacated to allow for the development on Lot 2 and construction of a cul-de-sac.

On-site parking is provided in compliance with City requirements. Parking for the residential units will be provided within garages and carports, with some uncovered tandem and guest spaces provided. Parking has been provided for the office use. Pursuant to the Development Agreement, the office use parking will be shared with the CCC.

Refer to Figures 3 through 5 for the site plan, and elevations. Project components are listed in Table 1: Depot-Hale Project Components.

Depot Street Vacation and Realignment

The project includes right-of-way dedication and vacation with the realignment of Depot Street which will be rerouted through the CCC parking lot to align with the Church Street intersection with Dunne Avenue. The CCC lot will be modified and restriped to provide no net loss in parking.

Two points of access will be maintained, one along Depot Street at the Fifth Street driveway and a second new entry at the curve where Depot Street would be rerouted (Depot Street current intersection with East Dunne Avenue to be abandoned) at the new Depot Street to the Church Street intersection with East Dunne Avenue. The third existing driveway on Depot Street would be eliminated. Both driveways would provide access to the residential and guest parking areas.

Table 2:
Depot-Hale Project Components

Feature Name	Characteristics
Surface Level	
Site Parking	Mixed Use Project Site 108 spaces 84 private garage spaces 15 guest spaces 4 apron spaces 5 carport spaces CCC Parking Lot Site 240 public parking lot spaces (80 compact) 30 public spaces on Depot Street 9 accessible spaces
Residential	
Condominiums (40 Townhouse style and 9 flats)	10 – two bedrooms 33 – three bedrooms 1 – four bedroom 5 – one bedrooms
Commercial	
Office	3,076 square feet

Site Preparation
The two existing buildings on the site will be demolished to accommodate the mixed use project. A comprehensive arborist report has been prepared for the project. Proposed tree removals and impacts are discussed in Section IV. Biological Resources.

The northern corner of the Hale Lumber site is within the flood plain; therefore, the mixed-use project would require the removal of approximately 2,180 cubic yards of cut soil and require approximately 2,360 cubic feet of fill soil. The realigned road work would require approximately 1,500 cubic yards of soil movement. This includes any brush, grading, and other earthwork to achieve desired elevations.

Project Construction Access
During construction, the project site would be accessed from Depot Street or East Dunne Avenue. Any construction traffic, lane closures, or street staging would require approved traffic control plans and an encroachment permit from the City.

Staging
Construction and Staging will be coordinated with the City. Plans will be provided to the City for review and approval. Project sponsors intend to stage the project on-site and on the south portion of the City-owned parking lot (56 stalls) that will be resurfaced and striped to remain as the CCC parking lot. The staging areas would be used for

construction equipment set-up. An encroachment permit would be obtained from the City for any staging/construction-vehicle parking within the East Dunne Avenue or Depot Street right-of-ways, if necessary. Notices regarding closure to the public of street parking would be posted in compliance with City regulations in advance of utilization.

Schedule

Construction will be limited to the following hours pursuant to City Ordinance: between the hours of seven a.m. and eight p.m., Monday through Friday, and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or holidays. Construction is expected to take no more than two years.

Construction Equipment

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

Project Entitlements

The project would require the following entitlements:

- Design Review Permit
- Tentative Subdivision Map and Final Map

Intended Use of Downtown Specific Plan Master EIR

The CEQA Guidelines identify a Master EIR as an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. The Downtown Specific Plan Master EIR (MEIR) is intended to identify the impacts of the Downtown Specific Plan in order to streamline the later environmental review of projects and approvals required to implement the plan. Pursuant to CEQA Guidelines Section 15176(b), the MEIR includes all available information with regard to the kind, size, intensity, and location of subsequent projects envisioned within the Downtown Specific Plan. The MEIR was certified in November 2009, and subsequent projects consistent with the Downtown Specific Plan (including later site-specific approvals) rely on the analysis contained in the MEIR (CEQA Guidelines Section 15176(d)).

At the time subsequent development projects are proposed within the Downtown Specific Plan project area only limited environmental review will be required. Neither a new environmental document, such as an EIR, nor the preparation of EIR findings (CEQA Guidelines Section 15091) shall be required of a subsequent project when the Lead Agency (City of Morgan Hill) determines the following, pursuant to CEQA Guidelines Section 15177(b):

- The subsequent project was described in the MEIR and, through the preparation of an Initial Study, is not found to cause any additional significant effect on the environment which was not previously examined in the MEIR.
- On the basis of written findings, no additional significant environmental effect will result from the proposal, no new additional mitigation measures or alternatives may be required and the project is within the scope of the MEIR. “Additional significant environmental effect” means any project-specific effect which was not addressed as a significant effect in the MEIR.

Since the MEIR was certified more than five years ago, an additional finding is required by the Lead Agency pursuant to CEQA Guidelines Section 15179:

- Finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified, or that there is no new available information, which was not known and could not have been know at the time that the MEIR was certified.

The checklists of this document will analyze whether the project includes potentially significant impacts and is inconsistent with the MEIR, thus requiring a subsequent environmental document; requires mitigation, which were identified as part of the MEIR; has a less than significant impact; or no impact.

Downtown Specific Plan MEIR Assumptions

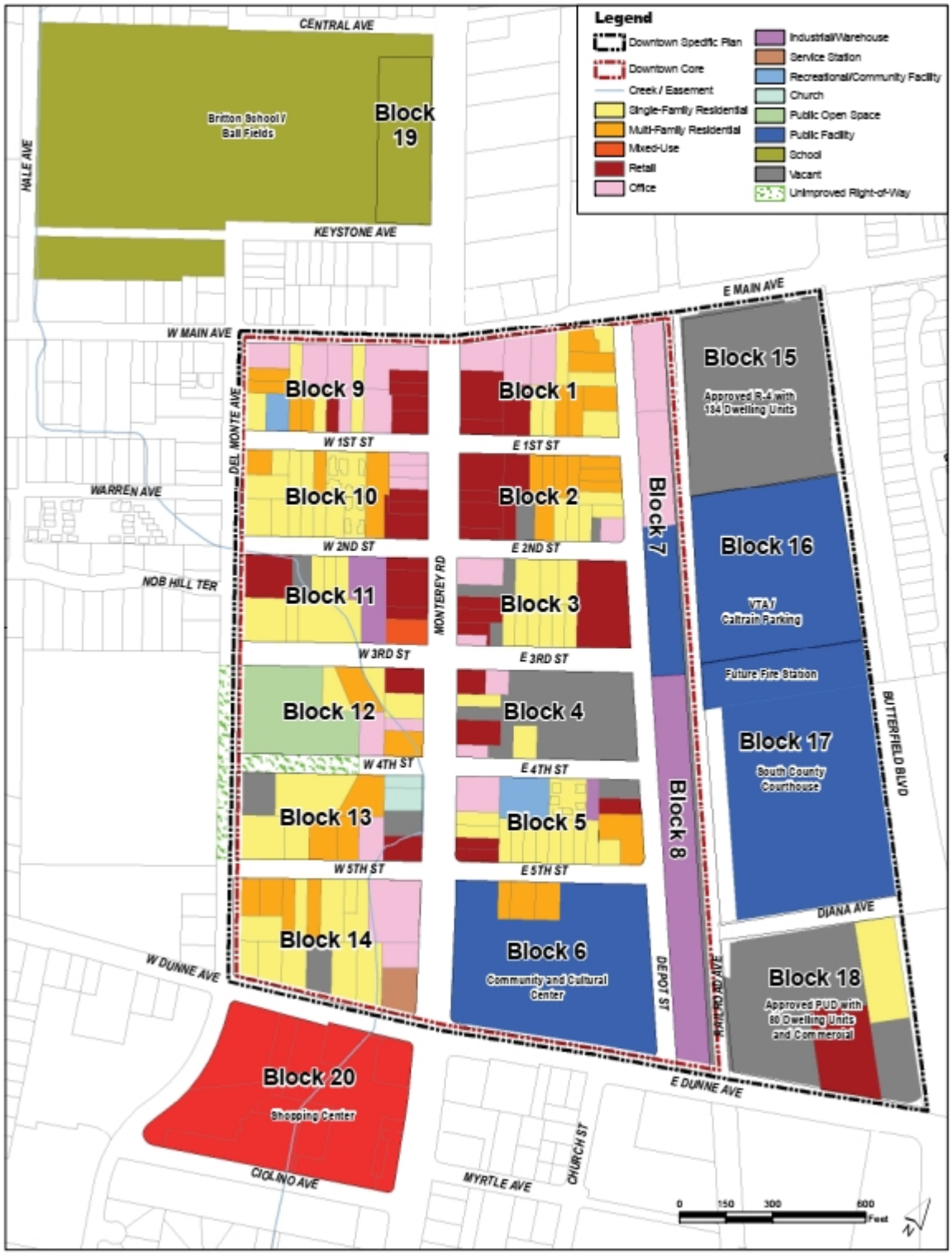
Development Projections

The purpose of the development projections is to identify the likely development that might reasonably be assumed to occur by the 2015 and 2030 timeframes in order to provide CEQA clearance for future projects developed consistent with the Specific Plan. The MEIR, including the water supply assessment and parking analysis for the MEIR, analyzed the impacts of the implementation of the Downtown Specific Plan based on the

identified likely development projections for the Specific Plan project area (Blocks 1-20) shown in Figure 6. The traffic impact analysis was based on an amount of development closer to buildout assumptions for the Specific Plan and assumes a higher redevelopment rate for the planned uses. Both the water supply assessment and the traffic impact assumptions represent conservative analyses of development impacts within the Specific Plan. The Specific Plan provides that the City will monitor actual levels of development over time, in order to ensure that the EIR analysis and mitigation measures, as adopted, remain valid for subsequent projects. It also provides for an update of the analysis, as may be required.

Pursuant the Downtown Specific Plan, this project is located on Block 8 and a portion of Block 6. Block 8 is zoned MU-D with CBD overlay and Block 6 is zoned PF. The Downtown Specific Plan identified locations for potential future parking structures. This site was expected to be a potential parking lot site. However, the City moved forward and completed a new parking garage that was built on Block 4 to provide additional public parking and alleviated some of the parking demand for the Specific Plan area.

Figure 6:
Downtown Specific Plan Blocks



Projections 2015 to 2030
The development projections from 2015 to 2030 was to include approximately 72,269 square feet of additional retail space, 55,434 square feet of new office space and 342 additional new residential units within the Specific Plan project area.

Projections through 2030
The proposed Specific Plan project, including Blocks 19 and 20 and the intensification of the zoning district, was to result in a net increase of 93,490 square feet of retail space, 1,192 residential units, and 85,591 square feet of office space.

Table 3:
Development Projections

Land Use	Existing Development[1]	Development by 2015		Development by 2030	
		Net New	Total	Net	Total
Retail	213,365 s.f.	21,221 s.f.[2]	234,586 s.f.	93,490 s.f.	306,855 s.f.
Residential	201 DU	850 DU	1,051 DU	1,192 DU	1,393 DU
Office/Service	122,248 s.f.	30,157 s.f.	152,405 s.f.	85,591 s.f.	207,839 s.f.

Notes: DU = dwelling units, s.f. = square feet

[1]Blocks 1-20 excluding public facilities (including schools, Community and Cultural Center, churches, social halls) and industrial.

[2]38,900 s.f. of retail development to be replaced on Blocks 2-4.

Actual development
Since the adoption of the Downtown Specific Plan, the City has been actively implementing the goals of the Plan to create an active Downtown by intensifying residential, retail, commercial and restaurant development. Through these efforts, the City has been encouraging the redevelopment of sites. Approximately 153,003 square feet of retail development and 663 residential units are developed within the Downtown. Development within the Downtown has been within the projections described in the MEIR. The MEIR anticipated the extension of Butterfield Boulevard to Monterey Road, which is now complete.

Roadway Realignment Assumptions
The Downtown Specific Plan FEIR previously evaluated the project sites on either side of Depot Street as potential locations for residential development and a parking structure, respectively. The proposed Depot Street realignment was disclosed as an alternative roadway improvement to enhance circulation within downtown and allow for the potential implementation of a grade separation at the UPRR crossing in the Downtown Specific Plan FEIR and the Morgan Hill Circulation Element EIR. Therefore, the proposed project is consistent with the development assumptions disclosed in the 2009 Morgan Hill Downtown Specific Plan and Downtown Specific Plan FEIR.

CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

I. AESTHETICS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Have a substantial adverse effect on a scenic vista	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings, or conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

The project is a mixed-use development to include 49 residential units and a 3,076 square foot commercial office space. The project includes all of the parking on-site, which includes garage and parking lot spaces. The project also includes the realignment of Depot Street and the reconfiguration of the CCC parking lot.

The architecture of the buildings would complement the downtown since the design, height and scale of the proposed buildings provide a transition at the edge of the downtown. Materials on the buildings would include stucco and siding, and both composition shingle and metal roofing, which are suggested in the Downtown Specific Plan Guidelines. The buildings also include articulating elevation planes and varying roof height to add visual interest to the elevations.

In addition, the project includes right-of-way dedication and vacation with the realignment of Depot Street which will be rerouted through the CCC parking lot to align with the Church Street intersection with Dunne Avenue. The CCC lot will be modified and restriped.

The project requires Design Review, which would ensure consistency with the Downtown Specific Plan Design Guidelines, which serves to reduce any potential impacts. The proposed design features and elements (sidewalks, landscaping, utilities, and lighting) of the road alignment are consistent with the City's Design Standards and Standards for Construction provided by the City's Engineering Division. In accordance with CEQA Section 21099 (adopted subsequent to the certification of the MEIR), aesthetic and parking impacts of a mixed-use residential project on an infill site within a transit priority area shall not be considered significant impacts on the environment. Therefore, the project is not expected to have any significant impacts.

This project is consistent with MEIR section 3.11.2.2 and the Downtown Specific Plan.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

The project site is already considered developed, includes no agricultural resources, and is not subject to any Williamson Act contract. The project site settings have not changed since the certification of the Downtown Specific Plan MEIR and therefore there is no impact to agricultural resources. This project is consistent with MEIR section 5.2.1.3.

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

The project is within the development projections outlined in the Downtown Specific Plan and its MEIR. Implementing the project would result in temporary construction impacts and long-term operational impact.

Temporary Construction Impacts
As identified within the MEIR, future projects would need to implement standard measures to ensure temporary construction activities do not have a significant impact.

SM AQ-1: In accordance with the City of Morgan Hill Standard Conditions of approval, a management plan detailing strategies for control of dust during construction of the project shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.

MM AQ-5.1: The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible demolition and construction dust control measures required to reduce construction impacts to a less than significant level. The following construction practices shall be incorporated into dust mitigation plans implemented during demolition and construction phases of proposed development in the Specific Plan project area to reduce dust and exhaust emissions:

- Water active demolition areas to control dust generation during demolition of structures and break up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Use dust proof chutes to load debris into trucks whenever feasible.
- Water all active construction areas at least twice daily.

- Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

AM AQ-5.1: The following additional measures recommended by the BAAQMD to reduce engine exhaust emissions:

- Use alternative fueled construction equipment, when feasible.
- Minimize idling time (five minutes maximum).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy equipment and/or the amount of equipment in use.

Operational Impacts
Overall regional air impacts as a result of implementing the Specific Plan were identified as being potential significant. The implementation of the following measures would help reduce impacts, however, as previously identified in the MEIR, the impacts would remain significant and unavoidable.

MM AQ-2.1: The Specific Plan shall be amended to require submission of an Air Quality and Transportation Demand Management (AQ-TDM) Plan as part of the Design Permit (Architectural and Site Review) application for review and approval by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the Design Permit process, such as the following, to reduce air quality impacts:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces. No wood burning devices would be allowed.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.

- Provide showers and lockers for employees bicycling or walking to work.
- Provide transit information kiosks and bicycle parking at commercial facilities.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.

MM AQ-2.2: Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

- Electric vehicle charging facilities.
- Preferential parking for Low Emission Vehicles (LEVs).

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

The project site is currently developed as an industrial yard and community center parking lot.

Kielty Arborist Services LLC prepared a comprehensive report dated July 22, 2019 reviewing the trees that could potentially be impacted by the proposed project as provided on Plan EXH-1.

Existing trees were measured and provided a condition rating for form and vitality. The following table provides details of each tree identified within the Project and whether the tree will be removed or retained with the project.

Table 4:
Tree Disposition

Tree Number	Species	Diameter Breast Height (DBH) inches	Condition Rating	Health Status	Defined as Significant tree (Section 12.32)	Retain or Removal
1	Cork Oak	11.8	70	Good	No	Remove
2	Cork Oak	11	70	Good	No	Remove
3	Ornamental Pear	9	45	Fair-Poor	No	Remove
4	Ornamental Pear	9	30	Poor	No	Remove
5	Cork Oak	7.3	70	Good	No	Remove
6	London Plane	6.4	65	Fair	No	Remove
7	London Plane	5.7	30	Poor	No	Remove
8	London Plane	5.8	45	Poor	No	Remove
9	Cork Oak	4	70	Fair	No	Remove
10	Valley Oak	12.7	70	Good	Yes	Remove
11	Valley Oak	12.9	70	Good	Yes	Remove
12	Ornamental Pear	7.4	55	Fair	No	Remove
13	Ornamental Pear	7	55	Fair	No	Remove
14	Cork Oak	17.3	70	Good	Yes	Retain
15	Cork Oak	14.8	70	Good	Yes	Retain
16	Ornamental Pear	8.8	50	Fair	No	Remove
17	Ornamental Pear	7.9	50	Fair	No	Remove
18	Ornamental Pear	7.7	50	Fair	No	Remove
19	Ornamental Pear	8.8	50	Fair	No	Remove
20	Ornamental Pear	7.8	50	Fair	No	Remove
21	Ornamental Pear	12.5	60	Far	No	Remove
22	Ornamental Pear	8.5	60	Fair	No	Remove
24	Ornamental Pear	8.0	30	Poor	No	Remove
25	Ornamental Pear	7.6	50	Fair	No	Remove

Tree Number	Species	Diameter Breast Height (DBH) inches	Condition Rating	Health Status	Defined as Significant tree (Section 12.32)	Retain or Removal
26	Ornamental Pear	8.3	50	Fair	No	Remove
27	Cork Oak	11.5	70	Good	No	Retain
28	Cork Oak	12.0	70	Good	No	Remove
29	Cork Oak	10.0	50	Fair	No	Retain
30	Cork Oak	11.0	70	Good	No	Remove
31	Cork Oak	12.2	70	Good	No	Retain
32						Removed
33	Cork Oak	13.5	70	Good	Yes	Remove
34	Valley Oak	10.0	70	Good	No	Retain
35	Valley Oak	9.1	70	Good	No	Retain
36	Cork Oak	20.6	70	Good	Yes	Remove
37	Cork Oak	11.7	70	Good	No	Retain
38	London Plane	14.5	65	Fair	Yes	Remove
39	London Plane	12.5	65	Fair	No	Retain
40	Cork Oak	7.0	70	Good	No	Retain
41	London Plane	11.4	60	Fair	No	Remove
42	Ornamental Pear	9.8	30	Poor	No	Remove
11948	Coast Live Oak	37.5	45	Poor	Yes	Remove
11949	Coast Live Oak	19.5	70	Good	Yes	Retain
11950	Pepper	32.0	45	Poor	Yes	Remove
11951	Coast Live Oak	43	45	Poor	Yes	Remove
11952	Coast Live Oak	25	70	Good	Yes	Retain
11953	Black Acacia	13	40	Poor	Yes	Remove
11954	Valley Oak	58	45	Poor	Yes	Remove
11955	Valley Oak	62			Yes	Remove
11956	Valley Oak	54			Yes	Remove

Table 4 summarizes the Arborist Report and EXH-1 of the project plans. This includes 14 trees as part of the mixed-use component and 37 trees within the CCC parking lot. As described in EXH-1, all of the double-digit numbered trees proposed to be retained would be further evaluated during construction. As proposed seven native trees are being removed and consistent with the City's replacement requirements for native trees, 14 trees would be planted in their place elsewhere within the project. Implementation of standard measures identified in the MEIR would reduce the potential impact to less than significant.

Because of the project location and condition, it has been identified within the MEIR as potential habitat for burrowing owls. Implementation of standard measures identified in the MEIR would reduce the potential impact to less than significant.

As identified in Table 4, the project will remove mature trees to implement the project. Removal of trees in the Specific Plan area could be scheduled between September and December (inclusive) to avoid the major raptor nesting season and no additional surveys would be required pursuant to MM BIO-1.2.

MM BIO-1.2: If removal of the trees on-site would take place between January and August (inclusive), a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Wildlife, designate a construction free buffer zone (typically 250 feet) around the nest until the end of the nesting activity. The applicant shall submit a report indicating the result of the pre-construction survey and any designated buffer zones to the satisfaction of the Community Development Director.

Standard Measures: In conformance with the City's Burrowing Owl Habitat Mitigation Plan, development proposed on vacant or undeveloped sites (Block 8) shall include the following measures to avoid impacts to burrowing owls:

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

SM BIO-2: Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.

SM BIO-3: If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the owls may be relocated upon approval of the California Department of Fish and Game, in accordance with the Burrowing Owl Mitigation Plan.

Standard Measures: In accordance with City of Morgan Hill Municipal Code, standard significant tree removal ordinance procedures and the proposed Specific Plan design guidelines, development in the project area would be subject to the following standard measures at the time of development.

SM BIO-4: Prior to site development, the applicant shall retain the services of a certified arborist to assess all trees that may be impacted by the proposed project. The arborist will conduct a tree assessment and submit a report to the City detailing all trees subject to the Chapter 12.32 Restrictions On Removal Of Significant Trees. The report will include:

- Tree species and common name.
- Size (dbh) and approximate height of tree(s).
- Current health of the tree including at a minimum: bark, foliage, structure/integrity, and roots.
- Evaluation of current health and potential impacts to future health.
- Recommendations for protection or removal of tree (if removal of tree is recommended, provide justification.
- Proposed mitigation and protection measures.

SM BIO-5: Native trees shall be planted to replace native trees removed unless practical reasons preclude this option, as determined by the Community Development Director.

SM BIO-6: Prior to the removal of any tree or community of trees on any city or private property in the Specific Plan project area a tree removal permit would be required from the Community Development Director which would include a description of the tree replacement program and identify any additional conditions imposed by the City. Alternatively, the City's ordinance section 12.32 allows the Community Development Director to grant a tree cutting permit where utilization of the property is of greater public value than the environmental degradation caused by the action. Tree removal may also occur without a permit if the removal will take place in accordance with an approved landscape plan.

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

The project is consistent with the Scope of the MEIR with regards to cultural resources. The MEIR determined the site does not contain historic resources.

The project includes some grading and excavation to support the construction of the project.

The MEIR identifies Block 8 as not within an archaeologically sensitive area, however the project also includes a portion of Block 6. Therefore, standard measures are required to reduce potential impacts to archaeological resources to a less than significant impact.

Standard Measures: In accordance with the City of Morgan Hill Municipal Code Chapter 18.60, proposals for the development or redevelopment of a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map shall be subject to the following review process and standard conditions of project approval:

SM CULT-1: The City will consult with the Northwest Information Center for information about whether proposed development is located within or adjacent to a known archaeological site, and if it is determined that it is so located, then a historical alteration permit is required for the project, and subsequent CEQA review of the project shall consider potentially significant impacts on archaeological resources and identify appropriate mitigation measures to be imposed as conditions of approval in addition to the standard conditions identified below.

SM CULT-2: If the project is not located within or adjacent to a known archaeological site, but is located within the mapped archaeologically sensitive area as adopted by the City, then the project applicant has the option to either have an archaeological survey be completed for the site to determine what, if any, conditions of approval will be required as mitigation measures; or agree to comply with the following standard conditions of approval, which shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less than significant level (no archaeological resources report is required as part of any CEQA review of the project as long as the applicant accepts these conditions and incorporates them into the project):

• 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:

- 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;
- 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;
- 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
- 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.

SM CULT-3: All development projects located within an archaeological sensitivity area and/or containing known archaeological resources on-site shall also be subject to the following measures as standard conditions of project approval:

- This project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.
- 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.
- Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
- Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- 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.

- An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- 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:
  - The City of Morgan Hill Community Development Director
  - The Contractor’s Point(s) of Contact
  - The Coroner of the County of Santa Clara (if human remains found)
  - The Native American Heritage Commission (NAHC) in Sacramento
  - The Amah Mutsun Tribal Band
  - 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 24 hours to notify the NAHC.
  - 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.)
  - Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
  - Within 24 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.
  - 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.

VI. Energy: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

The project is within the development projections identified within the Downtown Specific Plan and the MEIR. Therefore, the impact would continue to be a less than significant impact.

The MEIR Avoidance Measures requires the following Avoidance Measures be incorporated. The following avoidance measures should be implemented by development under the proposed Specific Plan in accordance with General Plan Conservation Policies 7a, 7b, 7j, and Conservation Action 7.5. Although not required to mitigate the impacts of development in the Specific Plan project area, the City should consider adopting, as feasible, the following avoidance measures as conditions of approval.

AM ENER-1.1: In accordance with the provisions of Morgan Hill Municipal Code, development should be required to meet a minimum point standard for energy conservation (i.e. GreenPoint Rated, LEED). Development proposed under the Specific Plan should provide for energy conservation through the use of energy-efficient building techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, which could be documented in the energy compliance reports submitted at the time of application for building permits.

Measures to Reduce Energy Consumption During Demolition:
AM ENER-1.2: Development and demolition activities proposed under the Specific Plan should have a waste management plan for recycling of construction and demolition materials in place and operating from project inception. Prior to the issuance of building permits, the City will review the plan. The plan would be completed to the satisfaction of the Community Development Director, Building Official, or Environmental Coordinator.

AM ENER-1.3: Development proposed under the Specific Plan should recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste. The projected quantities of waste generated during demolition and construction, how much of those materials would be reused, recycled, or otherwise diverted from landfills, and where unrecycled materials would be disposed of should be included in the waste management plan prepared for proposed development. Upon completion, the project applicant would provide the City with a report summarizing the waste type, quantity, and disposition (e.g., recycled or landfilled) and facility used, to document execution of the plan.

Measures to Reduce Energy Consumption by Design:
AM ENER-1.4: Development proposed under the Specific Plan should, to the extent feasible, incorporate principles of passive solar design to the satisfaction of the Community Development Director. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles include large south-facing windows with proper overhangs, as well as tile, brick, or other thermal mass material used in flooring or walls to store the sun's heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind. Prior to issuance of building permits, the approved plans should demonstrate how and where these principles are incorporated to the satisfaction of the Community Development Director.

Measures to Reduce Energy Consumption During Construction:
AM ENER-1.5: The idling of construction vehicles shall be avoided to reduce fuel consumption, emissions, and noise.

AM ENER-1.6: Development proposed under the Specific Plan should, to the extent feasible, incorporate standards for cool roofs outlined in Build It Green's (BIG) Greenpoint rating system for residential development and the LEED rating system for commercial development.

AM ENER-1.7: Development proposed under the Specific Plan should be constructed to meet the requirements of the U.S. Green Building Council's Leadership in Energy and Design (LEED) for new commercial development and Build It Green's (BIG) Greenpoint rating system for new residential development. In particular, the development should meet the minimum points required in the energy category of both checklists.

AM ENER-1.8: Development proposed under the Specific Plan should, to the extent feasible, include photovoltaic (i.e., solar electric) systems on rooftops. An average sized residential system (2.5 kW) in California produces in excess of 4,000 kWh annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. (Each square foot of photovoltaic cells produces approximately 10 watts of power in bright sunlight.)

AM ENER-1.9: Development proposed under the Specific Plan should incorporate solar hot water heating systems, to the extent feasible, to reduce energy use.

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐

The project site is identified in the MEIR as not being located within a known landslide hazard zone. A Geotechnical Investigation (April 2019) was provided for the project site and includes recommendations of how to treat grading of the site and the foundations for the proposed structures. The investigation indicated no significant issues with the development of the site. The project will implement the standard measures implied in the MEIR. With the implementation of these measures, the project would have a less than significant impact.

Standard Measures: In accordance with the City of Morgan Hill standards, development in the Specific Plan project area shall implement the following measures to reduce and/or avoid soil hazards and substantial erosion impacts:

SM GEO-1: Prior to issuance of site development permits, the applicant shall provide two copies of a soils (geotechnical) engineering report prepared by a registered civil (geotechnical) engineer to the City of Morgan Hill Building Division for review and approval. The report shall include data regarding the nature, distribution and strength of

existing soils, conclusions and recommendations for grading criteria for corrective measures, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, per Uniform Building Code (UBC). The report shall also include soil classification and foundation investigation as required by UBC.

SM GEO-2: The project shall implement standard grading and best management practices, including but not limited to, street sweeping, fiber rolls, inlet protection, stockpile covering or watering, covering of trucks, and/or replanting of vegetation, to prevent substantial erosion and siltation during development of the site.

VII. GREENHOUSE GAS EMISSIONS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The project is within the development projections identified within the Downtown Specific Plan and the MEIR. However, Greenhouse Gas Emissions were not a part of the checklist at the time of the MEIR, and were not subsequently analyzed in the Morgan Hill Hale Lumber Land Exchange Draft IS/Addendum in August, 2018.

"Greenhouse gases" (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as "global warming." These greenhouse gases contribute to an increase in the temperature of the earth's atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions--with about one-fourth of total emissions.

Significance Thresholds and Criteria. Regulation exercising its own discretion as lead agency and similar to multiple other San Francisco Bay Area jurisdictions, the City staff has decided to rely on the thresholds recommended by the BAAQMD in its 2017 CEQA Guidelines.20 City staff believes that these recommendations still represent the best available science on the subject of what constitutes significant GHG effects on climate change and they are as follows:

- Compliance with a Qualified Climate Action Plan or
- Meet one of the following thresholds:

- 1,100 metric tons (MT) of CO2-equivalents (CO2e) per year; or
  - 6.7 MT CO2e per capita per year (residential) / 4.6 MT CO2e per service population per year (mixed use)

For purposes of this report, project compliance with the 1,100 MT CO2e/year threshold is used as the primary basis to determine significance.

Temporary Construction Impacts

BAAQMD does not have any greenhouse gas emissions thresholds of significance for construction activities. Therefore, the incorporation of best management practices and

mitigation measures identified within the Air Quality section would ensure that any potential impacts are reduced to a level of insignificant.

Operational Impacts
The BAAQMD determines the screening criteria for whether a project could result in potentially significant operational air quality impacts, including Greenhouse Gas. The Air District developed screening criteria (May 2017 CEQA Guidelines) to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts for the operational phase of the project. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. For projects that are mixed-use, infill, and/or proximate to transit service and local services, emissions would be less than the greenfield type project that these screening criteria are based on. Projects below the applicable screening criteria shown in the Air District CEQA Guidelines would not exceed the 1,100 MT of CO2e/yr GHG threshold of significance for projects other than permitted stationary sources.

The project is an infill mixed-use development located near transit facilities. The project does not meet the screening criteria, which is greater than 78 condo/townhouse units, and 53,000 square feet of general office[1]. The roadway realignment would not serve to increase traffic beyond what was already evaluated within the MEIR. Therefore, the anticipated impacts would continue to be less than significant.

[1] BAAQMD CEQA Air Quality Guidelines, Table 3-1.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

The site is not identified in MEIR as having any existing hazardous materials in the soil. The Phase I Environmental Site Assessment by Light, Air & Space Construction (1999) for the mixed-use component of the project does not indicate any environmental impairment for the site or neighboring properties and does not recommend further investigation. However, no Phase I Environmental Site Assessment was evaluated for the road realignment component. The project includes demolition of existing buildings, which may contain hazardous building materials such as lead paint or asbestos. Implementation of standard measures identified in the MEIR would reduce the potential impact to less than significant.

Standard Measures: Development in the Specific Plan area is required to conform to the following regulatory programs to reduce impacts due to the presence of ACMs and/or lead-based paint to a less than significant level:

SM HM-1: As appropriate, a lead survey of painted surfaces and soil around buildings on parcels proposed for redevelopment shall be performed prior to demolition. Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1 would be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

SM HM-2: All potentially friable ACMs shall be removed in accordance with the NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with OSHA standards contained in Title 8 of the CCR, Section 1529, to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos-containing materials.

SM HM-3: A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

SM HM-4: Materials containing more than one (1) percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

Project Specific SM HM-5: If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the contractor shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the contractor shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions prescribed by the County Department of Health and State Department of Toxic Substances Control, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

Additionally, the following MEIR Mitigation Measures shall be implemented to reduce the potential impact to less than significant.

MM HM-1.1: A Phase I Environmental Site Assessment shall be required for all properties proposed for redevelopment with residential uses where previous uses include industrial, commercial or agricultural use. If warranted, a Phase II Environmental Site Assessment shall be prepared which identifies specific remediation measures required to ensure the site is suitable for residential development. If contamination is identified on any site within the Specific Plan project area that requires further

remediation, such remediation shall be made a condition of approval of the site development permit.

MM HM-1.2: If remediation activities are required on any parcel within the Specific Plan project area, these activities shall be carried out in accordance with a Remediation Plan prepared to address the findings of the Phase II Environmental Site Assessment. The Remediation Plan shall specify the cleanup levels that will be applied and the anticipated regulatory agency responsible for oversight. Potential impacts associated with the remediation activities, such as air and health impacts associated with excavation activities, transportation impacts from removal or remedial activities, and risk of upset in the event of an accident at the site or during transport of contaminated soil shall also be addressed to ensure no significant impacts from implementation of the Remediation Plan.

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

A portion of this site, located at the northern edge along Depot Street, is in a Floodplain identified in the MEIR. This area will introduce housing units into the flood zone. The proposed residential units are designed such that the ground-level is primarily garage space. The portion of the site within a Floodplain is designated by FEMA as AE. The project is designed to meet FEMA standards. All standard measures for drainage and flooding will be implemented to reduce any potential impacts to less than significant.

Additionally, the project is subject to the City's water quality regulations. The project includes a storm water management plan to address storm water runoff. The project is

within the development projections identified in the Downtown Specific Plan and MEIR. The realignment of Depot Street is designed to be consistent with the City's Design Standards and Standard Details for Construction developed by the Engineering Division. The implementation of standard measures and the design of the street to be consistent with the City's standards will ensure that the project would have less than significant impacts.

Drainage

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to avoid impacts to the City's storm drainage system.

SM HYDRO-1: In accordance with Morgan Hill Municipal Code Chapter 17.32, Improvement and Improvement Agreements, a complete storm drainage study of the proposed development must be submitted showing amount of runoff, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted.

SM HYDRO-2: In accordance with Morgan Hill Municipal Code Chapter 17.32, Improvement and Improvement Agreements, the applicant of development proposed under the Specific Plan shall cause the design and construction to be undertaken for a storm drainage collection system shown on the tentative map or site development plan. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works.

SM HYDRO-3: In accordance with Morgan Hill Municipal Code Chapter 17.32, Improvements and Improvement Agreements, proposed collection system in the project area shall be designed to be capable of handling runoff without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity; whereas, on-site retention facilities shall be designed to a 100-year storm capacity. Off-site detention and retention facilities may also be proposed, and are subject to the approval of the Director of Public Works. Items of construction shall include, but not be limited to installation of storm line extensions and surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals.

SM HYDRO-4: Future development will be required to pay the City of Morgan Hill Storm Drainage Impact fee in accordance with Chapter 3.56 of the Morgan Hill Municipal Code. The fees established by this chapter are based on the costs required for new facilities and other capital acquisition costs to serve new development.

Flooding

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to reduce and/or avoid flooding impacts:

SM HYDRO-5: Development in the project area shall comply with Morgan Hill Municipal Code Chapter 15.80, the Flood Damage Prevention Ordinance, which requires new residential construction to elevate habitable spaces one foot above anticipated flood levels, non-residential construction to be flood proofed, and subgrade floors to withstand hydrostatic flood forces.

SM HYDRO-6: Development proposed in the project area would prepare and submit a Storm Drainage Study to the Director of Public Works for review and approval. The study would include calculations to determine detention and operations and demonstrate how the runoff rate from the proposed development would be less than or equal to existing conditions, or how off-site facilities would be used.

Water Quality

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measure to avoid construction phase and post-construction water quality impacts:

SM HYDRO-7: Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

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

SM HYDRO-8: As required by the State Water Resources Control Board (SWRCB) Order 2009-0009-DWQ, amended by 2010-0014-DWQ and 2012 -0006-DWQ., construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification (WDID) number to the construction site will be issued after the SWRCB receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. SWPPP shall be made a part of the improvement plans.

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

The site is identified in the MEIR Land Use section as being an industrial use which could have impacted nearby residential uses. By converting the use to residential and office uses, this reduces the opportunity for conflict. The proposed street realignment is consistent with the alternatives and analyzed concepts identified within the MEIR, the Downtown Specific Plan and the City's General Plan.

The project proposes higher density residential and office uses within the Downtown area, which is consistent with the Specific Plan and the CBD zone district. The project will also be required to obtain a Design Review permit to ensure the project is consistent with the Design Guidelines of the Downtown Specific Plan.

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

The site setting has not changed since the certification of the MEIR and therefore there would be no impact.

While Mineral Resources were not analyzed in the MEIR, there are no known mineral resources on this site. This project would have no impact. Mineral resources were determined to not be impacted anywhere in the City for the 2035 General Plan EIR[2].

[2] 2035 General Plan EIR Section 7.1.1

XII. NOISE: Would the project result in:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The project proposes construction of multi-family residential adjacent to non-residential uses (community center), as well as an active railroad and East Dunne Avenue. The project also includes the construction of the realigned Depot Street with grading, trenching, and paving activities. The proposed residential use fits within the description identified in the MEIR.

The CEQA Guidelines for Noise have changed since the MEIR was adopted. The project is no longer required to mitigate against the noise impacts the railroad will have on the project. However, some of the mitigation measures will continue to be implemented as best practices.

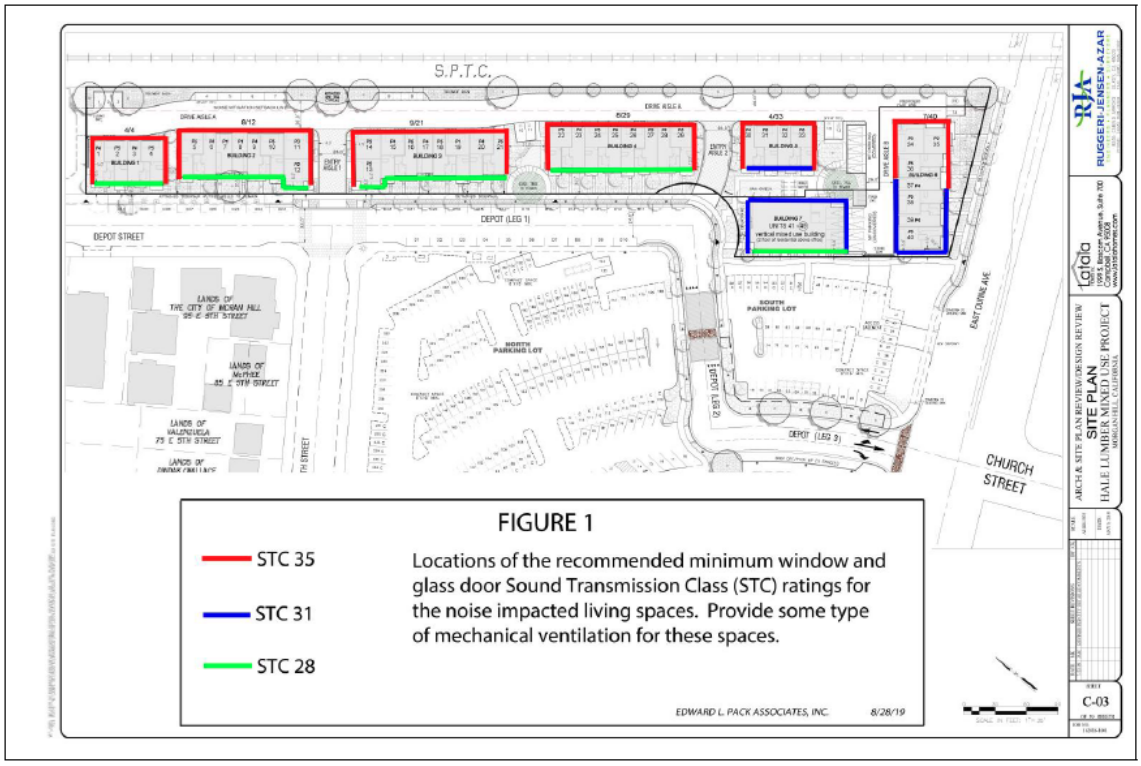
The project site is completely located in the 70 dBA L_{DN} train noise contour identified in the MEIR. However, pursuant to the California Supreme Court's decision in California Building Industry Association v. Bay Area Air Quality Management District (2015), a project shall only analyze the impact of the project on the environment, not the environment on that project. Therefore, the existing effects the proximity of the railroad may have on the project are not to be mitigated. The project shall be compliant with the noise standards identified in the City's General Plan and Municipal Code.

As required by the MEIR, a project specific noise assessment study was prepared by Edward L. Pack Associates (Appendix E). It was determined the ground-borne vibration levels are within the limiting guidelines of the Federal Transportation Authority, however, the railroad would contribute noise that would in effect exceed the City's thresholds for the project. Additionally, the original mitigations from the MEIR are not feasible for this project. Specifically, MM NV-2.1 calls to reduce the L_{MAX} noise levels to below 50 dBA in bedrooms and 55 dBA in other habitable rooms. Per the study, this would require a very high STC rated window assembly that are not currently available for residential construction. Therefore, they propose to modify the threshold from L_{MAX} to L_1, which refers to the loudest continuous noise for 1% of the day or 36 seconds. According to the noise study, a 36-second noise level above 50 dBA has a 15% chance of waking a

sleeping person and therefore is an appropriate replacement threshold. The implementation of project-specific measures will reduce interior noise exposures to 45 dB D_{NL} and to 50 dBA L1 or lower during nighttime hours.

The primary portion of the project-specific noise reducing measure is to install various Sound Transmission Class (STC) ratings of window glass at different locations throughout the site. The figure below illustrates where each STC rating is required.

Figure 5:
Required STC Ratings



The project would also have less than significant impacts due to temporary construction noise, with the implementation of Standard Measures and Mitigation Measures. As discussed previously, the noise assessment noise reducing techniques are included as Standard Measures to be incorporated as conditions of approval to meet the City's standards. However, the standards are not considered mitigation measures since the project will not generate substantial amount of noise beyond the ambient levels.

Standard Measures: The following standard measures from the MEIR would reduce interior noise levels in new residences:

Project-Specific SM NV-1: To comply with the 45 dB D_{NL} standard of the City of Morgan Hill Noise Element, the 50 dBA nighttime L1 for bedrooms and the 55 dBA daytime L1 for other living spaces, the following noise control measures will be required.

- Maintain closed at all times all windows and glass doors of living spaces of the project.
- Install windows and glass doors rated minimum Sound Transmission Class (STC) 35 at living spaces within approximately 120 feet of the railroad tracks. Install windows and glass doors rated minimum STC 31 at all other living spaces between 120 feet and 180 feet of the railroad tracks.
- Install windows and glass doors rated minimum STC 31 at all other living spaces between 120 feet and 190 feet of the railroad tracks with a direct or side view of the railroad.
- Install windows and glass doors rated minimum STC 31 at all living spaces with a direct or side view to East Dunne Avenue and within approximately 105 feet of the centerline.
- Install windows and glass doors rated minimum STC 28 at all other living spaces of the project.
- Provide some type of mechanical ventilation for living spaces with a closed window condition:
    - When windows and doors are maintained closed for noise control, some type of mechanical ventilation to assure a habitable environment must be provided. The mechanical ventilation requirements specified by the Uniform Building Code (UBC) are described in Appendix B. The windows and glass doors specified to be maintained closed are to be operable, as the requirement does not imply a “fixed” condition. All other windows and glass doors of the project and all bathroom windows may have any type of glazing and may be kept opened as desired unless the bathroom is an integral part of a living space and not separated by a closeable door.
    - All windows and exterior doors shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window construction, the sliding window and door panels must form an air-tight seal to the outside environment when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in the closed position.
- Prior to building permit approval, an acoustical test report of all sound rated windows shall be reviewed by a qualified acoustician to ensure that the chosen windows will adequately reduce traffic and railroad noise to acceptable levels.

Project Specific SM NV-2: The following additional precautionary measures are required to assure the greatest potential for exterior-to-interior noise attenuation by the recommended mitigation measures. These measures apply at those units where closed windows are required.

- Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction with effective weather seals around the full perimeter. Mail slots should not be used in these doors or in the wall of a living space, as a significant noise leakage can occur through them.
- If any penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations can be controlled by sealing all cracks and clearance spaces with a non-hardening caulking compound.

- Ventilation openings shall not compromise the acoustical integrity of the building shell

Standard Measures: The following standard measure will reduce potential construction related noise impacts to nearby sensitive receptors:

SM NV-2: Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

Construction Noise
Construction Noise would present a temporary impact consistent with the MEIR, however the following measures would limit unnecessary noise from construction equipment:

Mitigation Measures
MM NV-1.1: Residential development shall be setback from traffic and railroad noise sources to reduce ambient noise levels in outdoor use areas to the extent feasible. Noise-sensitive outdoor spaces shall be shielded with buildings or noise barriers wherever possible. Residential development proposed under the Specific Plan shall strive to reduce traffic noise levels to 60 dBA Ldn or less and railroad train noise levels to 70 dBA Ldn or less in outdoor use areas through a combination of setbacks, noise barriers, and building design/layout. The specific determination of what treatments are necessary would be conducted on a project-by-project basis. Implementation of these measures would reduce noise impacts to outdoor use areas to a less than significant level for many of the proposed downtown residential units, however, even with incorporation of these mitigation measures to the extent feasible, the outdoor spaces for some residential units will continue to be impacted and, therefore, this impact is significant and unavoidable.

MM NV-5.1: The following mitigation measures shall be implemented, as conditions of approval, in addition to construction hour limitations in the Morgan Hill Municipal Code, to reduce potential construction related noise impacts to nearby sensitive receptors:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize “quiet” air compressors and other stationery noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would

determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem.

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

The MEIR identified that by 2030, the Specific Plan area would include an additional 1,192 residential units and 1,577 additional employees. According to the California State Department of Finance estimates, Morgan Hill's population in 2009 was 39,301. In 2015, it was estimated that the population is 41,779[3]. At the time of the MEIR, the Association of Bay Area Governments (ABAG) projected the population for Morgan Hill to be 51,700 in 2030. The estimated population for January 2019 from the California Department of Finance is 45,742.

The project proposes the construction of 49 residential dwelling units. There are no current residents on site, so no residents are displaced by this project. According to the State Department of Finance information, Morgan Hill has 3.15 persons per household. For the project, this equates to 154 new residents.

The proposed project would not exceed the unit count projected within the Downtown Specific Plan or the 2035 General Plan population ceiling and therefore, the project would have less than significant impact.

[3] California Department of Finance Population and Housing estimates for Cities, Counties and the State 2011-2015. http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php Accessed February 2, 2016.

XIV. PUBLIC SERVICES:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☒	☐

The project is within the Development Projections identified in the Downtown Specific Plan and the MEIR. The realignment of Depot Street is designed to be consistent with the City's Design Standards and Standard Details for Construction developed by the Engineering Division. The implementation of standard measures and the design of the street to be consistent with the City's standards will ensure that the project would have less than significant impacts.

Fire Protection

Standard Measures: In accordance with City of Morgan Hill standard conditions, development in the Specific Plan project area shall implement the following measures:

SM PS-1: Development and roadway modifications proposed under the Specific Plan will be subject to Santa Clara County Fire Department (SCCFD) review to ensure building compliance with the Uniform Fire Code and roadway widths/configurations allow for fire truck access to buildings and adequate response times to the project area.

Schools

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to avoid impacts to the Morgan Hill Unified School District.

SM PS-2: 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. The school impact fees implementation of measures specified in Government Code 65996 would be used to offset project-

related increases in student enrollment. Residential development proposed under the Specific Plan would be required to comply with the school impact fee requirements of the Morgan Hill Unified School District.

XV. RECREATION:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

The project includes the construction of 49 residential units and office space. Implementation of standard measures identified in the MEIR will ensure that the project has a less than significant impact.

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measure to avoid impacts to park and recreational facilities:

SM PS-4: The City of Morgan Hill has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. 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.

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

The project includes right-of-way dedication and vacation with the realignment of Depot Street which will be rerouted through the CCC parking lot to align with the Church Street intersection with Dunne Avenue. The CCC lot will be modified and restriped to provide no net loss in parking.

Two points of access will be maintained, one along Depot Street at the Fifth Street driveway and a second new entry at the curve where Depot Street would be rerouted (Depot Street current intersection with East Dunne Avenue to be abandoned) at the new Depot Street to the Church Street intersection with East Dunne Avenue. The third existing driveway on Depot Street would be eliminated. Both driveways would provide access to the residential and guest parking areas.

The Morgan Hill General Plan Policy TR-3.15 discusses providing a continuous north-south travel route by re-routing Depot Street south through the existing CCC parking lot to connect to Church Street and explore the feasibility of extending Depot Street north to curve over and connect Mclaughlin Avenue through to Central Avenue.

Pursuant to the Downtown Specific Plan, this improvement was planned to occur with the construction of the Dunne Avenue railroad underpass and is assumed to be implemented as part of the Specific Plan Project. The proposed Specific Plan Project Alternate would maintain Depot Street as an alternate north-south route within the Downtown Core and retain the current at-grade railroad crossing on Dunne Avenue. As an option, Depot Street could be re-routed through the CCC parking lot to connect to Church Street at the existing signal location[4].

The current proposal is the latter option, to re-route Depot Street through the CCC parking lot to connect to the Church Street and East Dunne Ave intersection.

The project is within the Downtown Specific Plan and MEIR development projections. The MEIR identified Significant and unavoidable impacts for transportation. The City of Morgan Hill continues to monitor traffic conditions at Main Avenue and Depot Street (MM TRANS-5.1/MM TRANS-5a.1).

A traffic Study (August d 2018[i]) analyzed the Mixed-Use project component as well as the Depot Street realignment to Church Street and East Dunne intersection. Data was collected at the existing intersections of Depot Street and Church Street with East Dunne Avenue, and five surrounding intersections. Currently, access between Depot Street and Dunne Avenue is limited to right-turn access only. The Depot Street realignment would provide full-access to and from the Depot Street area via Dunne Avenue, resulting in the displacement of traffic between some of the surrounding intersections, in particular the intersections of Church Street/Dunne Avenue, Monterey Road/Dunne Avenue, Monterey Road/Fifth Street and Depot Street/Fifth Street. Therefore, the reassignment of existing traffic due to the proposed Depot Street realignment and the proposed project trips were added to existing traffic volumes to obtain existing plus project traffic volumes.

A Transportation Impact Analysis was prepared for the project site. The project at the time of analysis consisted of 48 residential units and 3,150 square feet of office space. This is not significantly different from 49 residential units and 3,078 square feet of office space. It was determined that the project would result in 320 new daily trips, 25 at the AM peak hour and 32 at the PM peak hour. With the ‘existing plus project’ scenario, all study signalized intersections would operate at acceptable levels. All study un-signalized intersections are projected to have operations that fall below the thresholds that warrant signalization. With the implementation of the 2035 General Plan’s Year 2035 General Plan Plus Project, intersection LOS conditions will be such that no study intersections would be impacted by the project.

Temporary construction impacts impacting transportation may include staging, hauling of soil and construction materials, and closure of street lanes or full closure of the road with detours. A Standard Condition of Approval regarding construction logistics and phasing will be included for the project.

All required parking will be provided on site in conformance with the Zoning Code and Downtown Specific Plan. The project proposes two spaces per townhome and 2-bedroom unit, and one space per 1-bedroom unit. The office use parking is satisfied on

[4] MEIR page 44

[5] Hexagon Transportation Consultant, Inc. Hale Lumber Mixed-Use Development Traffic Impact Analysis. August 2018.

the Hale Lumber site, however, the office will utilize shared parking with the south CCC parking lot.

In addition, the project is within a quarter-mile of the Morgan Hill Caltrain Station. In accordance with CEQA Section 21099 (adopted subsequent to the certification of the MEIR), parking impacts of a mixed-use residential project on an infill site within a transit priority area shall not be considered significant impacts on the environment.

The following Project Specific Standard Measures are required to improve site access, on-site circulation, and operating conditions:

Project-Specific SM TR-1: Installation of Speed-Reducing Measures. Due to the straight nature of the internal drive aisle on the Hale Lumber site, it is desirable to implement speed-reducing measures to limit/prevent drivers from traveling at speeds that are unsafe. These measures could be as simple as posting speed limit signs and/or using removable on street signs, to more permanent measures such as the installation of speed bumps/humps along the internal drive aisle.

Project-Specific SM TR-2: Adhere to City of Morgan Hill Design Standards and Guidelines. The design of the project site, including but not limited to driveways, sidewalks, corner radii, drive aisle width, parking dimensions, and signage, should adhere to City of Morgan Hill design standards and guidelines. This will help provide adequate on-site circulation for all vehicle types, including larger emergency vehicles.

Project-Specific SM TR-3: Installation of “Keep Clear” Signs. It is recommended that “Keep Clear” pavement markings or alternate measure identified by the City Engineer, may be installed adjacent to one (the western driveway) or both of the Morgan Hill Community and Cultural Center parking lot driveways located along the realigned Depot Street. The goal is to prevent projected maximum vehicle queue lengths at the intersection of Depot Street/Church Street and Dunne Avenue (southbound approach) from blocking access to/from the center’s parking lot.

Project-Specific SM TR-4: Logistics Plan. The applicant and contractor shall submit a construction logistics plan to the Public Works Department that addresses all impacts to the public road right-of -way, including, but not limited to: pedestrian control, traffic control, detours, truck routes, material deliveries, contractor’s parking, on-site staging and storage areas, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor’s contact. The plan shall be prepared and submitted along the Rough Grading and Excavation Permit. It shall include notes as indicated on the approved Truck Route Map for construction traffic to and from the site.

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

The project is within the development projections outlined in the Downtown Specific Plan and MEIR. The realignment of Depot Street is designed to be consistent with the City's Design Standards and Standard Details for Construction developed by the Engineering Division. The implementation of standard measures and the design of the street to be consistent with the City's standards will ensure that the project would have less than significant impacts.

Storm Drainage System

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to avoid impacts to the City's storm drainage system.

SM UTIL-3: In accordance with Morgan Hill Municipal Code Chapter 17.32, a complete storm drainage study of the proposed development must be submitted showing amount of runoff, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted.

SM UTIL-4: In accordance with Morgan Hill Municipal Code Chapter 17.32, the applicant for development proposed under the Specific Plan shall cause the design and construction to be undertaken for a storm drainage collection system shown on the tentative map or site development plan. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works.

SM UTIL-5: In accordance with Morgan Hill Municipal Code Chapter 17.32, proposed collection system systems in the project area shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity; whereas, on-site retention facilities shall be designed to a 100-year storm capacity. Off-site detention and retention facilities may also be proposed, and are subject to the approval of the Director of Public Works. Items of construction shall include, but not be limited to Installation of storm line extensions and surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals.

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

The project proposes site preparation of a mixed-use development to include 49 residential units and a 3,076 square foot commercial office space. In addition, the project includes right-of-way dedication and vacation with the realignment of Depot Street which will be rerouted through the CCC parking lot to align with the Church Street intersection with Dunne Avenue. The CCC lot will be modified and restriped to provide no net loss in parking.

a. This Initial Study evaluates the environmental impacts that could result from the project's implementation. With implementation of the mitigation measures included in the project and compliance with City General Plan policies, Standard Measures and Standard Conditions of Approval, the proposed project would not result in significant adverse environmental impacts to fish or wildlife species, rare plants, or cultural resources.

b. Pursuant to Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, pursuant to Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed project is consistent with the development assumptions in the Downtown Specific Plan. The proposed project would not result in any new or more significant cumulative impacts than the previously approved project (disclosed in the Specific Plan MEIR). Mitigation measures adopted for the previously approved project where feasible, and will be implemented by the proposed project.

There are no recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a new or greater cumulatively considerable impact not previously identified by Downtown Specific Plan MEIR.

c. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Pursuant to this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction emissions, hazardous materials, and noise. However, implementation of mitigation measures, Specific Plan and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

The project is within the development projections identified in the Downtown Specific Plan and MEIR. No substantial changes have occurred with respect to the circumstances under which the MEIR was certified. No further analysis is required.

References

The Lumber Yard (Hale Lumber) Project Plans (Architectural, Civil, Landscape). Latala Homes, July 22, 2019

City of Morgan Hill Addendum to MEIR – Depot Street Circulation
http://www.morgan-hill.ca.gov/DocumentCenter/View/24184/Addendum-to-Downtown-Specific-Plan---Depot-Street-Circulation

City of Morgan Hill Downtown Specific Plan
https://www.morgan-hill.ca.gov/DocumentCenter/View/3195

City of Morgan Hill Draft Master EIR for Downtown Specific Plan
http://www.morgan-hill.ca.gov/DocumentCenter/View/2592/Draft-EIR-July-2009?bidId=

City of Morgan Hill 2035 General Plan
https://www.morgan-hill.ca.gov/DocumentCenter/View/22839

City of Morgan Hill Municipal Code
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=MORGAN_HILL_CALIFORNIA

Hexagon Transportation Consultant, Inc. Hale Lumber Mixed-Use Development Traffic Impact Analysis. August 2018.
http://www.morgan-hill.ca.gov/DocumentCenter/View/24185/Traffic-Study

Appendices

A. Kielty Arborist Services, LLC. Hale Lumber Mixed-Use Project Arborist Report (July 22, 2019)
B. Haro, Kasunich & Associates, Inc. Geotechnical Investigation for Proposed New Residential Development 17020 Depot Street (April 2019)
C. Hale Lumber Mixed-Use Project Existing Tree Exhibit (EXH-1) (June 2019)
D. Light, Air, and Space Construction. Phase I Preliminary Environmental Site for 17020 Depot Street. (April 1999)
E. Edward L. Pack Associates, Inc. Noise and Vibration Assessment Study for the Planned “The Lumber Yard” Multi-Family Development, Depot Street, Morgan Hill. (August 2019)