

**MITIGATION MONITORING AND REPORTING PROGRAM
ROYAL OAK VILLAGE
MORGAN HILL, CALIFORNIA**

Prepared for the:



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MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the Royal Oak Village Project (proposed project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the proposed project. This MMRP includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. In addition, the MMRP identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The mitigation measures, timing, and responsibility are summarized in Table 1, and the full text of the mitigation measures follows. The implementation and monitoring of the mitigation measures, in conjunction with the implementation of the City's Standard Measures required for such projects, will ensure the reduction of potentially significant environmental effects to less-than-significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Raney Planning & Management, Inc., an environmental consulting firm. Questions should be directed to Gina Paolini, Principal Planner, at the City of Morgan Hill.

Contact Information:

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TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
Prior to Construction			
<p>BIO-1 (IV-1): To the maximum extent practicable, the removal of trees and shrubs and demolition of buildings shall occur during the non-breeding season (September 1 through January 31). If tree removal or building demolition cannot be avoided during the breeding season (February 1 through August 31), pre-construction surveys shall be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds less than 14 days prior to the onset of such construction-related disturbances. The pre-construction survey shall include all trees, large shrubs, buildings, or other areas of potential nesting habitat within the project footprint and, where possible, within 250 feet of the footprint. If active nests are deemed absent from the area, then further mitigation measures are not required, and ground disturbance or construction could occur within 14 days following the survey. Pre-construction surveys and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of grading permit or issuance of building permit.</p>	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If tree removal or demolition cannot be avoided during the breeding season (February 1 through August 31), surveys shall be conducted less than 14 days prior to ground disturbance.
<p>BIO-2 (IV-2): If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer of up to 500 feet shall be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet</p>	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If nesting raptors or other migratory birds are detected on the site during the pre-construction survey.

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<p>for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.</p>	<p>Project Applicant with a Qualified Biologist and Construction Contractor</p>	<p>City of Morgan Hill Development Services Department Wildlife Agencies</p>	<p>Up to 14 days prior to initial construction activities and within two days prior to initial construction activities.</p>
<p>BIO-3 (IV-3): Pre-construction surveys are required to ascertain whether burrowing owls occupy burrows on or adjacent to the site. A minimum of two surveys are required, with the first survey to occur up to 14 days prior to initial construction activities (e.g., vegetation removal, grading, or excavation) and the second survey to occur within two days prior to initial construction activities. If burrowing owls or evidence of burrowing owls are not observed during pre-construction surveys, construction may proceed. If burrowing owls or their recent sign are observed during the surveys, occupied burrows shall be identified by the monitoring biologist and appropriate construction-free buffers, as described below, shall be established:</p> <ul style="list-style-type: none"> • A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites, as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest 			

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
<p>may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15). For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City of Morgan Hill Development Services Department and Wildlife Agencies prior to such encroachment.</p> <ul style="list-style-type: none"> • Should a burrowing owl be overwintering or nesting on-site in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to: <ul style="list-style-type: none"> ○ A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction); ○ The same qualified biologist monitors the owl during construction and does not find a 			

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<p>change in owl foraging behavior in response to construction activities;</p> <ul style="list-style-type: none"> ○ If a change in owl nesting and foraging behavior occur because of construction activities, the construction activities shall cease within the 250-foot buffer; and ○ If the owls are gone for at least one week, the project proponent may request approval from the City of Morgan Hill Development Services Department that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed, and construction may continue. 	<p>Project Applicant with a Qualified Biologist</p>	<p>City of Morgan Hill Development Services Department Wildlife Agencies</p>	<p>If passive relocation during the non-breeding season is necessary and/or if burrowing owls are detected on-site during pre-construction surveys.</p>

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
<p>required by the City of Morgan Hill Development Services Department.</p>	<p>Project Applicant with a Qualified Biologist</p>	<p>City of Morgan Hill Development Services Department</p>	<p>Prior to demolition.</p>
<p>BIO-5 (IV-5): A habitat assessment shall be conducted prior to demolition by a qualified biologist to identify buildings on-site that could be suitable for roosting bats. If the habitat assessment does not find suitable roosting habitat, further mitigation is not required. If the habitat assessment finds that suitable roosting habitat is present, a bat survey shall be conducted by a qualified bat biologist within 30 days of building demolition to determine if bats are roosting or breeding in the buildings. Additionally, an emergency survey may be required for areas that cannot be surveyed directly. The surveys shall be conducted during times of the year when bats are active (March 1 through August 15). The habitat assessment, surveys, and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of a demolition permit.</p>	<p>Project Applicant with a Qualified Biologist</p>	<p>City of Morgan Hill Development Services Department</p>	<p>Prior to demolition.</p>
<p>BIO-6 (IV-6): If a maternity colony is found on the site, then a construction-free buffer up to 100 feet shall be established around the colony by a qualified biologist. The size of the buffer shall be determined by the biologist depending on factors such as the type of construction-related activity to occur and its proximity to the maternity colony. The buffer shall remain in place until the biologist determines that the nursery is not active.</p>	<p>Project Applicant with a Qualified Biologist and Construction Contractor</p>	<p>City of Morgan Hill Development Services Department</p>	<p>During construction, if a special-status bat species maternity colony is found on the project site during a habitat assessment.</p>
<p>BIO-7 (IV-7): If a bat colony is found on the site during the overwintering season (i.e., October 15 through March 1), demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent.</p>	<p>Project Applicant with a Qualified Biologist</p>	<p>City of Morgan Hill Development Services Department</p>	<p>Prior to demolition, if a bat colony is found on the site during the overwintering season (October 15 through March 1).</p>

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
<p>BIO-8 (IV-8): If a non-breeding bat colony is found in buildings to be demolished, the individuals shall be humanely evicted by way of a two-step, partial dismantlement of the buildings prior to demolition. The eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that harm or take would not occur to any bats as a result of demolition activities.</p>	<p>Project Applicant with a Qualified Biologist</p>	<p>City of Morgan Hill Development Services Director</p>	<p>Prior to demolition, if a non-breeding bat colony is found in buildings to be demolished.</p>
<p>BIO-9 (IV-9): The removal of Ordinance Sized Trees shall be avoided and preserved to the maximum extent feasible, as determined by the City of Morgan Hill Development Services Director. If Ordinance Sized Trees cannot be avoided during construction, the project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, by providing an on-site replacement planting program at a minimum 1:1 ratio with 24-inch box sized trees. The City shall condition the project to replace the oaks at a 2:1 ratio. Replacement shall be overseen and verified by a qualified arborist and the City of Morgan Hill. The detailed replacement program shall be submitted to the City of Morgan Hill Development Services Director for approval prior to issuance of a grading permit.</p>	<p>Project Applicant with a Qualified Arborist</p>	<p>City of Morgan Hill Development Services Director</p>	<p>Prior to the issuance of a grading permit.</p>
<p>BIO-10 (IV-10): For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall include a Tree Preservation Plan, which shall be noted on Improvement Plans, subject to review and approval by the City of Morgan Hill Development Services Department prior to issuance of a grading permit. The measures identified within the Tree Preservation and Protection Plan shall remain in place for the duration of construction activities. Following Tree Preservation Measure may include:</p>	<p>Project Applicant with a Construction Contractor</p>	<p>City of Morgan Hill Development Services Department</p>	<p>Noted on Improvement Plans prior to the issuance of a grading permit.</p>

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
<ul style="list-style-type: none"> • Locate structures, grade changes, etc. as far as feasible from the dripline area of the tree. • Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the dripline area of trees. Where root damage cannot be avoided, roots encountered (over one inch diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain. • Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree. • Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area. • Avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction. • Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more 			

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<p>than six pounds of actual nitrogen per 1,000 square feet of accessible drip line area or beyond.</p> <ul style="list-style-type: none"> • Mulch rooting area with an acidic, organic compost or mulch. • Arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate. • Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines. 	Project Applicant with a Civil and Structural Engineer	<p>City of Morgan Hill Development Services Department</p> <p>City Engineer</p> <p>Chief Building Official</p> <p>Qualified Geotechnical Engineer</p>	Prior to the issuance of grading and building permits.
<p>HAZ-1 (IX-1): Prior to issuance of a demolition permit for any structure at the site, the project applicant shall provide the City of Morgan Hill Development Services Department a detailed assessment pertaining to the potential presence of lead-based paint-containing materials in existing all structures that may be scheduled for demolition. If structures do not contain lead-based paint, further mitigation is not required; however, if lead-based paint is found, Mitigation Measure IX-2 shall be implemented.</p>	Project Applicant	City of Morgan Hill Development Services Department	Prior to the issuance of a demolition permit.

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<p>HAZ-2 (IX-2): Prior to issuance of a demolition permit by the City for the existing structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Building Official. Proof of removal shall be submitted to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.</p>	<p>Project Applicant with a Licensed and Certified Lead Paint Removal Contractor</p>	<p>City of Morgan Hill Development Services Department City Building Official</p>	<p>Prior to the issuance of a demolition permit.</p>
<p>HAZ-3 (IX-3): Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed and discrete shallow samples shall be collected at points currently under building foundations. The samples shall be tested for chlordane and/or DDT isomers to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Development Services Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the City of Morgan Hill</p>	<p>Project Applicant</p>	<p>City of Morgan Hill Development Services Department SCCDEH</p>	<p>Following demolition and prior to the issuance of a grading permit.</p>

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<p>Development Services Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Morgan Hill Development Services Department, such soils may generally be placed under interior roads, parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.</p>	Project Applicant	City of Morgan Hill Development Services Department	Prior to issuance of a grading permit.
<p>TRA-1 (XVII-1): Prior to issuance of grading permit, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:</p> <ul style="list-style-type: none"> • A project staging plan to maximize on-site storage of materials and equipment; • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes; • Provisions for maintaining adequate emergency access to the project site; • Permitted construction hours; • Designated locations for construction staging areas; • Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and • Provisions for street sweeping to remove construction-related debris on public streets. 	Project Applicant	City of Morgan Hill Development Services Department	Prior to issuance of a grading permit.
During Construction			
<p>NOI-1 (XIII-1): Noise-generating construction activities associated with the proposed project shall not occur within the hours identified in Municipal Code</p>	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Prior to approval of improvement plans and during construction activities.

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Section 8.28.040(D). The above language shall be included on final project improvement plans prior to approval by the City of Morgan Hill Development Services Department.			
<p>NOI-2 (XIII-2): To the maximum extent practical, the following measures should be implemented during project construction:</p> <ul style="list-style-type: none"> • All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition; • All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction; • Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible; • Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors; • Project area and site access road speed limits shall be established and enforced during the construction period; and • Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels. 	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Included on grading plans and during construction activities.

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.			
¹ The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.			

BIOLOGICAL RESOURCES

The project's construction-related activities, including demolition and grading, could have potentially significant effects on special-status bird and bat species, as well as other migratory bird species protected by the MBTA. Furthermore, the project would require appropriate protection measures during construction for trees identified for preservation as well as replacement trees in accordance with the City's Tree Protection Ordinance. Implementation of the following measures would reduce the potentially significant effects to less-than-significant levels.

- MM BIO-1:** To the maximum extent practicable, the removal of trees and shrubs and demolition of buildings shall occur during the non-breeding season (September 1 through January 31). If tree removal or building demolition cannot be avoided during the breeding season (February 1 through August 31), pre-construction surveys shall be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds less than 14 days prior to the onset of such construction-related disturbances. The pre-construction survey shall include all trees, large shrubs, buildings, or other areas of potential nesting habitat within the project footprint and, where possible, within 250 feet of the footprint. If active nests are deemed absent from the area, then further mitigation measures are not required, and ground disturbance or construction could occur within 14 days following the survey. Pre-construction surveys and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of grading permit or issuance of building permit.
- MM BIO-2:** If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer of up to 500 feet shall be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.
- MM BIO-3:** Pre-construction surveys are required to ascertain whether burrowing owls occupy burrows on or adjacent to the site. A minimum of two surveys are required, with the first survey to occur up to 14 days prior to initial construction activities (e.g., vegetation removal, grading, or excavation) and the second survey to occur within two days prior to initial construction activities. If burrowing owls or evidence of burrowing owls are not observed during pre-construction surveys, construction

may proceed. If burrowing owls or their recent sign are observed during the surveys, occupied burrows shall be identified by the monitoring biologist and appropriate construction-free buffers, as described below, shall be established:

- A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites, as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15). For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City of Morgan Hill Development Services Department and Wildlife Agencies prior to such encroachment.
- Should a burrowing owl be overwintering or nesting on-site in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:
 - A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction);
 - The same qualified biologist monitors the owl during construction and does not find a change in owl foraging behavior in response to construction activities;
 - If a change in owl nesting and foraging behavior occur because of construction activities, the construction activities shall cease within the 250-foot buffer; and
 - If the owls are gone for at least one week, the project proponent may request approval from the City of Morgan Hill Development Services Department that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed, and construction may continue.

MM BIO-4: The SCVHP prohibits the passive relocation or exclusion of burrowing owls until a positive regional growth trend is achieved, as defined in Section 5.4.6 of the SCVHP; however, a project may qualify for an exception to this prohibition. Permission to engage in passive relocation during the non-breeding season shall be requested through the standard application process (Section 6.8 of the SCVHP). Application for an exception would require additional information, including a relocation plan and documentation by a qualified biologist that owls have occupied the site for the full year without vacating the site for 10 or more consecutive days. The application would need to be submitted to the City of Morgan Hill Development Services Department, and the Wildlife Agencies would then evaluate

the application and decide if an exception should be granted. If passive relocation is approved, additional measures may be required by the City of Morgan Hill Development Services Department.

- MM BIO-5:** A habitat assessment shall be conducted prior to demolition by a qualified biologist to identify buildings on-site that could be suitable for roosting bats. If the habitat assessment does not find suitable roosting habitat, further mitigation is not required. If the habitat assessment finds that suitable roosting habitat is present, a bat survey shall be conducted by a qualified bat biologist within 30 days of building demolition to determine if bats are roosting or breeding in the buildings. Additionally, an emergency survey may be required for areas that cannot be surveyed directly. The surveys shall be conducted during times of the year when bats are active (March 1 through August 15). The habitat assessment, surveys, and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of a demolition permit.
- MM BIO-6:** If a maternity colony is found on the site, then a construction-free buffer up to 100 feet shall be established around the colony by a qualified biologist. The size of the buffer shall be determined by the biologist depending on factors such as the type of construction-related activity to occur and its proximity to the maternity colony. The buffer shall remain in place until the biologist determines that the nursery is not active.
- MM BIO-7:** If a bat colony is found on the site during the overwintering season (i.e., October 15 through March 1), demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent.
- MM BIO-8:** If a non-breeding bat colony is found in buildings to be demolished, the individuals shall be humanely evicted by way of a two-step, partial dismantlement of the buildings prior to demolition. The eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that harm or take would not occur to any bats as a result of demolition activities.
- MM BIO-9:** The removal of Ordinance Sized Trees shall be avoided and preserved to the maximum extent feasible, as determined by the City of Morgan Hill Development Services Director. If Ordinance Sized Trees cannot be avoided during construction, the project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, by providing an on-site replacement planting program at a minimum 1:1 ratio with 24-inch box sized trees. The City shall condition the project to replace the oaks at a 2:1 ratio. Replacement shall be overseen and verified by a qualified arborist and the City of Morgan Hill. The detailed replacement program shall be submitted to the City of Morgan Hill Development Services Director for approval prior to issuance of a grading permit.
- MM BIO-10:** For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall include a Tree Preservation Plan, which shall be noted on Improvement Plans, subject to review and approval by the City of Morgan Hill Development Services Department prior to issuance of a grading permit. The measures identified within the Tree Preservation and Protection Plan shall remain

in place for the duration of construction activities. Following Tree Preservation Measure may include:

- Locate structures, grade changes, etc. as far as feasible from the dripline area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the dripline area of trees. Where root damage cannot be avoided, roots encountered (over one inch diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.
- Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree.
- Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.
- Avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.
- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible drip line area or beyond.
- Mulch rooting area with an acidic, organic compost or mulch.
- Arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.
- Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines.

GEOLOGY AND SOILS

Inclusion of project-specific recommendations regarding moderately low expansive soil conditions included in the Geotechnical Study prepared for the proposed project would be necessary to ensure that substantial impacts related to geology and soils do not occur. Implementation of the following measure would reduce the potentially significant impact to a less-than-significant level.

MM GEO-1: All grading and foundation plans for the development shall be designed by a civil and structural engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified geotechnical engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations

specified in the geotechnical report prepared for the proposed project by Geo-Logic Associates are properly incorporated and used in the project design.

HAZARDS AND HAZARDOUS MATERIALS

Demolition of the existing on-site structures could result in the release of Lead Based Paints (LBPs). In addition, the previous use of pesticides at the project site may have resulted in soil contamination beneath existing structures. As such, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials in the environment. Implementation of the following measures would reduce such potentially significant impacts to a less-than-significant level.

- MM HAZ-1:** Prior to issuance of a demolition permit for any structure at the site, the project applicant shall provide the City of Morgan Hill Development Services Department a detailed assessment pertaining to the potential presence of lead-based paint-containing materials in existing all structures that may be scheduled for demolition. If structures do not contain lead-based paint, further mitigation is not required; however, if lead-based paint is found, Mitigation Measure IX-2 shall be implemented.
- MM HAZ-2:** Prior to issuance of a demolition permit by the City for the existing structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Building Official. Proof of removal shall be submitted to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.
- MM HAZ-3:** Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed and discrete shallow samples shall be collected at points currently under building foundations. The samples shall be tested for chlordane and/or DDT isomers to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Development Services Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the City of Morgan Hill Development Services Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Morgan Hill Development Services Department, such soils may generally be placed under interior roads,

parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.

NOISE

The proposed project would result in a temporary increase in ambient noise levels in the project vicinity during construction. Implementation of the following measures would reduce such potentially significant impacts to less-than-significant levels.

MM NOI-1: Noise-generating construction activities associated with the proposed project and intersection improvements shall not occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to issuance of a grading permit by the City of Morgan Hill Development Services Department.

MM NOI-2: To the maximum extent practical, the following measures should be implemented during project construction:

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

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

TRANSPORTATION

Construction traffic associated with the proposed project and off-site improvements would include heavy-duty vehicles that would share the area roadways with normal vehicle traffic, creating potential conflicts with other roadway users. Potential conflicts could temporarily disrupt daily traffic flows on area roadways, including emergency response vehicles. Implementation of the following measure would reduce the potentially significant impact to a less-than-significant level.

MM TRA-1: Prior to issuance of grading permit, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:

- A project staging plan to maximize on-site storage of materials and equipment;
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;
- Provisions for maintaining adequate emergency access to the project site;
- Permitted construction hours;
- Designated locations for construction staging areas;
- Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and
- Provisions for street sweeping to remove construction-related debris on public streets.

FINDING

The City of Morgan Hill Development Services Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the MND are included in the project.



Jennifer Carman
Development Services Director

Date: 8/24/2021