



PLANNING DIVISION

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MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: February 18, 2022

Application #s: SR2020-0027/EA2020-0020

APN: 726-36-059

Project Title: Manzanita Park Project

Project Location: East of the Monterey Road/Tilton Avenue Intersection
Morgan Hill, CA 95037

Project Proponent: North Corridor Investors LLC
385 Woodview Avenue, Suite 100
Morgan Hill, CA 95037

Project Description: The proposed project consists of a residential condominium development, comprised of 67 units spread across 12, three-story buildings. The project's 12 buildings would be arranged in four-plex, five-plex, and six-plex configurations. In addition, the project would include improvements to both Monterey Road and Tilton Avenue, on-site parking, associated utilities improvements, landscaping, and open space areas. The project requires City approval of a Vesting Tentative Map.

The proposed project would require the following City approvals:

- Vesting Tentative Map; and
- Design Review.

II. DETERMINATION

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

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

III. MITIGATION AND AVOIDANCE MEASURES

A. Biological Resources

IV-1(a). If construction activities associated with the proposed project are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than three days prior to the initiation of work, and shall encompass the project site as well as visual inspection of trees within 500 feet of the site to identify active nests. If nesting or breeding activity is not observed, further action is not required and work may proceed without restrictions. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction.

If construction activities are to be conducted outside of the breeding season (i.e., September 1 through January 31), preconstruction surveys for nesting migratory birds are not necessary.

IV-1(b). If any active nests are located within the study area, an appropriate buffer zone shall be established around the nests, as determined by the project biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or the young have successfully fledged. Buffer zones are typically 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 study area, 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. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

B. Geology and Soils

VII-1 Prior to approval of any grading and building permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Investigation prepared for the proposed project by Quantum Geotechnical, Inc. The project plans shall include, but not be limited to, engineering recommendations related to utility trenches, as well as grading, surface and subsurface drainage, bio-filtration facilities, foundations, miscellaneous concrete flatwork, retaining walls, pavement areas, and project review and construction monitoring. Proof of compliance with all recommendations specified in the Geotechnical Investigation shall be subject to review and approval by the City Engineer, Chief Building Official, and a qualified geotechnical engineer.

C. Noise

XIII-1 During project construction, the project contractor shall ensure that to the maximum extent feasible, the following measures are incorporated into the project construction operations:

- *Noise-generating construction activities shall be limited to the hours identified in Municipal Code Section 8.28.040(D).*
- *The project shall utilize temporary construction noise control measures including the use of temporary noise barriers, or other appropriate measures as mitigation for noise generated during construction of projects.*
- *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 activity.*
- *Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.*
- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.*
- *Project area and site access road speed limits shall be established and enforced during the construction period.*
- *Nearby 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 aforementioned criteria shall be included in the project improvement plans submitted by the applicant/developer for review and approval to the City of Morgan Hill Development Services Department, prior to issuance of grading permits. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis as determined by the City Engineer.

D. Transportation

XVII-1 Prior to initiation of construction activities, the project applicant shall prepare a Construction Traffic Control Plan for review and approval by the City of Morgan Hill Department of Engineering and Utilities. The plan shall include the following:

- *A project staging plan to maximize on-site storage of construction 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.*

A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies, and the agencies shall be notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways.

III. FINDING

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



Jennifer Carran, Development Services Director

2/18/22

Date