

City of Morgan Hill
Development Services Department



Manzanita Park
Initial Study/Mitigated Negative Declaration

February 2022

Prepared by



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INITIAL STUDY

FEBRUARY 2022

A. BACKGROUND

1. Project Title:	Manzanita Park
2. Lead Agency Name and Address:	City of Morgan Hill Development Services Department Morgan Hill, CA 17575 Peak Avenue Morgan Hill, CA 95037
3. Lead Agency Contact and Phone Number:	Gina Paolini Principal Planner (408) 310-4676
4. Project Location:	East of the Monterey Road/Tilton Avenue Intersection Morgan Hill, CA 95037 APN 725-01-018
5. Project Applicant:	North Corridor Investors LLC 385 Woodview Avenue, Suite 100 Morgan Hill, CA 95037
6. Existing General Plan Designation:	Mixed Use Flex
7. Existing Zoning:	Mixed Use Flex (MU-F)
8. Required Approvals from Other Agencies:	None
9. Project Location and Setting:	

The project site consists of approximately 5.83 acres located east of the Monterey Road/Tilton Avenue intersection in the City of Morgan Hill, California. The site is identified by Assessor's Parcel Number (APN) 725-01-018. The City's General Plan land use designation for the site is Mixed Use Flex, and the zoning district is Mixed Use Flex (MU-F). The project site is currently undeveloped, consisting primarily of previously disturbed grassland. Trees are not located on-site.

10. Project Description Summary:

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.

11. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1), representatives from the City and the Tamien Nation met on October 11, 2021. The Tamien Nation requested that the City's standard conditions of approval be imposed upon the proposed project. Compliance with the City's standard conditions are discussed in Section V, Cultural Resources, of this Initial Study/Mitigated Negative Declaration (IS/MND).

B. SOURCES

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

1. Akel Engineering Group, Inc. *Manzanita Park Two-Dimensional (Grid Size: 5 ft by 5 ft) Hydraulic Analysis Memorandum*. December 17, 2021.
2. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
3. Bay Area Air Quality Management District. *California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance*. May 2017.
4. Bolland Acoustical Consultants, Inc. *Environmental Noise & Vibration Assessment: Manzanita Park Subdivision, Morgan Hill, California*. June 10, 2021.
5. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. November 2017.
6. California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/dlfp/ciff/>. Accessed April 2021.
7. California Department of Conservation. *CGS Information Warehouse: Regulatory Maps*. Available at: https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatory_maps. Accessed April 2021.
8. California Department of Conservation. *Landslide Inventory Map of the Morgan Hill Quadrangle, Santa Clara County, California*. Available at: https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatory_maps. Accessed April 2021.
9. California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Census Benchmark*. Available at: <https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed April 2021.
10. California Department of Forestry and Fire Protection. *Morgan Hill: Very High Fire Hazard Severity Zones in LRA*. Available at: https://osfm.fire.ca.gov/media/5934/morgan_hill.pdf. Accessed December 2021.
11. California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Available at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/27-AA-0005/Detail/>. Accessed April 2021.
12. California Historical Resources Information System: Northwest Information Center. *Re: Record search results for the proposed Manzanita Park Project*. October 4, 2021.
13. City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. February 6, 2019.
14. City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.
15. City of Morgan Hill. *Emergency Operations Plan*. January 11, 2018.

16. City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report*. Adopted July 2016.
17. City of Morgan Hill. *2015 Urban Water Management Plan*. August 2016.
18. City of Morgan Hill. *2018 Storm Drainage System Master Plan*. September 2018.
19. City of Morgan Hill. *2035 General Plan, City of Morgan Hill*. Adopted July 2016.
20. Dwight Good, Assistant Chief Cooperative Fire Protection, Morgan Hill Fire Department. Personal communication [phone] with Nick Pappani, Vice President, Raney Planning and Management, Inc. June 1, 2021.
21. Federal Emergency Management Agency. *FEMA Flood Map Service Center Flood Map 06085C0443H*. Available at: <https://www.fema.gov/flood-maps>. Accessed December 2021.
22. Flores, Areana, Bay Area Air Quality Management District. Personal communication [phone], Jacob Byrne, Senior Associate/Air Quality Technician, Raney Planning & Management. September 17, 2019.
23. Geologica Inc. *Phase I Environmental Site Assessment, Vacant Parcel, APN 725-01-018, Morgan Hill, California 95037*. November 9, 2017.
24. Hexagon Transportation Consultants, Inc. *Trip Generation and Operations Analysis for the Proposed Manzanita Residential Development in Morgan Hill, California*. May 4, 2021.
25. Hexagon Transportation Consultants, Inc. *VMT Assessment for the Proposed Manzanita Park Residential Development in Morgan Hill, California*. May 14, 2021.
26. Native American Heritage Commission. *Re: Manzanita Park Project, Santa Clara County*. November 2, 2021.
27. Quantum Geotechnical, Inc. *Geotechnical Investigation On Proposed Residential Development At Monterey Road, Morgan Hill, California*. January 8, 2018.
28. Salinas Valley Solid Waste Authority. *2019-20 Annual Report*. Available at: <https://svswa.org/svswauploads/2019-20-Annual-Report-Final.pdf>. Accessed April 2021.
29. Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport*. Amended November 16, 2016.
30. Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser*. Available at: <http://www.hcpmaps.com/habitat/>. Accessed April 2021.
31. Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan*. October 2015.
32. Santa Clara Valley Water District. *C1: Anderson Dam Seismic Retrofit**. Available at: <https://www.valleywater.org/anderson-dam-project>. Accessed December 2021.
33. Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2016.
34. South Coast Air Quality Management District. *2008. Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*. Available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachment.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachment.pdf). Accessed April 2021.
35. U.S. Census Bureau. *QuickFacts Morgan Hill, California*. Available at: <https://www.census.gov/quickfacts/morganhillcitycalifornia>. Accessed April 2021.
36. U.S. Environmental Protection Agency. *Chemicals Used on Land*. Available at: <https://www.epa.gov/report-environment/chemicals-used-land>. Accessed April 2021.
37. Weather Spark. *Climate and Average Weather Year Round in Morgan Hill*. Available at: <https://weatherspark.com/y/1089/Average-Weather-in-Morgan-Hill-California-United-States-Year-Round#:~:text=The%20predominant%20average%20hourly%20wind,of%2095%25%20on%20August%201..> Accessed January 19, 2022.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forest Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and Hazardous Materials
<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources
<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities and Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

D. DETERMINATION

On the basis of this initial study:

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

Gina Paolini

Signature

Gina Paolini, Principal Planner
Printed Name

February 18, 2022

Date

City of Morgan Hill
For

E. BACKGROUND AND INTRODUCTION

The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the project, as required by CEQA. The mitigation measures would be incorporated into the project through project Conditions of Approval. The City would adopt findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with approval of the project.

In July 2016, the City of Morgan Hill adopted the 2035 General Plan,¹ as well as an associated Environmental Impact Report (EIR) for the updated General Plan.² The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR], Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan. The City of Morgan Hill 2035 General Plan designates the project site as Mixed Use Flex, which is primarily applied to properties along the Monterey Road corridor north and south of downtown and allows for a mix of residential, commercial, and office uses. The proposed project would be consistent with the site's General Plan land use designation.

Pursuant to Section 15152 of the CEQA Guidelines, a project which is consistent with the General Plan and zoning of the City may tier from the analysis contained in the General Plan EIR, incorporating by reference the general discussions from the broader EIR. Given that the proposed project would be consistent with the site's current General Plan land use designation, the environmental analysis contained in this IS/MND tiers, where applicable, from the General Plan EIR, in accordance with CEQA Guidelines Section 15152.

F. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and the discretionary actions required for the project.

Project Location and Setting

The project site consists of approximately 5.83 acres located east of the Monterey Road/Tilton Avenue intersection (see Figure 1 and Figure 2). The site is identified by APN 725-01-018. The City's General Plan land use designation for the site is Mixed Use Flex, and the zoning district is MU-F. The project site is currently undeveloped, consisting primarily of previously disturbed grassland. Trees are not located on-site. The project site is surrounded by undeveloped agricultural land within the City of San Jose to the north; undeveloped land within Santa Clara County to the east; an RV/boat storage yard and a single-family residence to the south; and Monterey Road and the Union Pacific Railroad (UPRR) tracks to the west. Additionally, existing single-family residences are located to the south, and condominiums and Central High School are to the west, across Monterey Road.

Project Components

The proposed project consists of a residential condominium development, including 67 units spread across 12, three-story buildings (see Figure 3). The proposed project's 12 buildings are arranged in four-plex, five-plex, and six-plex configurations.

¹ City of Morgan Hill. 2035 General Plan, City of Morgan Hill. Adopted July 2016.

² City of Morgan Hill. Morgan Hill 2035 Final Environmental Impact Report. Adopted July 2016.

Figure 1
Regional Vicinity Map

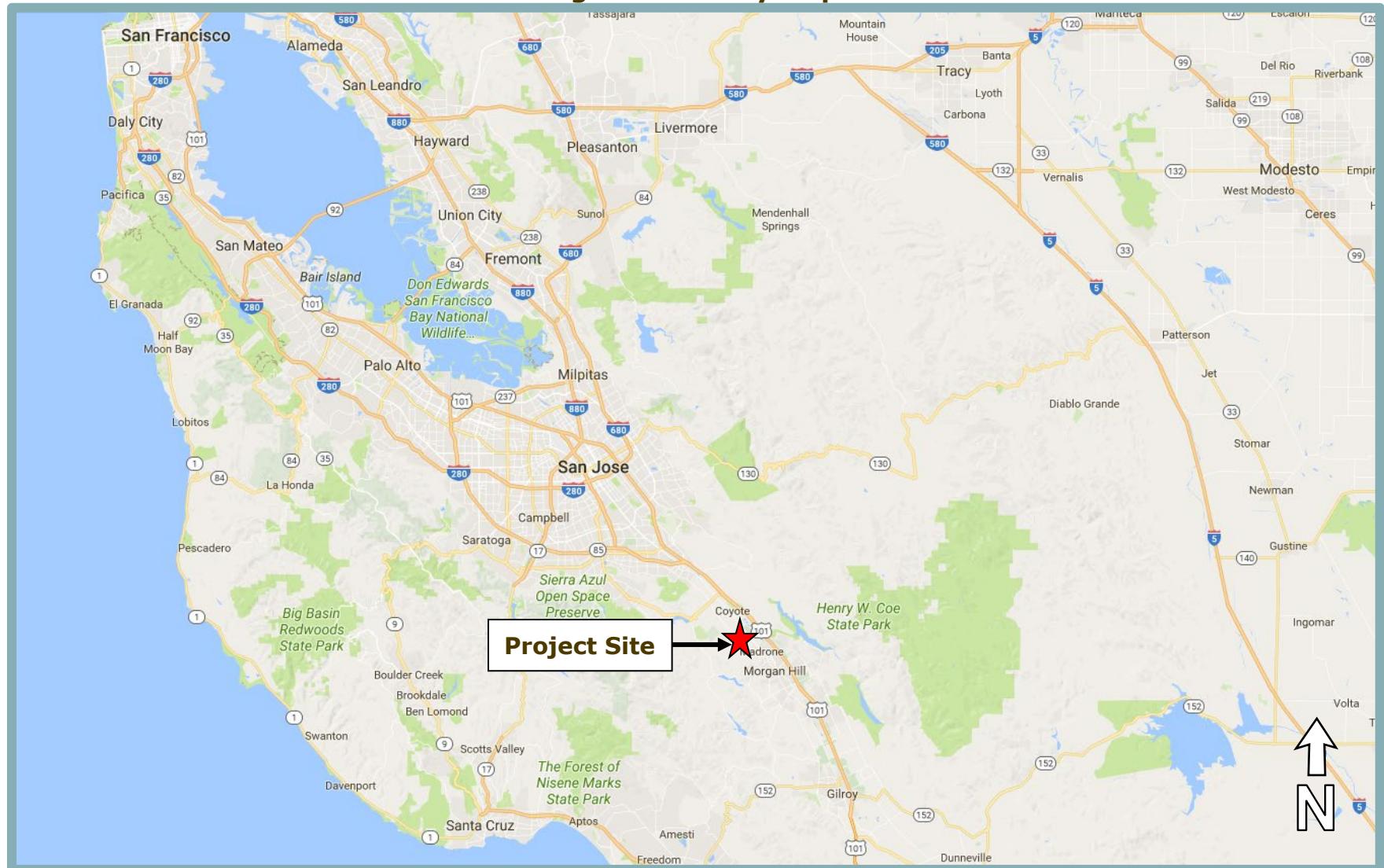
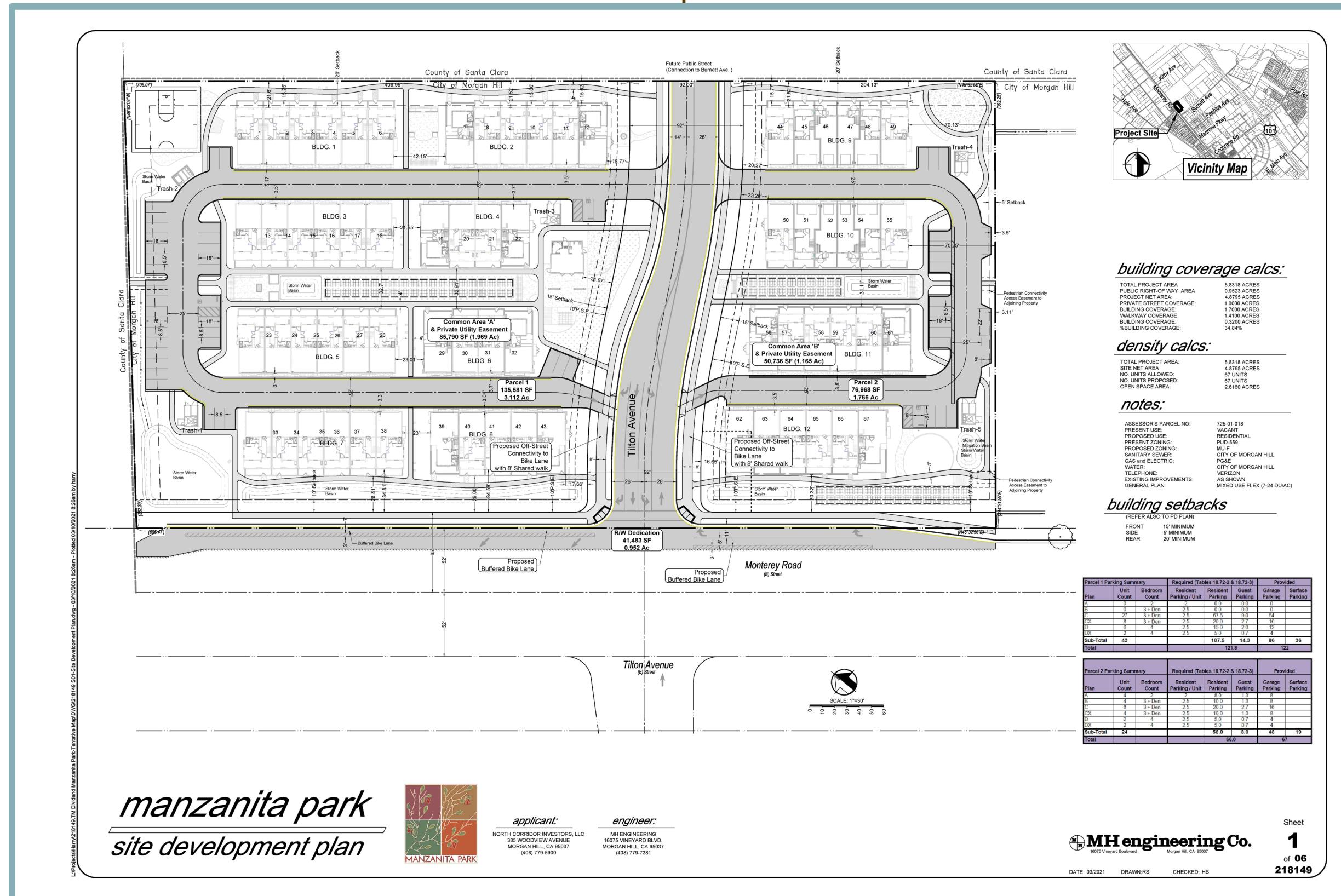


Figure 2
Project Location Map



Figure 3
Site Development Plan



Buildings One through Eight are located on the project site's northwestern parcel, to the northwest of the proposed extension of Tilton Avenue within the project site. Buildings Nine through 12 are located to the southeast of the extension of Tilton Avenue. A total of six different unit layouts are proposed, with configurations of each unit presented in Table 1. Units C, CX, D, and DX would allow residents the option of using the units' den space as a fourth bedroom. It should be noted that Units CX and DX would be substantially similar to their respective base plans, with only minor differences related to entryways, or for six-plex end units, inclusion of wall projections to break up the massing of building facades. With the exception of Unit A, each unit would offer an entry porch. Additionally, each unit offers a balcony, ranging from 73 square feet to 99 square feet, and a two-vehicle garage, ranging from 476 square feet to 560 square feet. The four-plex and five-plex buildings would be comprised of C and D unit configurations, and the six-plex buildings would be comprised of Units A, B, C, and CX.

Table 1
Unit Architectural Summary

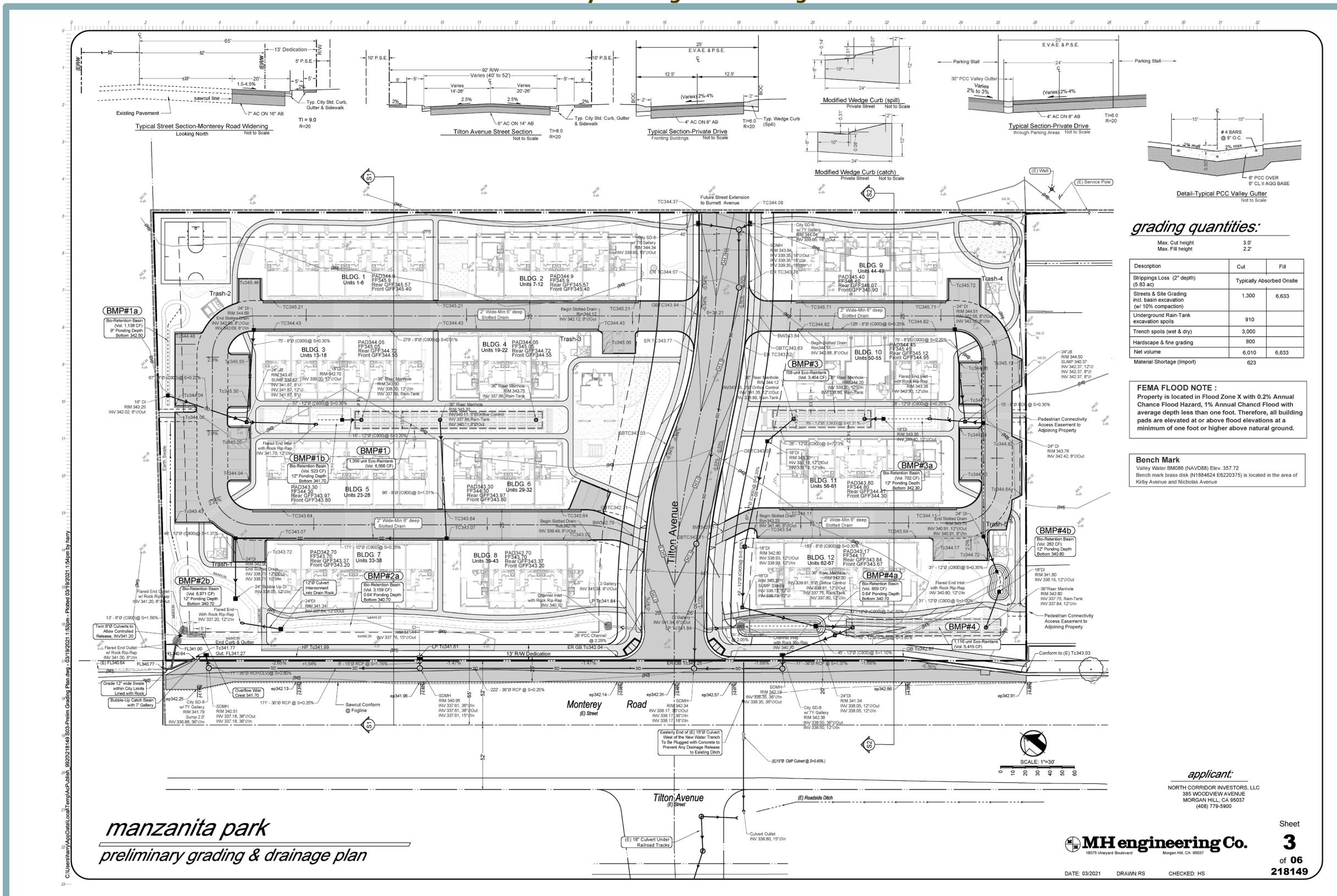
Unit	Beds	Fourth Bedroom Option	Unit Count	Courtyard (sf)	Entry Porch (sf)	Deck (sf)	Garage (sf)	Living Area (sf)
A	2	No	4	167	0	80	531	1,363
B	3+Den	No	4	124	94	85	560	1,843
C	3+Den	Yes	35	125	159	84	476	1,999
CX	3+Den	Yes	12	130	168	99	476	2,052
D	3+Den	Yes	8	222	70	73	514	2,036
DX	3+Den	Yes	4	222	24	73	485	2,112

Each of the buildings would be designed at a maximum height of approximately 38 feet. Of the 12 buildings, nine would be designed in a six-plex configuration, two would be four-plexes, and one would be a five-plex. Other on-site features would include a clubhouse with a kitchen, a cabana, two picnic areas, a basketball court, passive water features, passive recreation areas and/or gardens, park benches, and five trash enclosures. Fifteen percent of the units (10) would be deed restricted Below Market Rate (BMR) units deed restricted for moderate income households.

Parking, Access, and Circulation

The proposed project would include improvements to both Monterey Road, which abuts the southwestern perimeter of the project site, as well as Tilton Avenue, which currently intersects with Monterey Road but would be extended to bisect the project site (see Figure 4). Starting at the southernmost corner of the project site, the frontage of Monterey Road would be widened by approximately 20 feet on the northeasterly side of the roadway, with a new curb, gutter, and detached five-foot sidewalk installed along the edge. Within the widened portion of the road, a buffered bicycle lane would be installed along the majority of the project site's frontage. South of Tilton Avenue, the bicycle lane would be six feet wide, and north of Tilton Avenue, the bicycle lane would be seven feet wide. The improvements to Monterey Road would require the relocation and undergrounding of utility lines currently located along the roadway's frontage. As part of the proposed project, an additional 13 feet of new right-of-way (ROW) would be dedicated to the City.

Figure 4
Preliminary Grading and Drainage Plan



The extension of Tilton Avenue would serve as the fourth leg of the existing intersection of Monterey Road/Tilton Avenue. From the intersection, Tilton Avenue would be extended into the project site and be stubbed at the northeastern boundary for future connection to Burnett Avenue. The width of the extended portion of the road would range between 40 feet and 52 feet, with the widest portion of the extension at the project site's entrance. The roadway cross-section includes one travel lane in each direction, curb, gutter, and detached sidewalks. The majority of sidewalk would be five feet wide, but would expand to eight feet in width near the intersection of Monterey Road/Tilton Avenue. In total, the ROW for the extended portion of Tilton Avenue would measure 92 feet. The ROW for the Tilton Avenue extension would be dedicated to the City.

In addition to Tilton Avenue, internal access through the project site would be provided by way of a circular private driveway, which would be bisected by the Tilton Avenue extension. Including wedge curbs, which would be included along portions of the private drive, the street would span 25 feet in width in most areas; however, the width of the driveway would be smaller at the southern intersection with Tilton Avenue. The project site would include 55 surface parking spaces, 134 garage spaces, as well as 15 bicycle racks. Two electric vehicle (EV) charging stations would also be included.

Utilities

Water and sewer service would be provided by the City through connections to the existing eight-inch water and sewer mains in Monterey Road, which are stubbed at the southwest corner of the property (see Figure 5). From the point of connection, the eight-inch water and sewer lines would be extended along the project's entire Monterey Road frontage. At the intersection of Monterey Road and Tilton Avenue, the eight-inch lines would be extended north into the project site along the extension of Tilton Avenue, where the lines would connect to six-inch private water and sewer lines in the site's private driveway. The six-inch lines would then connect to each of the proposed buildings.

The project site would include on-site stormwater facilities to provide water quality treatment and peak management at pre-project levels for both on-site and off-site runoff. The site's stormwater facilities would be dispersed across four drainage management areas (DMAs), each comprised of aggregated Best Management Practices (BMPs) (see Figure 6). In general, each DMA would include a series of bio-retention basins that would provide initial stormwater treatment prior to being routed to underground rain tanks for additional treatment and retention. For the area north of Tilton Avenue, runoff would be detained, as necessary, in the underground rain-tank before being metered to a bio-retention basin at the western corner of the project site (BMP-2b), where the stormwater would then be discharged to the existing ditch along the northern side of Monterey Road.

As previously discussed, the stormwater runoff on the portion of the project site south of Tilton Avenue would be generally treated and detained by a series of bio-retention basins and rain tanks. Treated runoff would eventually be metered to a proposed 36-inch storm drain line in Monterey Road. The 36-inch storm drain pipe would release treated stormwater flows into the existing ditch along the northern side of Monterey Road. In addition, the extended portion of Tilton Avenue would include an 18-inch storm drain, which would collect runoff from inlets and discharge the stormwater to the storm drain within Monterey Road, where it would then be released in the existing ditch. As discussed previously, existing aboveground utility lines are located along Monterey Road along the southwest boundary of the project site, and would require relocation and undergrounding as part of the widening of Monterey Road.

Figure 5
Preliminary Utility Plan

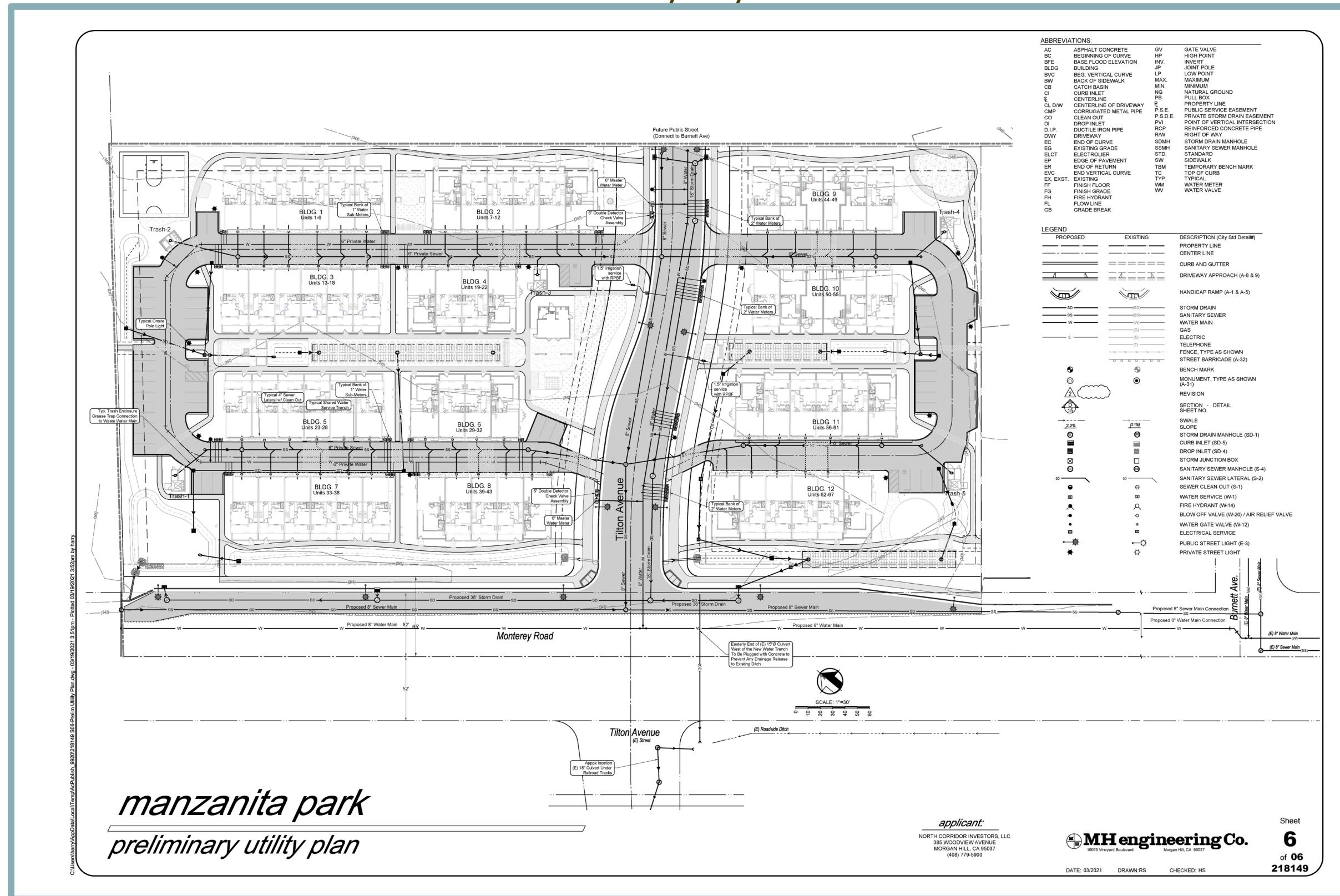
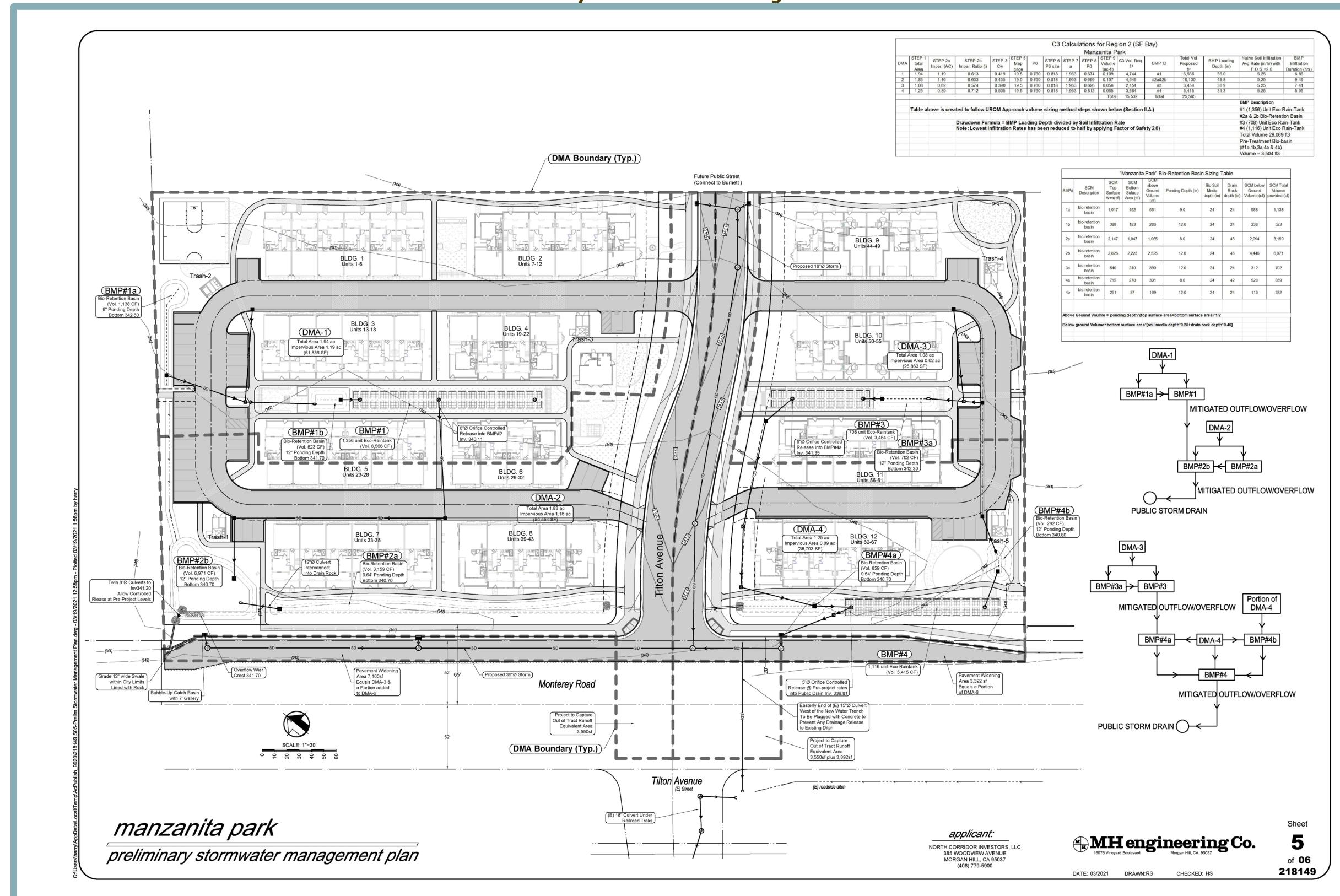


Figure 6
Preliminary Stormwater Management Plan



Open Space and Landscaping

As shown in Figure 7, landscaping would be provided throughout the project site and include new trees, shrubs, grasses, vines, and ground cover along the boundaries of the project site, as well as in areas adjacent to the proposed project's buildings. Plant selection would be in accordance with Section 18.64.060 (General landscape requirement) of the Municipal Code, which requires that a minimum of 90 percent of plants and trees be drought-tolerant, with the City preferring native plants adapted to the local climate.

All of the units (100 percent) meet the multi-family residential requirement of 48 square feet per unit of Private Open Space. Private Open Space area in porches and decks per unit ranges from 87 to 280 square feet. The Common Open Space provided exceeds the requirement of 15 percent of the site (18 percent for Parcel One and 19 percent for Parcel Two). General Plan Policy NRE-4.9 requires new urban development adjacent to an existing agricultural operation to create an appropriate buffer area on land within the proposed development. The adjacent property is owned by the City of San Jose (APN 725-01-023). The City of San Jose has confirmed that the use of the property has not generated annual revenue from sales of agricultural commodities in 3 of the last 5 years. The City of San Jose views the site as an opportunity for some form of future recreation or community garden use, but there are no comprehensive plans in place. Therefore, a 100-foot agricultural buffer is not required.

Vesting Tentative Map and Design Review

The proposed project includes a Vesting Tentative Map to subdivide the project site into two parcels (see Figure 8). Parcel One would be north of the Tilton Avenue extension and would have an area of approximately 3.1 acres. Parcel Two would be south of the Tilton Avenue extension with an area of approximately 1.8 acres.

The proposed project would also require the City's approval of a Design Review Permit. The purpose of Design Review is to allow the City to review all development, signs, buildings, structures, and other facilities in order to further enhance the City's appearance, as well as the livability and usefulness of the proposed project.

Requested/Required Entitlements

The proposed project would require the City's approval of the following entitlements:

- Vesting Tentative Map; and
- Design Review.

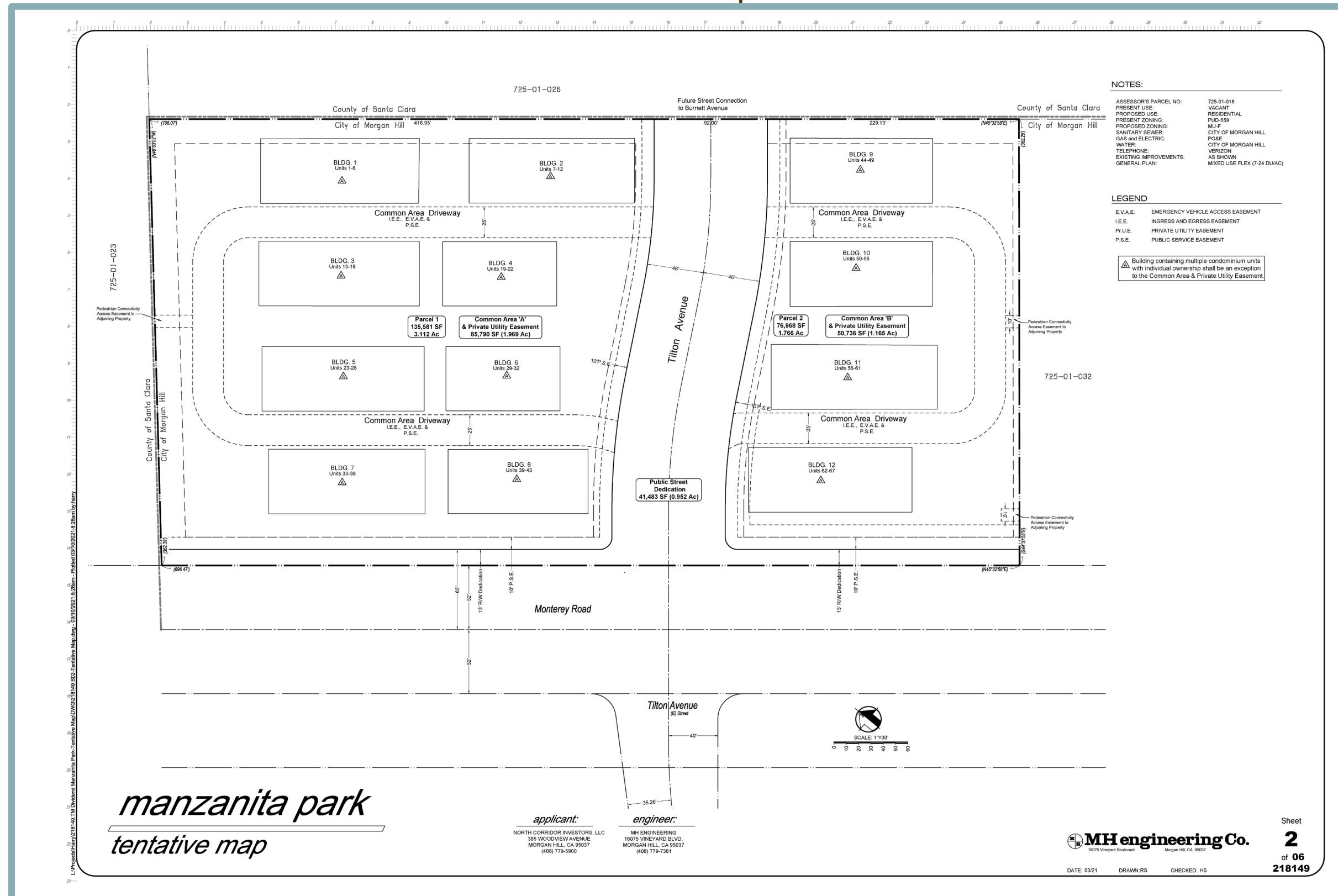
The project site is located in the MU-F zoning district within Block One of the Monterey Road Corridor for which a Block-Level Master Plan (BLMP) is required for all projects wanting to develop within the block. The City Council adopted Ordinance No. 2297 N.S. on February 6, 2019, establishing a BLMP for Monterey Corridor Block One, requiring that pursuant to the requirements of Zoning Code Section 18.30.050 (PD Combing District) a Zoning Amendment to establish a PD Master Plan would be required as a subsequent approval for all projects wanting to develop within the block.

California Senate Bill 330 (SB 330) established the "Housing Crisis Act of 2019", effective January 1, 2020, making changes to the local approval process until January 1, 2025. The project, as proposed, is consistent with the General Plan and meets the base zoning standards. Therefore, although a PD master plan for the site is required by the Ordinance No. 2297, NS (Block-Level Master Plan for Monterey Road Corridor Block One), SB 330 supersedes this requirement.

Figure 7 Architectural Site Plan



Figure 8
Tentative Map



G. ENVIRONMENTAL CHECKLIST:

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended, as appropriate, as part of the proposed project.

For this checklist, the following designations are used:

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

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

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

No Impact: The project would not have any impact.

I. AESTHETICS. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

a. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing or sighting. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista.

The Morgan Hill General Plan does not designate official scenic view corridors or vistas. However, according to the General Plan, the hillsides that surround the City to the east and west are considered scenic. The project site is surrounded by existing development to the south and west and undeveloped agricultural land outside of the City limits to the north and east. The project site is not located on a hillside or in the vicinity of a hillside. Distant views of the hills to the east of the City are visible to motorists, bicyclists, and pedestrians travelling along Monterey Road; however, development of the proposed project would not affect the hillsides in the surrounding environs.

The General Plan EIR assessed the potential for development facilitated by buildout of the General Plan to result in substantial adverse effects on a scenic vista under Impact AES-1. As concluded therein, compliance with applicable goals, policies, and actions set forth by the General Plan and regulations set forth in the Morgan Hill Municipal Code would reduce impacts related to scenic vistas to less than significant. Such policies include Policy NRE-2.3, which requires that the scenic hillsides around the City be preserved in an undeveloped state, wherever feasible. Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the site with the proposed uses was generally evaluated in the General Plan EIR. The proposed project would comply with all applicable policies and regulations set forth by the General Plan and Municipal Code, respectively. Thus, the project would not result in impacts beyond those identified in the General Plan EIR.

Based on the above, the proposed project would not have a substantial adverse effect on a scenic vista, and a ***less-than-significant*** impact would occur.

b. According to the California Department of Transportation (Caltrans) map of Santa Clara County prepared for the Scenic Highway Mapping System, officially designated State or County scenic highways do not occur in the project vicinity. Scenic resources, including

rock outcroppings or historically significant buildings, do not exist on the project site. Therefore, the proposed project would not substantially damage scenic resources within a State scenic highway, and **no impact** would occur.

- c. The project site is located within the City limits and is bound by an RV/boat storage yard and a single-family residence to the southeast and UPRR tracks and single-family residences to the south and west, across from Monterey Road. In addition, mobile home park communities are located in the project vicinity east of the project site, along Burnett Avenue, and Central High School is to the west, across Monterey Road. As such, the project site is within an urbanized area, and the applicable threshold is if the proposed project would conflict with applicable zoning and other regulations governing scenic quality.

The proposed project would primarily involve the construction of a 67-unit residential condominium development, consisting of 12, three-story buildings, as well as associated utility, landscaping, and roadway improvements. As discussed above, the site is located within Block One of the Monterey Road Corridor. Ordinance No. 2297 N.S. established a Block-Level Master Plan for Monterey Road Corridor Block 1, which typically requires a PD Master Plan for all project proposals within the block. However, SB 330 supersedes such requirements, and the PD Master Plan is not required for implementation of the proposed project.

The project, as proposed, is consistent with the General Plan and meets the MU-F base zoning standards. In addition, Goal CNF-8 and Goal CNF-11 of the City and Neighborhood Form element of the General Plan anticipate new development to contribute to a “visually attractive urban environment” and to provide “high quality, aesthetically pleasing, livable, sustainable, well-planned residential neighborhoods.” The proposed project would meet these goals through compliance with General Plan policies regarding project aesthetics. For example, the proposed project would provide landscaping throughout the project site and along the project frontages to soften the visual impacts of parking areas and new structures (see Figure 7). Vehicle parking spaces would be located behind the proposed buildings and further screened by landscaping trees along the project perimeters and within the parking areas, thus, reducing the visual impact of parking areas consistent with General Plan Policy CNF-8.12.

The proposed project would undergo Design Review pursuant to Morgan Hill Municipal Code Section 18.108.040, which would ensure that the proposed project exhibits high quality design consistent with the Residential Development Design and Development Standards (adopted December 2019). The Residential Development Design and Development Standards augment the standards set forth in the Municipal Code and provide qualitative direction to meet the City’s goal for high quality design of residential projects. Design Review would also ensure that the proposed project is compatible with surrounding residential uses and minimizes negative impacts on neighboring properties. The architectural quality of the proposed project would be consistent with Design Review criteria regarding community character and architectural style and materials, such as the use of trim, eaves, window boxes, and balconies/patios.

Based on the above, the proposed project would not conflict with the base zoning standards that apply to the MU-F zoning district or other regulations governing scenic quality. Therefore, a **less-than-significant** impact would occur.

d. The project site is currently undeveloped and does not include any sources of light or glare. The proposed residential uses and internal driveways would introduce new sources of light and glare, including, but not limited to, headlights on vehicles using the on-site street system, exterior light fixtures, light reflecting off windows, and interior light spilling through windows.

The proposed project would be required to comply with Section 18.76.060 (Glare) of the Morgan Hill Municipal Code, which includes requirements such as the use of cut-off lenses to direct light downward and minimum maintained lighting on parking surfaces. Compliance with the provisions of Municipal Code Section 18.76.060 would ensure that the light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted in the surrounding environment.

Based on the above, the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Thus, a ***less-than-significant*** impact would occur.

II. AGRICULTURE AND FORESTRY RESOURCES.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,e. According to the Department of Conservation's California Important Farmland Finder, the project site is currently designated as "Grazing Land."³ The Department of Conservation defines Grazing Land as land on which the existing vegetation is suited to the grazing of livestock. The designation is distinct from Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. As such, the project site is not considered Farmland.

Given the site designation, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use. Therefore, **no impact** would occur as a result of the proposed project.

b. The project site is currently zoned MU-F and designated Mixed Use Flex in the City's General Plan. Neither the zoning nor land use designations allow agricultural uses, and the project site is not under a Williamson Act contract. Therefore, buildout of the proposed project would not conflict with zoning for an agricultural use or a Williamson Act contract, and **no impact** would occur.

c,d. The project site is not considered forest land (as defined in PRC Section 12220[g]), timberland (as defined PRC Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). Therefore, the proposed project would have **no impact** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

³ California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/dlrc/ciff/>. Accessed April 2021.

III. AIR QUALITY. <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. The City of Morgan Hill is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter (PM_{2.5}), and State respirable particulate matter 10 microns in diameter (PM₁₀) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour PM_{2.5} federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM_{2.5} AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour PM_{2.5}.

In compliance with regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan, adopted on April 19, 2017. The 2017 Clean Air Plan was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM₁₀ standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 Clean Air Plan. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure

continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. For development projects, BAAQMD establishes significance thresholds for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_x), as well as for PM₁₀, and PM_{2.5}, expressed in pounds per day (lbs/day) and tons per year (tons/yr). The thresholds are listed in Table 2. Thus, by exceeding the BAAQMD's mass emission thresholds for construction and operational emissions of ROG, NO_x, or PM₁₀, a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.

Pollutant	Construction	Operational	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀ (exhaust)	82	82	15
PM _{2.5} (exhaust)	54	54	10

Source: BAAQMD, CEQA Guidelines, May 2017.

Particulate matter can be split into two categories: fugitive and exhaust. The BAAQMD thresholds of significance for exhaust are presented in Table 2. It should be noted that BAAQMD does not maintain quantitative thresholds for fugitive emissions of PM₁₀ or PM_{2.5}, rather, BAAQMD requires all projects within the district's jurisdiction to implement Basic Construction Mitigation Measures (BCMMs) related to dust suppression.

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2020.4.0 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, vehicle mix, trip length, average speed, compliance with the 2019 California Building Standards Code (CBSC), etc. Where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project's modeling assumes the following project and/or site-specific information:

- Construction would begin in March 2023 and occur over approximately three years;
- Operational trip generation rates were updated to 9.44 vehicle trips per unit, consistent with the Manzanita Park – Monterey Road/Tilton Avenue Intersection Analysis prepared for the proposed project;
- Fireplaces/hearths would not be included in any of the units;
- The project site is located within 0.4-mile of the nearest transit stop; and
- The project would comply with the Model Water Efficient Landscape Ordinance (MWELO) and the 2019 CALGreen Code; and
- The project would comply with all applicable provisions of the 2019 California CBSC.

The proposed project's estimated emissions associated with construction and operations and the project's contribution to cumulative air quality conditions are provided below. All CalEEMod results are included as Appendix A to this IS/MND.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 3. As shown in the table, the proposed project's maximum unmitigated construction emissions would be below the applicable thresholds of significance.

Table 3 Maximum Unmitigated Construction Emissions (lbs/day)			
Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
ROG	3.91	54	NO
NO _x	27.56	54	NO
PM ₁₀ *	1.27	82	NO
PM _{2.5} *	1.17	54	NO

Note:

* Denotes emissions from exhaust only. BAAQMD has not yet adopted PM thresholds for fugitive emissions.

Source: *CalEEMod, January 2022 (see Appendix A).*

All projects within the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's BCMMs, which would be required by the City as conditions of approval:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The proposed project's required implementation of the BAAQMD's BCMMs listed above for the project's construction activities would help to minimize construction-related emissions.

Because the proposed project would be below the applicable thresholds of significance for construction emissions, project construction would not result in a significant air quality impact.

Operational Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated operational criteria air pollutant emissions as shown in Table 4. As shown in the table, the proposed project's operational emissions would be below the applicable thresholds of significance. As such, the proposed project would not result in a significant air quality impact during operations.

Table 4 Maximum Unmitigated Operational Emissions					
Pollutant	Proposed Project Emissions		Threshold of Significance		Exceeds Threshold?
	lbs/day	tons/yr	lbs/day	tons/yr	
ROG	3.40	0.57	54	10	NO
NO _x	1.75	0.30	54	10	NO
PM ₁₀ *	0.06	0.01	82	15	NO
PM _{2.5} *	0.06	0.01	54	10	NO

Note:
* Denotes emissions from exhaust only. BAAQMD has not yet adopted PM thresholds for fugitive emissions.

Source: CalEEMod, January 2022 (see Appendix A).

Cumulative Emissions

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 2 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 2, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would result in emissions below the applicable thresholds of significance, the project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

Conclusion

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2017 Clean Air Plan. Because the proposed project would not conflict with or obstruct implementation of the applicable air quality plans, violate any air quality standards or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in any criteria air pollutant, impacts would be considered **less than significant**.

c. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. Land uses surrounding the project site include a single-family residence to the southeast, single-family residences to the south and west, two mobile home parks, Central High School, and Sobrato High School. The nearest existing sensitive receptor to the project site is the single-family residence located approximately 200 feet to the southeast of the site, along Burnett Avenue.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and TAC emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

Given that the proposed project is consistent with the site's current land use and zoning designations, the proposed project would not conflict with the Santa Clara Valley

Transportation Authority (VTA) Congestion Management Program (CMP).⁴ According to the Manzanita Park – Monterey Road/Tilton Avenue Intersection Analysis, the study intersections near the project site serve up to 2,714 vehicles during peak hours. Considering the proposed project is expected to generate up to 632 daily trips, traffic associated with the proposed development would not increase traffic volumes at any affected intersection to more than 44,000 vehicles per hour. Furthermore, areas where vertical and/or horizontal mixing is limited due to tunnels, underpasses, or similar features do not exist in the project area. Therefore, based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, gas dispensing facilities, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk. As noted above, the nearest existing sensitive receptor to the project site is the single-family residence located approximately 200 feet to the southeast of the site, along Burnett Avenue.

The proposed project does not include any operations that would be considered a substantial source of TACs. Accordingly, operations of the proposed project would not expose sensitive receptors to excess concentrations of TACs.

Short-term, construction-related activities would result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Health risks are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project is estimated to be approximately three years.

All construction equipment and operation thereof would be regulated per the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. In addition, only portions of the site would be disturbed at a time throughout the construction period, with operation of construction equipment occurring intermittently throughout the course of a day rather than continuously at any one location on the project site. Operation of construction equipment within portions of the development area would allow for the dispersal of emissions, and would ensure that construction-activity is not continuously occurring in the portions of the

⁴ Santa Clara Valley Transportation Authority. 2015 Congestion Management Plan. October 2015.

project site closest to existing receptors. Because construction equipment on-site would not operate for long periods of time and would be used at varying locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Furthermore, the prevailing wind direction in the City of Morgan Hill is from the west.⁵ Thus, emission of DPM associated with construction equipment would be directed towards the east, and away from the nearest sensitive receptors. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, the potential for any one sensitive receptor in the area to be exposed to concentrations of pollutants for a substantially extended period of time would be low.

Furthermore, the project applicant would be required to prepare, and include on all site development and grading plans, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. Pursuant to Section 18.76.040 (Air Contaminants) of the City's Municipal Code, the management plan must include all applicable BAAQMD rules and regulations, as well as the City's standard conditions for construction activity. The City of Morgan Hill Development Services Department would ensure that the BAAQMD's BCMMs, listed under section "a,b" above, would be noted on project construction drawings prior to issuance of a building permit or approval of improvement plans.

Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs from construction or operation. Therefore, the proposed project would result in a **less-than-significant** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

- d. Emissions such as those leading to odors have the potential to adversely affect sensitive receptors within the project area. Pollutants of principal concern include emissions leading to odors, emission of dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections "a" through "c" above. Therefore, the following discussion focuses on emissions of odors and dust.

Pursuant to the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.⁶ Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on several variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantification of significant odor impacts is relatively difficult. Typical odor-generating land uses include,

⁵ Weather Spark. *Climate and Average Weather Year Round in Morgan Hill*. Available at: <https://weatherspark.com/y/1089/Average-Weather-in-Morgan-Hill-California-United-States-Year-Round#:~:text=The%20predominant%20average%20hourly%20wind,of%2095%25%20on%20August%201..> Accessed January 19, 2022.

⁶ Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1]. May 2017.

but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses.

Construction activities often include diesel-fueled equipment and heavy-duty diesel trucks, which can create odors associated with diesel fumes, which could be found to be objectionable. However, as discussed above, construction activities would be temporary, and operation of construction equipment would be regulated and intermittent. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. The aforementioned regulations would help to minimize air pollutant emissions, as well as any associated odors. Accordingly, substantial objectionable odors would not occur during construction activities or affect a substantial number of people. In addition, the BAAQMD rules and regulations would act to reduce construction related dust, which would ensure that construction of the proposed project does not result in substantial emissions of dust. Following project construction, the project site and intersection improvement area would not include any exposed topsoil. Thus, project operations would not include any substantial sources of dust.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a ***less-than-significant*** impact would result.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Have a substantial adverse effect, 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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a. The proposed project is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP). The project site, previously used for agricultural purposes, consists primarily of flat grassland, with ornamental landscaping such as trees and shrubs located on properties in the vicinity. According to the Santa Clara Valley Habitat Agency's Habitat Agency Geobrowser,⁷ the project site's land cover consists of 5.8 acres of Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallow (GRHPDSF) and 0.1 acre of Urban-Suburban (U-S). According to the SCVHP, GRHPDSF land cover is described as tilled land not appearing in aerial photographs to support orchard or vineyard. Common vegetation includes fast-growing forage grasses and irrigated legumes. In some areas, nonnative weedy vegetation, such as thistles, mustards, and a variety of other weedy forbs, are common. U-S land cover is described as areas where the native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures. Vegetation found in the U-S land cover is usually in the form of landscaped residences, planted street trees, and parklands. Typically, species covered by the SCVHP are unlikely to occur within U-S areas.

Certain plant and animal species are considered to have special status if they are listed or proposed for listing under the federal or State Endangered Species Acts, meet the definition of Rare or Endangered under CEQA, or are considered rare locally. In addition, nesting birds and raptors are protected under the Federal Migratory Bird Treaty Act

⁷ Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser*. Available at: <http://www.hcpmaps.com/habitat/>. Accessed April 2021.

(MBTA), which prohibits killing, possessing, or trading of migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA covers take of whole birds, parts of birds, and bird nests and eggs. The SCVHP provides take authorization for 18 listed and non-listed species (i.e., covered species). In addition, the SCVHP includes conservation measures to protect the species covered by the SCVHP, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the study area. The SCVHP is discussed further under question 'f' below. The potential for any special-status species to occur on the project site is discussed below.

Special-Status Plants

Given the previous disturbance of the project site, special-status plant species are not anticipated on-site, as the site's previous agricultural uses involved regular disking, removing the possibility of the site offering suitable habitat capable of supporting special-status plants. In addition, according to the Habitat Agency Geobrowser, the project site is not located within a geographic area of the SCVHP or land cover type that includes conditions that require plant surveys and avoidance and minimization measures (AMMs). Therefore, the proposed project would not result in impacts to special-status plant species.

Special-Status Wildlife

According to the SCVHP, covered species that could be found in GRHPDSF land cover include tricolored blackbird, western burrowing owl, San Joaquin kit fox, California tiger salamander, California red-legged frog, western pond turtle, and Bay checkerspot butterfly. Tricolored blackbird and western burrowing owl forage in grain crops and pastures and may also breed in agricultural settings. San Joaquin kit fox may move through GRHPDSF land cover if the land occurs near suitable grassland areas. Additionally, California tiger salamander, California red-legged frog, and western pond turtle move through croplands to reach suitable breeding and aestivation habitat. Bay checkerspot butterfly migrate through GRHPDSF habitats between patches of serpentine grassland.

However, according to the Habitat Agency Geobrowser, the project site is not located within a geographic area of the SCVHP or land cover type that includes conditions requiring wildlife surveys and AMMs. Given this, and previous site disturbance, the project site does not offer suitable habitat for the aforementioned covered species.

Nesting Migratory Birds and Raptors

Existing trees and shrubs near the project site provide potential nesting habitat for nesting migratory birds and raptors protected by the MBTA. Therefore, project construction activities, including initial site grading, soil excavation, associated improvements, and/or tree and vegetation removal occurring during the nesting period for migratory birds (typically between February 1 to August 31) could have the potential to result in nest abandonment or death of any live eggs or young, should migratory birds or their nests be present within or near the project site. In such an event, the proposed project could result in a potentially significant impact.

Conclusion

Based on the above, development of the proposed project would not result in any substantial adverse effects to special-status plants. However, the trees and shrubs in the vicinity of the project site provide potential habitat for nesting migratory birds and raptors

protected by the MBTA. Thus, vegetation removal and ground disturbance associated with the proposed project could result in significant impacts to protected bird species, if any of the species occupy trees and shrubs in the vicinity of the project site prior to the start of construction activities. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS), and a ***potentially significant*** impact could occur.

Mitigation Measure(s)

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

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,c. The project site consists primarily of disturbed ruderal vegetation and is bordered by Monterey Road to the west and an RV/boat storage yard to the south. According to the Habitat Agency Geobrowser, the project site is not located within a geographic area of the SCVHP or land cover type that includes conditions mandating design requirements,

construction measures, or setbacks to mitigate impacts to streams, riparian corridors or areas, wetlands, ponds, or serpentine soils.

Based on the above, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDFW or USFWS, or have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Thus, a **less-than-significant** impact would occur.

- d. Movement corridors or landscape linkages are usually linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression and increasing the potential for recolonization of habitat patches. The project site consists primarily of disturbed ruderal vegetation and is bordered by Monterey Road to the west and an RV/boat storage yard to the south. Although agriculture fields such as the project site can be used for wildlife movement, the project site is compromised for such uses, as the existing development in the project vicinity eliminates the possibility of east-to-west and north-to-south through travel. In addition, the site does not offer, and is not adjacent to, any prime habitat such as wetlands, riparian, or forest. Thus, the potential for use of the site as a wildlife corridor or native wildlife nursery site is limited.

Based on the above, development of the proposed project would not substantially interfere with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Therefore, a **less-than-significant** impact would occur.

- e. The project site consists of previously disturbed grassland and does not include on-site trees. Trees are located along the southern and western boundaries of the site, but would not be impacted during project construction.

Based on the above, the proposed project would not conflict with a local policy or ordinance protecting biological resources, such as a tree preservation policy or ordinance. Therefore, **no impact** would occur.

- f. As noted above, the project site is located within the boundaries of the SCVHP permit area. The SCVHP was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District (SCVWD), the Santa Clara VTA, the USFWS, and the CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP provides take authorization for 18 covered species and includes conservation measures to protect the species covered by the SCVHP, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the study area.

As set forth by Morgan Hill Municipal Code Section 18.132.050, compliance with the SCVHP requires payment of fees according to the Fee Zone designation of the property, payment of nitrogen deposition fees related to the number of anticipated car trips resulting from the development, and any surcharge fees that are required based on site-specific impacts to sensitive habitats or sensitive species. According to the Habitat Agency Geobrowser, the project site consists of 5.8 acres of GRHPDSF land cover and 0.1 acre of U-S land cover. Land cover fees for Zone B (Agricultural and Valley Floor Lands) are

assessed at a rate of \$11,806 per acre. Based on the project site's 5.8 acres of GRHPDSF land cover, the project's Zone B land cover fees would total \$68,474.80. Chapter 9 of the SCVHP states that any area defined as U-S is "exempt from development fees, with the exception of the nitrogen deposition fee and burrowing owl fee, if it is not located in or adjacent to a parcel that contains a stream, riparian woodland or forest, wetland, pond, or serpentine." The project site is not subject to the burrowing owl fee, but the proposed project would be subject to nitrogen deposition fees, which assess a fee rate of \$37.57 per new residence. As the proposed project would include 67 units, the project's nitrogen deposition fees would total \$2,517.19. Under Section 18.132.050 of the Morgan Hill Municipal Code, the proposed project would be required to pay such fees, which would ensure that the project does not conflict with the provisions of the adopted Habitat Conservation Plan.

Based on the above, the proposed project would not conflict with the provisions of the adopted SCVHP. Thus, a ***less-than-significant*** impact would occur.

V. CULTURAL RESOURCES. <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Discussion

a,b,c. The project site does not currently contain any structures and has been subjected to disturbance, including regular disking and activities associated with the site's previous agricultural use. However, as noted in the General Plan EIR, archaeological surveys conducted in Morgan Hill have identified numerous prehistoric sites with shell midden components, including human burials. Based on such findings, the potential exists for subsurface historical resources and previously unknown archaeological resources to be found on-site during grading and excavation associated with development of the proposed project. In the event that such resources are unearthed, the following City standard conditions of approval related to the protection of historical and archaeological resources would be implemented, consistent with Section 18.60.090 of the City's Municipal Code:

1. Prior to start of grading or earthmoving activity on the "first day of construction", the archaeologist and Tamien Nation Tribal Monitor shall hold a preconstruction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.
2. An archaeologist and a Tamien Nation Tribal Monitor shall be present on-site to monitor all ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a) Work at the location of the find will halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b) If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
 - c) If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
 - d) If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative 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 Development Services

Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - a) If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - b) Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c) Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
4. 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, ground stone 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.
5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
7. 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 Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900

- The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
- The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)

8. 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.
9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
11. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services 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 appropriate tribe may be considered and carried out.
12. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Compliance with the above standard conditions of approval would ensure that construction of the proposed project would have a ***less-than-significant*** impact related to historical resources and unique archeological resources, as well as the disturbance of human remains.

VI. ENERGY. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

a,b. The main forms of available energy supply are electricity, natural gas, and oil. A description of the 2019 California Green Building Standards Code and the Building Energy Efficiency Standards, with which the proposed project would be required to comply, as well as discussions regarding the proposed project's potential effects related to energy demand during construction and operations are provided below.

California Green Building Standards Code

The 2019 CBSC, otherwise known as the CAL Green Code (CCR Title 24, Part 11), became effective with the rest of the CBSC on January 1, 2020. The purpose of the CAL Green Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CBSC standards regulate the method of use, properties, performance, types of materials used in construction, alteration repair, improvement and rehabilitation of a structure or improvement to property. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' MWELO, or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board; and
- For some single-family and low-rise residential structures developed after January 1, 2020, mandatory on-site solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). Certain residential developments, such as developments that are subject to substantial shading, rendering the use of on-site solar photovoltaic systems infeasible, may be exempted from the foregoing requirement on a case-by-case basis.

Building Energy Efficiency Standards

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy efficiency measures from the 2016 Building Energy Efficiency Standards

resulting in a seven percent reduction in energy consumption from the 2016 standards for residential structures. Energy reductions relative to previous Building Energy Efficiency Standards would be achieved through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls.

One of the improvements included within the 2019 Building Energy Efficiency Standards is the requirement that certain residential developments, including some single-family and low-rise residential developments, include on-site solar energy systems capable of producing 100 percent of the electricity demanded by the residences. Once rooftop solar electricity generation is factored in, homes built under the 2019 standards will use approximately 53 percent less energy than those under the 2016 standards.

Construction Energy Use

Construction of the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. Project construction would not involve the use of natural gas appliances or equipment.

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated pursuant to the CARB In-Use Off-Road Diesel Vehicle Regulation, which is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan),⁸ which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The In-Use Off-Road Vehicle Regulation, with which the proposed project must comply, would be consistent

⁸ California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. November 2017.

with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, the proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

Energy use associated with operation of the proposed project would be typical of residential uses, requiring electricity for interior and exterior building lighting, operation of stoves, kitchen and cleaning appliances, and more. It should be noted that the proposed project would not use natural gas, as natural gas is prohibited in all new construction effective March 1, 2020, pursuant to City Ordinance No. 2306. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by employee commutes, residents, and the movement of goods.

The proposed project would be subject to all relevant provisions of the most recent CBSC, including the CALGreen Code and the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code, the Building Energy Efficiency Standards, and the City's natural gas prohibition ordinance would ensure that the proposed structures consume energy efficiently through the incorporation of such features as efficient water heating systems, high-performance attics and walls, and high-efficacy lighting. The CALGreen Code requires that new residential buildings use a combination of energy efficiency and distributed renewable energy generation to meet all annual energy needs. Required compliance with the standards and regulations noted above would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary.

In regards to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. In addition, as discussed in Section XVII, Transportation, of this IS/MND, the project site is located within close proximity to existing residential neighborhoods, bicycle infrastructure, and transit infrastructure. The proposed project would install a buffered bicycle lane along the majority of the project site's frontage within the newly widened portion of Monterey Road and include 15 bicycle racks and two EV charging stations. The availability of such transit, bicycle, and pedestrian infrastructure in the project vicinity would help to reduce vehicle miles traveled (VMT) associated with the project and reduce fuel consumption.

Conclusion

Based on the above discussion, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a ***less-than-significant*** impact would occur.

VII. GEOLOGY AND SOILS. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The following discussions are based on a Geotechnical Investigation prepared for the proposed project by Quantum Geotechnical, Inc. (see Appendix B of this IS/MND),⁹ as well as information contained in the City's General Plan and General Plan EIR.

ai,aii. Pursuant to the Geotechnical Investigation prepared for the proposed project, the site consists of level terrain on the southern end of the Santa Clara Valley. The nearest active faults to the project site are the Calaveras Fault located approximately 3.6 miles northeast of the site, the Sargent fault approximately 7.5 miles to the southwest, and the San Andreas fault approximately 10 miles southwest of the site. Known active faults do not cross the project site, nor is the site mapped within a State of California Earthquake Fault Zone.

The General Plan EIR notes the City's location between two major active fault lines, including the Sargent and San Andreas faults in the Santa Cruz Mountains, and the Calaveras fault in the Diablo Range to the east. However, according to the California Geological Survey Alquist-Priolo Earthquake Fault Zone Maps, the proposed project site

⁹ Quantum Geotechnical, Inc. *Geotechnical Investigation On Proposed Residential Development At Monterey Road, Morgan Hill, California*. January 8, 2018.

is not located within the vicinity of an Alquist-Priolo Earthquake Fault Zone.¹⁰ While numerous earthquakes have been felt in the City of Morgan Hill, faults do not run directly through the City's planning area. Therefore, the proposed development would not be subject to risks related to fault rupture.

In addition, the project would be designed to comply with all applicable State and local regulations, including the CBSC and Morgan Hill Municipal Code Chapter 15.08 (Building Code), which provide minimum standards to protect property and public safety by regulating the design and construction of foundations, building frames, retaining walls, and other building elements in order to mitigate the effects of seismic shaking and adverse soil conditions. The CBSC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground shaking with specified probability of occurring at a site. Structures built according to the seismic design provisions of the CBSC should be able to:

- 1) Resist minor earthquakes without damage;
- 2) Resist moderate earthquakes without structural damage but with some nonstructural damage; and
- 3) Resist major earthquakes without collapse but with some structural as well as nonstructural damage.

Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the proposed structures would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

Based on the above, the proposed project would not expose people and structures to potential substantial adverse effects involving rupture of a known earthquake fault or strong seismic ground-shaking and a ***less-than-significant*** impact would occur.

a.iii, a.iv, The proposed project's potential effects related to liquefaction, landslides, lateral spreading, and subsidence/settlement are discussed in detail below.

Liquefaction

Liquefaction is a phenomenon in which granular material is transformed from a solid state to a liquefied state as a consequence of increased pore-water pressure and reduced effective stress. Increased pore-water pressure is induced by the tendency of granular materials to densify when subjected to cyclic shear stresses associated with earthquakes. According to the Geotechnical Investigation, the California Geological Survey (CGS) Seismic Hazard Zone Report for the Morgan Hill quadrangle does not indicate that the project site is located within a hazard zone requiring special investigation for liquefaction. Pursuant to the report, the historic high groundwater level within the vicinity is found approximately 20 to 30 feet below ground surface. Additionally, the ABAG liquefaction susceptibility map classifies the project site as being under low risk for liquefaction.

The Safety, Services, and Infrastructure Element of the General Plan acknowledges the hazards associated with seismically induced liquefaction in the planning area, and

¹⁰ California Department of Conservation. CGS *Information Warehouse: Regulatory Maps*. Available at: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>. Accessed April 2021.

includes a number of policies (SSI-1.1, 1.2, 2.1, and 2.3) that are relevant to the potential hazards. Furthermore, the CBSC and Morgan Hill Building Code provide standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements, which would further reduce the potential for seismic-related ground failure, including liquefaction. Compliance with the aforementioned regulations would ensure that the potential for risks related to liquefaction would be less than significant.

Landslides

Seismically-induced landslides are triggered by earthquake ground shaking. The risk of landslide hazard is greatest in areas with steep, unstable slopes. The topography of the project site is considered level terrain and, thus, impacts related to landslides would be less than significant.

Lateral Spreading

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. The Geotechnical Investigation does not cite concerns related to lateral spreading. The project site is located on level terrain and is not located near any open faces that would be considered susceptible to lateral spreading. Therefore, the potential for lateral spreading to pose a risk to the proposed project is relatively low. Furthermore, the General Plan EIR concludes that impacts related to lateral spreading would be reduced to a less-than-significant level with compliance with the CBSC, General Plan, and the Municipal Code.

Subsidence/Settlement

Subsidence is the settlement of soils of very low density generally from either oxidation of organic material, or desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The proposed project would comply with the CBSC, which would reduce the potential risk for subsidence. Additionally, the General Plan EIR concludes that impacts related to subsidence/settlement would be reduced with compliance with the CBSC, the General Plan, and the Municipal Code. The proposed project would be required to comply with all applicable policies, regulations, and standards set forth by the State and the City of Morgan Hill. Therefore, impacts related to subsidence/settlement would be less than significant.

Other Unstable Soil Conditions

The Geotechnical Investigation notes that the most prominent geotechnical feature of the project site as encountered during borings is the presence of near-surface gravelly soil, which could impact the stability of trenching activities. The Geotechnical Investigation includes recommendations to address potential impacts associated with such soil conditions. However, should the proposed project not adhere to such recommendations, a potentially significant impact could occur.

Conclusion

Based on the above, the proposed project would not be subject to substantial risks related to liquefaction, landslides, and lateral spreading. Compliance with standard construction regulations included in the CBSC would ensure that the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss,

injury, or death involving liquefaction and would not be located on a geologic unit or soil that would result in on- or off-site liquefaction. However, as the project site contains near-surface gravelly soil that could impact the stability of trenching activities, without complying with the recommendations contained in the Geotechnical Investigation, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

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

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.*

b. Development of the project site would cause ground disturbance of mostly topsoil related to construction activity. The ground disturbance would be limited to the areas proposed for grading and excavation, including building pads; curb, gutter, and sidewalk improvement areas; and drainage, sewer, and water infrastructure alignments. After grading and excavation and prior to overlaying the disturbed ground surfaces with impervious surfaces and structures, the potential exists for wind and water erosion to occur, which could adversely affect downstream storm drainage facilities.

New development within the City that disturbs one or more acres of land is required to comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) incorporating BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb approximately 5.83 acres, and thus, would be subject to such requirements. In addition, pursuant to Chapter 13.30 (Urban Storm Water Quality Management and Discharge Control) of the City's Municipal Code, the project applicant would be required to submit a sediment and erosion control plan to the City of Morgan Hill, Land Development Engineering Division, prior to the approval of improvement plans and issuance of building permits. The plan(s) must be acceptable and conform to City standards to prevent significant sediment and soil erosion during construction and include the standards and guidelines found in the California Stormwater Quality Association, Stormwater Best Management Practice Handbook. Additionally, pursuant to Morgan Hill Municipal Code Section 13.30.270, erosion control plans must provide details for BMPs, such as preservation of existing vegetation, hydraulic mulch, hydroseeding, soil binders, and straw mulch. Incorporation of such BMPs would further ensure substantial adverse effects to downstream storm drainage facilities do not occur as a result of substantial soil erosion or the loss of topsoil.

Based on the above, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a **less-than-significant** impact would occur.

d. Expansive soils increase in volume when they absorb water and have the potential to crack or otherwise compromise the integrity of building foundations. Pursuant to the Geotechnical Investigation, the slab subgrade is anticipated to be non-expansive silty material, and therefore, would not require soaking prior to foundation construction. In addition, the proposed project would be required to comply with all applicable CBSC standards to ensure the structural integrity of the proposed structures. Furthermore, to avoid damage due to soil expansion and shrinkage, Section 15.08.090 (Section 1907.1 and R506.1 amended-Minimum slab provisions) of the City's Municipal Code includes requirements for minimum thickness of concrete floor slabs, as well as required reinforcement with wire mesh or an approved alternative. Given required compliance with the CBSC and the slab and foundation construction standards provided in the Municipal Code, the proposed project would not be subject to substantial risks related to expansive soils.

Based on the above, the proposed project would not create substantial direct or indirect risks to life or property related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Thus, a **less-than-significant** impact would occur.

e. The proposed project would connect to City-maintained sewer infrastructure through proposed sewer mains within Monterey Road and Tilton Avenue and would not include the use of septic tanks. Accordingly, **no impact** would occur related to soils incapable of adequately supporting the use of septic tanks.

f. Paleontological resources or fossils are the remains of prehistoric plant and animal life. As noted in the General Plan EIR, based on a review of the University of California's Museum of Paleontology's fossil locality database conducted for all of Santa Clara County, paleontological resources have not been explicitly identified as being found within Morgan Hill. As noted in the City's General Plan, occurrences of fossil resources are closely tied to the geologic units. The soil types at the project site are not considered unique geologic features and are common within the geographic area of the City. As such, development of the proposed project would not destroy a unique geologic feature. Furthermore, the proposed project would be subject to the City's standard measures listed in Section V, Cultural Resources, of this IS/MND, which, as noted in the General Plan EIR, would ensure that impacts to paleontological resources are less than significant.

Therefore, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and a **less-than-significant** impact would occur.

VIII. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO₂e/yr).

The proposed project is located within the jurisdictional boundaries of BAAQMD. The BAAQMD developed a threshold of significance for project-level GHG emissions in 2009. The BAAQMD's approach to developing the threshold was to identify a threshold level of GHG emissions for which a project would not be expected to substantially conflict with existing California legislation. At the time that the thresholds were developed, the foremost legislation regarding GHG emissions was AB 32, which established an emissions reduction goal of reducing statewide emissions to 1990 levels by 2020.¹¹ The GHG emissions threshold of significance recommended by BAAQMD to determine compliance with AB 32 is 1,100 MTCO₂e/yr. or 4.6 MTCO₂e per service population per year (MTCO₂e/SP/yr.). If a project generates GHG emissions above the BAAQMD's adopted threshold level, the project is considered to generate significant GHG emissions and conflict with AB 32.

The foregoing threshold is intended for use in assessing operational GHG emissions only. Construction of a proposed project would result in GHG emissions over a short-period of time in comparison to the operational lifetime of the project. To capture the construction-related GHG emissions due to buildup of the proposed project, such emissions are

¹¹ Bay Area Air Quality Management District. *California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance*. May 2017.

amortized over the anticipated project lifetime and added to the operational GHG emissions. Given that construction-related GHG emissions would not occur concurrently with operational emissions and would cease upon completion of construction activities, combining the two emissions sources represents a conservative estimate of total project GHG emissions.

Since the adoption of BAAQMD's GHG thresholds of significance, the State legislature has passed AB 197 and SB 32, which builds off of AB 32 and establishes a statewide GHG reduction target of 40 percent below 1990 levels by 2030. Considering the legislative progress that has occurred regarding statewide reduction goals since the adoption of BAAQMD's standards, the emissions thresholds presented above would determine whether a proposed project would be in compliance with the 2020 emissions reductions goals of AB 32, but would not necessarily demonstrate whether a project would be in compliance with SB 32. In accordance with the changing legislative environment, the BAAQMD has begun the process of updating the District's CEQA Guidelines; however, updated thresholds of significance have not yet been adopted. In the absence of BAAQMD-adopted thresholds to assess a project's compliance with SB 32, this analysis considers additional GHG emissions thresholds.

SB 32 requires that by 2030 statewide emissions be reduced by 40 percent beyond the 2020 reduction target set by AB 32. In the absence of adopted thresholds from BAAQMD, the CARB, or the City of Morgan Hill, this analysis assumes that in order to meet the reduction targets of SB 32, a proposed project would be required to reduce emissions by an additional 40 percent beyond the emissions reductions currently required by BAAQMD for compliance with AB 32. Assuming a 40 percent reduction from current BAAQMD targets, a proposed project would be in compliance with SB 32 if the project's emissions did not exceed the following thresholds: 660 MTCO₂e/yr or 2.6 MTCO₂e/SP/yr. The BAAQMD has informally endorsed this approach to analysis in other recent projects throughout the Bay Area.

In addition to the quantitative thresholds described above, a qualitative analysis assessing the project's compliance with the CARB's *California's 2017 Climate Change Scoping Plan* (2017 Scoping Plan) is also provided. The CARB's 2017 Scoping Plan establishes a strategy to meet California's 2030 GHG targets; accordingly, should the project be shown to comply with the 2017 Scoping Plan, the proposed project would be considered consistent with Statewide reduction targets for the year 2030. Based on recommendations from BAAQMD, a project's compliance with the local actions contained in Appendix B of the 2017 Scoping Plan may be used to assess a project's compliance with the 2017 Scoping Plan and, thus, consistency with SB 32.¹² In addition, the project's consistency with the goals of the Bay Area 2040 is discussed below.

By using the BAAQMD thresholds of significance for GHG, the updated SB 32 thresholds discussed above, and evaluating the project's consistency with applicable plans, the City would comply with Section 15064.4(b)(3) of the CEQA Guidelines, which suggests that lead agencies consider the extent that the project would comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction of GHG emissions.

¹² Flores, Areana, Bay Area Air Quality Management District. Personal communication [phone], Jacob Byrne, Senior Associate/Air Quality Technician, Raney Planning & Management. September 17, 2019.

Project GHG Emissions

Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Neither the City nor BAAQMD has an adopted threshold of significance for construction-related GHG emissions and does not require quantification. Nonetheless, the proposed project's construction GHG emissions, as well as operational emissions, have been estimated using CalEEMod under the same assumptions discussed in Section III, Air Quality, of this IS/MND (see Appendix A).

The emissions estimates prepared for the proposed project determined that unmitigated construction of the project would result in total GHG emissions of 984.06 MTCO₂e over the approximately three-year construction period. In the analyses below, the construction GHG emissions are amortized over the anticipated 30-year lifetime of the proposed project (see Table 5).¹³

Table 5 Unmitigated Operational GHG Emissions	
Source	GHG Emissions (MTCO₂e/yr)
Operational GHG Emissions	518.30
Area	0.83
Energy	56.70
Mobile	436.40
Waste	15.50
Water	8.87
Amortized Construction GHG Emissions	32.80
Total Annual GHG Emissions	551.10
BAAQMD AB 32 Threshold	1,100.00
Adjusted SB 32 Threshold	660.00
Exceeds Threshold?	NO

Source: CalEEMod, January 2022 (see Appendix A).

Compliance with AB 32 and SB 32

As shown in Table 5, the project's total unmitigated annual GHG emissions in the first year of project operation, 2025, including amortized construction-related emissions, were estimated to be approximately 551.10 MTCO₂e/yr, which would be below BAAQMD's adopted threshold of significance for AB 32 and the adjusted threshold of significance to represent compliance with SB 32. Accordingly, neither construction nor operations of the proposed project would be anticipated to result in significant emissions of GHGs.

Consistency with 2017 Scoping Plan

Appendix B to the CARB's 2017 Scoping Plan provides examples of potentially feasible mitigation measures that could be considered to assess a project's compliance with the State's 2030 GHG emissions reductions goals. Thus, general compliance with the Local Actions within the 2017 Scoping Plan could be considered to demonstrate the project's compliance with SB 32. The project's consistency with the applicable Local Actions within the 2017 Scoping Plan is assessed in Table 6 below.

¹³ South Coast Air Quality Management District. 2008. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*. Available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf). Accessed April 2021.

Table 6 Project Consistency with the 2017 Scoping Plan	
Suggested Measure	Consistency Discussion
Construction	
Enforce idling time restrictions for construction vehicles.	CARB's In-Use Off-Road Vehicle Regulations include restrictions that limit idling time to five minutes under most situations. Construction fleets and all equipment operated as part of on-site construction activities would be subject to CARB's idling restrictions. As such, the proposed project would be required to comply with this measure.
Require construction vehicles to operate with the highest tier engines commercially available.	The project applicant has not committed to using construction equipment that complies with the highest tier engines commercially available. As such, consistency with this measure is unknown at this time. However, it is noted that neither the lead agency nor the BAAQMD have adopted a specific threshold of significance for construction-related GHG emissions. In addition, as shown in the table above, project GHG emissions, which include construction-related GHGs, are below the adopted operational threshold of significance.
Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible.	The CALGreen Code requires the diversion of construction and demolition waste, and the proposed project would be required to comply with the most up-to-date CALGreen Code. The project applicant will pursue the feasibility of using locally-sourced building materials or materials with a high recycled content.
Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance.	As noted previously, the project site does not include any on-site trees, and the proposed landscaping would include several new trees, shrubs, grasses, and vines. Because tree removal would not occur, the project would be consistent with the suggested measure.
Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators.	The contractor would use existing grid electricity to the extent feasible. However, the possibility exists that temporary generators will be used for electricity in instances where grid electricity is not accessible. Overall, the project would be considered to generally comply with the suggested measure.
Increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available.	The City does not require the use of alternatively fueled construction equipment, unless warranted by mitigation, which is not the case for this project. Furthermore, the commercial availability of renewable diesel in the project area is currently unknown.
Require diesel equipment fleets to be lower emitting than any current emission standard.	The project applicant has not committed to reducing emissions from the construction fleet beyond any current emissions standards. As noted above, the project's estimated construction-related emissions of criteria pollutants would fall below the BAAQMD's thresholds, and the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions.

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Table 6 Project Consistency with the 2017 Scoping Plan	
Suggested Measure	Consistency Discussion
Operations	
Comply with lead agency's standards for mitigating transportation impacts under SB 743.	As noted in Section XVII, Transportation, of this IS/MND, implementation of the project would result in a less-than-significant impact to VMT. As such, the proposed project would comply with this measure.
Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals.	Pursuant to the 2019 CALGreen Code, residential projects are required to install a listed raceway to accommodate a dedicated 208/240-volt branch circuit for each unit, which would be suitable for EV charging. Compliance with the 2019 CALGreen Code would ensure that the proposed project provides sufficient EV charging infrastructure to comply with this suggested measure.
Dedicate on-site parking for shared vehicles.	The project applicant has not committed to providing dedicated parking for shared vehicles. Therefore, compliance with the suggested measure is uncertain at this time.
Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in non-residential projects.	The proposed project would include five separate bicycle parking areas throughout the project site, consisting of 15 bike racks. As such, the proposed project would comply with this measure.
Provide on- and off-site safety improvements for bike, pedestrian, and transit connections, and/or implement relevant improvements identified in an applicable bicycle and/or pedestrian master plan.	New walkways and pedestrian crossings would be provided throughout the project site to provide continuous pedestrian connectivity. In addition, a new sidewalk would be constructed along Monterey Road. An eight-foot bicycle and pedestrian trail would be provided along the Tilton Avenue extension, and the project would include a buffered bike lane along Monterey Road. Considering the project would provide pedestrian facility improvements and access to existing bicycle infrastructure, the proposed project would be consistent with the suggested measure.
Require on-site renewable energy generation.	The 2019 CBSC requires that residential structures that are three-stories or less in height be constructed with renewable energy systems sufficient to provide 100 percent of the electricity required for the residence. The proposed residences would be subject to such requirements. Due to the CBSC's requirements regarding renewable energy systems for residential land uses, the proposed project would include on-site renewable energy generation and would comply with this measure.
Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size development.	The proposed project would not include wood-burning fireplaces. Thus, the proposed project would comply with the suggested measure.

(Continued on next page)

Table 6 Project Consistency with the 2017 Scoping Plan	
Suggested Measure	Consistency Discussion
Require cool roofs and “cool parking” that promotes cool surface treatment for new parking facilities as well as existing surface lots undergoing resurfacing.	The 2019 CBSC contains requirements for the thermal emittance, three-year aged reflectance, and Solar Reflectance Index (SRI) of roofing materials used in new construction and re-roofing projects. Such standards, with which the project would be required to comply, would help to reduce heating and cooling costs associated with the proposed project. In addition, approximately 58 parking spaces would be located within internal garages, which reduces the amount of exposed pavement surfaces. As such, surface lot heat effects would be reduced compared to provision of all necessary parking spaces in uncovered surface lots. Therefore, the proposed project would generally comply with the suggested measure.
Require solar-ready roofs.	The 2019 CBSC requires that new residential structures under three stories generate 100 percent of electricity needs from on-site solar. Therefore, the proposed project would comply with this suggested measure.
Require organic collection in new developments.	California state legislature AB 1826 requires commercial and multi-family customers to subscribe to organics recycling. Therefore, the proposed multi-family residential buildings would be required to include organic collection. Recology South Valley is the solid waste disposal service provider within the City, and offers services for the collection of solid waste, recyclable materials, and compostable material. As such, future residents of the proposed project would have access to the compostable material/organic collection service, and the project would generally comply with the suggested measure.
Require low-water landscaping in new developments (see CALGreen Divisions 4.3 and 5.3 and the Model Water Efficient Landscape Ordinance [MWELO], which is referenced in CALGreen). Require water efficient landscape maintenance to conserve water and reduce landscape waste.	Landscaping within the project site would be required to comply with the CALGreen Code and all water efficiency measures therein, including the MWELO regulations adopted by the City of Morgan Hill. Accordingly, the proposed project is anticipated to comply with this measure.
Achieve Zero Net Energy performance building standards prior to dates required by the Energy Code.	The project applicant has not committed to achieving Zero Net Energy (ZNE). However, the 2019 CBSC has begun phasing in ZNE requirements by requiring residential projects three stories and fewer to meet 100 percent of their electricity needs through rooftop solar. The proposed project would include rooftop solar and, therefore, the proposed would generally comply with this measure.
Encourage new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program, LEED rating system, or Living Building Challenge.	The project applicant has not committed to achieving third-party green building certification. Thus, compliance with this suggested measure is uncertain at this time. It should be noted that neither the CBSC nor the City of Morgan Hill requires new residential development to achieve third-party green building certification.

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Table 6 Project Consistency with the 2017 Scoping Plan	
Suggested Measure	Consistency Discussion
Require the design of bike lanes to connect to the regional bicycle network.	Marked bike lanes exist in the project vicinity. Future residents of the proposed project would have convenient access to the bicycle facilities in the project area, including the existing bike lane along Burnett Avenue, and the proposed bike lane along Tilton Avenue. In addition, the project would install a buffered bike lane along the majority of the site's Monterey Road frontage. Considering the above, the proposed project would comply with the general intent of the suggested measure.
Expand urban forestry and green infrastructure in new land development.	Landscaping improvements would be included throughout the project site, including new trees, various shrubs and grasses. As such, the proposed development would expand upon urban forestry and green infrastructure, and would comply with this measure.
Require gas outlets in residential backyards for use with outdoor cooking appliances such as gas barbeques if natural gas service is available.	The City of Morgan Hill prohibits the use of natural gas. Thus, this measure is not applicable to the proposed project.
Require the installation of electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment.	Pursuant to California Electrical Code, Article 210.52(E), the project would be required to include at least one electrical outlet to be located in the perimeter of a balcony, deck, or porch. Consequently, the project would generally comply with the suggested measure.
Require the design of the electric outlets and/or wiring in new residential unit garages to promote electric vehicle usage.	The CBSC requires that new residential unit garages be designed with wiring sufficient to provide future installation of electric vehicle charging infrastructure. Therefore, the proposed project would be required to comply with this measure.
Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans.	The proposed project would be required to comply with the CBSC, which includes standards related to installation of energy-efficient appliances and building features such as water heaters and ventilation systems. Thus, the project would generally comply with the suggested measure.
Require each residential and commercial building equip buildings [sic] with energy efficient AC units and heating systems with programmable thermostats/timers.	The proposed project would be required to comply with the CBSC, which includes standards related to energy-efficient heating and cooling systems. Thus, the project would generally comply with the suggested measure.
Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets (see CALGreen Divisions 4.3 and 5.3 as well as Appendices A4.3 and A5.3).	The proposed project would be required to comply with the residential water efficiency regulations within CALGreen. Thus, the proposed project would comply with this suggested measure.
Require the use of energy-efficient lighting for all street, parking, and area lighting.	All proposed exterior lighting would be LED type, consistent with the 2019 Building Energy Efficiency Standards. Thus, the proposed project would comply with the suggested measure.

(Continued on next page)

Table 6 Project Consistency with the 2017 Scoping Plan	
Suggested Measure	Consistency Discussion
Require the development project to propose an off-site mitigation project which should generate carbon credits equivalent to the anticipated GHG emission reductions. This would be implemented via an approved protocol for carbon credits from California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board, or other similar entities determined acceptable by the local air district. The project may alternatively purchase carbon credits from the CAPCOA GHG Reduction Exchange Program, American Carbon Registry (ACR), Climate Action Reserve (CAR) or other similar carbon credit registry determined to be acceptable by the local air district.	The suggested mitigation measures included in the 2017 Scoping Plan represent options for projects to demonstrate compliance with the 2017 Scoping Plan. The inclusion of GHG off-set mitigation projects or the purchase of carbon credits is typically dependent on a project's exceedance of the previously identified quantitative GHG thresholds. Considering that the project has been shown to be generally consistent with the foregoing measures, the City, in its discretion as lead agency, has chosen not to require the project to implement an off-site mitigation project or purchase GHG reduction credits.
Source: California Air Resources Board. AB 32 Scoping Plan [Appendix B]. Accessible at: https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm . Accessed April 2021.	

As shown in Table 6, the proposed project would generally comply with the majority of the suggested measures and, thus, the proposed project would be considered generally consistent with the 2017 Scoping Plan. Because the 2017 Scoping Plan is the CARB's strategy for meeting the State's 2030 emissions goals established by SB 32, the project would be considered to comply with the goals of SB 32.

Consistency with the Plan Bay Area 2040

The San Francisco Bay Area's Plan Bay Area 2040 has been prepared jointly by the San Francisco Bay Area MTC and the ABAG. Plan Bay Area 2040 is a regional plan intended to provide a strategy for the reduction of GHG emissions and air pollutants within the San Francisco Bay Area. The Plan Bay Area 2040 is a long-range plan that serves as a Regional Transportation Plan and Sustainable Communities Strategy (SCS). As an SCS, the Plan Bay Area 2040 is required to comply with regional targets for reducing GHG emissions through the integration of transportation and land use planning. ABAG has not provided a specified means of identifying an individual development project's compliance with the Plan Bay Area 2040. For the purposes of this analysis, the proposed project is compared to the overall goal of the Plan Bay Area 2040, which is to reduce regional GHG emissions through the reduction of transportation-related emissions.

The proposed project would include improvements to both Monterey Road, which abuts the western perimeter of the project site, as well as Tilton Avenue, which currently intersects with Monterey Road but would be extended to bisect the project site. The project site frontage along Monterey Road would be widened by approximately 20 feet and improved with a new curb, gutter, and detached five-foot sidewalk. Within the widened

portion of the road, a buffered bicycle lane would be installed along the majority of the project site's frontage. In addition, new walkways and pedestrian crossings would be provided throughout the project site and along the proposed extension of Tilton Avenue to provide continuous pedestrian connectivity. VTA Route 87 bus stop ID 60221 is located less than 0.2-mile to the east of the project site, and would provide access to several nearby grocery stores, restaurants, banks, and schools within close proximity to the project site, including Live Oak High School, the Morgan Hill Civic Center, and the Morgan Hill Caltrain station. The proposed project's pedestrian and bicycle connectivity and proximity to public transit would help to reduce the need for single-passenger vehicle trips and associated transportation-related emissions.

Furthermore, as discussed in Section XVII, Transportation, the per capita VMT for the proposed project is estimated to be below the City-wide average VMT and the threshold of significance recommended by the Governor's Office of Planning and Research (OPR). The convenient access to public transit and proximity to mixed land uses would reduce VMT and, consequently, GHG emissions associated with the proposed housing development.

Because the proposed project would not significantly contribute to an increase in regional VMT and would support infrastructure that reduces transportation-related GHG emissions, the proposed project would be considered consistent with the Plan Bay Area 2040, and would not conflict with the regional GHG reduction targets therein.

Conclusion

Based on the above, project emissions would be below the BAAQMD's threshold of significance and would not be considered to conflict with the emissions reductions required by AB 32 or SB 32. In addition, the project would be generally consistent with the 2017 Scoping Plan and the Plan Bay Area 2040. As such, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and impacts would be considered ***less than significant***.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. Residential uses are not typically associated with the routine transport, use, disposal, or generation of hazardous materials. Operations would likely involve use of common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount utilized on the site, occasional use of such products would not represent a substantial risk to public health or the environment during project operation. Therefore, the proposed project is not anticipated to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and a ***less-than-significant*** impact would occur.
- b. The following discussion provides an analysis of potential hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions. The analysis is primarily based on a Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by Geologica Inc. (see Appendix C of this IS/MND).¹⁴

Construction Activities

Construction activities associated with the proposed project would involve the use of various products such as concrete, paints, and adhesives. In addition, heavy-duty

¹⁴ Geologica Inc. *Phase I Environmental Site Assessment, Vacant Parcel, APN 725-01-018, Morgan Hill, California 95037*. November 9, 2017.

construction equipment would contain hydraulic fluid, diesel fuel, and other petroleum products. Small quantities of such potentially toxic substances would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials.

Pursuant to California Health and Safety Code Section 25510(a), except as provided in subdivision (b),¹⁵ the handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency (in the case of the proposed project, the Santa Clara County Hazardous Materials Compliance Division [SCCHMCD]) in accordance with the regulations. The handler or an employee, authorized representative, agent, or designee of the handler shall provide all State, City, or County fire or public health or safety personnel and emergency response personnel with access to the handler's facilities. In the case of the proposed project, the contractor is required to notify the SCCHMCD in the event of an accidental release of a hazardous material, who would then monitor the conditions and recommend appropriate remediation measures.

Existing On-Site Hazardous Conditions

The purpose of the Phase I ESA was to review past and present land use practices and activities at and near the project site for evidence of Recognized Environmental Conditions (RECs) that could result in impacts to soil, soil vapor, surface water, and/or groundwater at, beneath, or originating from the project site. As part of the process, the Phase I ESA included review of historical documentation, aerial photography, regulatory agency files, environmental sites radius reports, and site reconnaissance. According to the American Society for Testing and Materials (ASTM), RECs are defined as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property due to a release to the environment; under conditions indicative of a release to the environment or under conditions that pose a material threat of future release.”

According to the Phase I ESA, RECs were not identified during the site visit. Hazardous materials or hazardous wastes were not identified on the project site, nor was evidence of underground storage tanks (USTs) or aboveground storage tanks (ASTs). The project site and adjacent lands were occupied by orchards and/or agricultural fields dating back to at least 1939; however, agricultural use of the site may have ceased approximately more than a decade ago. Other than an irrigation well that was once located on-site, manmade structures have not been identified within the project site. Citing Santa Clara Valley Water District records, the Phase I ESA noted that the well has already been properly destroyed.

Based on the review of historical information associated with the project site and the site reconnaissance, the Phase I ESA concluded that a Phase II subsurface investigation was not warranted. In addition, the potential effects of soil contaminants from the project site's previous agricultural use on future workers and residents would be considered potential health risks confined to people associated with the project and not the surrounding physical environment. Thus, such effects are outside of the scope of CEQA.

¹⁵ Subdivision (a) does not apply to a person engaged in the transportation of a hazardous material on a highway that is subject to, and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

Conclusion

Based on the above information, the project site does not include any identified RECs and project construction activities would be conducted in accordance with the applicable provisions of the California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. Therefore, the proposed project would not 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. Thus, a **less-than-significant** impact would occur.

- c. The nearest school relative to the project site is Central High School, located approximately 0.15-mile to the west of the site. In addition, it should be noted that Sobrato High School is 0.28-mile to the northeast. However, as discussed above, development of the proposed project would not result in any significant hazards related to the use, transport, disposal, or upset of hazardous materials during construction, as the project contractor would be required to comply with all California Health and Safety Codes and local County ordinances regulating hazardous and toxic materials. Additionally, residential uses are not typically associated with the routine transport, use, disposal, or generation of hazardous materials. While project operations would likely involve use of common household cleaning products, fertilizers, and herbicides on-site, such products would be expected to be used in accordance with label instructions. Finally, the proposed project would be consistent with the single-family land uses generally situated between the project site and Central High School. Thus, a **less-than-significant** impact would result relating to the emission or handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.¹⁶ Therefore, the project would not create a significant hazard to the public or the environment, and **no impact** would occur.
- e. The public airport nearest to the project site is the San Martin Airport, which is located approximately 6.3 miles southeast of the project site at 13030 Murphy Avenue. The project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport Comprehensive Land Use Plan.¹⁷ In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not result in an airport-related safety hazard for people residing or working in the project area, and **no impact** would occur.
- f. Implementation of the proposed project would not result in any substantial modifications to the City's existing roadway system. The project would not interfere with potential evacuation or response routes used by emergency response teams. In addition, the project would not conflict with the City's Emergency Operations Plan.¹⁸ The proposed project is consistent with the site's current General Plan land use and zoning designations. Therefore, the project would not impair implementation of or physically interfere with an

¹⁶ California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: <https://dtsc.ca.gov/dtscs-cortese-list>. Accessed December 2021.

¹⁷ Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport*. Amended November 16, 2016.

¹⁸ City of Morgan Hill. *Emergency Operations Plan*. January 11, 2018.

adopted emergency response plan or emergency evacuation plan, and a **less-than-significant** impact would occur.

g. Issues related to wildfire hazards are discussed in Section XX, Wildfire, of this IS/MND. As noted therein, according to the California Department of Forestry and Fire Protection's (CAL FIRE) Fire and Resource Assessment Program, the project site is not located within a Very High Fire Hazard Severity Zone (FHSZ).¹⁹ Additionally, the City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High FHSZ.²⁰ Furthermore, the project site is located in a developed area of the City, the project would be consistent with what was anticipated for the site in the City's General Plan, and the General Plan EIR concludes that compliance with applicable federal, State, and local laws and regulations would ensure impacts related to wildland fire hazards would be less than significant. There is nothing peculiar about this site that would change the conclusion of the General Plan. Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and a **less-than-significant** impact would occur.

¹⁹ California Department of Forestry and Fire Protection. *Morgan Hill: Very High Fire Hazard Severity Zones in LRA*. Available at: https://osfm.fire.ca.gov/media/5934/morgan_hill.pdf. Accessed December 2021.

²⁰ City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.

X. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iii. 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; or	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

a. The proposed project's potential to result in water quality impacts during construction and operations is discussed in detail separately below.

Construction

Project construction activities such as grading, excavation, and trenching for site improvements would result in the disturbance of on-site soils. The exposed soils have the potential to affect water quality in two ways: 1) suspended soil particles and sediments transported through runoff; or 2) sediments transported as dust that eventually reach local water bodies. Spills or leaks from heavy equipment and machinery, staging areas, or building sites also have the potential to enter runoff. Typical pollutants include, but are not limited to, petroleum and heavy metals from equipment and products such as paints, solvents, and cleaning agents, which could contain hazardous constituents. Sediment from erosion of graded or excavated surface materials, leaks or spills from equipment, or inadvertent releases of building products could result in water quality degradation if runoff containing the sediment or contaminants should enter receiving waters in sufficient quantities. Impacts from construction-related activities would generally be short-term.

Water quality degradation is regulated by the federal NPDES Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the State Water Resources Control Board (SWRCB) through nine Regional Water Quality Control Boards (RWQCBs). The project site is under the jurisdiction of the San Francisco

Bay RWQCB. As discussed in Section VII, Geology and Soils, of this IS/MND, new development within the City that disturbs one or more acres of land is required to comply with the NPDES Construction General Permit and prepare a SWPPP incorporating BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb 5.83 acres, and thus, would be subject to the State NPDES General Permit conditions.

Compliance with the SWRCB NPDES General Construction Permit through preparation of a SWPPP that specifies site management activities to be implemented during site development, such as construction stormwater BMPs, erosion and sedimentation controls, dewatering, runoff controls, and construction equipment maintenance, would ensure that construction of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Post-Construction Operations

After project completion, impervious surfaces on the project site could contribute incrementally to the degradation of downstream water quality during storm events. During the dry season, vehicles and other urban activities may release contaminants onto the impervious surfaces, where they would accumulate until the first storm event. During the initial storm event, or first flush, the concentrated pollutants would be transported through stormwater runoff from the site to the stormwater drainage system and eventually a downstream waterway. Typical urban pollutants that would likely be associated with the proposed project include sediment, pesticides, oil and grease, nutrients, metals, bacteria, and trash. In addition, stormwater runoff could cause soil erosion if not properly addressed and provide a more lucrative means of transport for pollutants to enter the waterways.

The Central Coast RWQCB regulates the City of Morgan Hill's stormwater discharges through an NPDES permit (State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ; NPDES General Permit No. CAS000004). However, the San Francisco Bay RWQCB regulates stormwater discharges from municipalities and local agencies in the San Francisco Bay area (including the portion of the City of Morgan Hill located north of Llagas Road and Cochrane Road) under a Municipal Regional Stormwater NPDES Permit (Order No. R2-2015-0049, as amended by Order No. R2-2019-0004; NPDES Permit No. CAS612008).

Although this project site is located within the jurisdiction of the San Francisco Bay (Region 2) RWQCB, the City's Residential Development Design and Development Standards require that the project comply with the requirements of the Central Coast Region (Region 3) as documented by the *Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements* ("Stormwater Guidance Manual"). In addition, since the City's NPDES Permit was issued by the Central Coast Region (Region 3), the NPDES Permit provisions can be applied to this project. Therefore, the City has directed the project engineer to use the more stringent Low Impact Development (LID) design strategies from the Central Coast RWQCB, as needed.

As shown in the Preliminary Grading and Drainage Plan, on-site stormwater runoff from impervious surfaces would be collected by BMPs, which would provide water quality treatment and peak management at pre-project levels for both on-site and off-site runoff. The project site would feature several BMPs across four DMAs (see Figure 6). In general,

each DMA would include a series of bio-retention basins that would provide initial stormwater treatment prior to being routed to underground rain tanks for additional treatment and retention. For the area north of Tilton Avenue, runoff would be detained, as necessary, in the underground rain-tank before being metered to a bio-retention basin at the western corner of the project site (BMP-2b), where the stormwater would then be discharged to the existing ditch along the northern side of Monterey Road. The stormwater runoff on the portion of the project site south of Tilton Avenue would be treated and detained by a series of bio-retention basins and rain tanks. Treated runoff would eventually be metered to a proposed 36-inch storm drain line in Monterey Road. The 36-inch storm drain pipe would release treated stormwater flows into the existing ditch along the northern side of Monterey Road. In addition, the extended portion of Tilton Avenue would include an 18-inch storm drain, which would collect runoff from inlets and discharge the stormwater to the storm drain within Monterey Road, where it would then be released in the existing ditch. A preliminary LID analysis has been prepared for the proposed project in compliance with the Santa Clara County Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook. Pursuant to the C.3 volume-based requirements, the minimum combined storage for all project DMAs is 15,532 feet; however, the proposed combined capacity is 29,069 feet (including 25,565 feet among BMP-1, -2, -2a, -2b, and -4) and 3,504 feet within BMP-1a, -1b, -3a, -4a, and -4b. Such capacity would provide adequate stormwater treatment for first-flush capture from the newly created impervious surfaces and the post-construction peak management. Using the lowest infiltration rate provided by the project soils engineer, C.3 volumes generated from each DMA would infiltrate the native soil under 48 hours.

In addition, the proposed project would be required to comply with the permanent stormwater pollution prevention measures set forth in Chapter 18.140 (Post Construction Stormwater Pollution Prevention) of the City's Municipal Code. In accordance with Chapter 18.140, the proposed project would be required to prepare a stormwater runoff management plan that shows compliance with the design standards set forth in Section 18.140.040 (Design standards and selection of best management practices), and implement BMPs to the satisfaction of the City.

The final design of the proposed drainage system would be reviewed and approved by the City of Morgan Hill Land Development Engineering Division, which would ensure that the proposed drainage system complies with all applicable regional and local standards, including those set forth in Chapter 18.140 of the Morgan Hill Municipal Code, as well as requirements pertaining to the incorporation of sufficient permanent stormwater treatment control BMPs. Therefore, water quality standards or waste discharge requirements would not be violated, and water quality would not be degraded as a result of operations of the proposed project or intersection improvement area.

Conclusion

Based on the above discussions, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations. Therefore, a ***less-than-significant*** impact would occur.

b,e. The City's water supplies consist entirely of groundwater. Approximately 25 percent of the City's supply is extracted from the Coyote Valley subarea of the Santa Clara Subbasin, and approximately 75 percent is extracted from the Llagas Subbasin. The project site is

located within the Santa Clara Subbasin. Neither of the aforementioned subbasins are in a condition of overdraft, and groundwater levels are not expected to decline.²¹ It should be noted that the extent to which water supply would be available to serve the proposed project is discussed in Section XIX, Utilities and Service Systems, of this IS/MND.

According to the General Plan EIR, the SCVWD manages all groundwater basins within Santa Clara County and uses a Groundwater Recharge Program to maintain groundwater levels. The SCVWD provides about 26 percent of recharge with imported raw water and about 34 percent by way of releases from local reservoir storage. Rainfall percolation accounts for the remaining 40 percent of replenishment. Because the basins are not adjudicated, the maximum supply available to the City is its maximum capacity. The General Plan EIR evaluated the potential for development facilitated by buildup of the General Plan to 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 and found that while such development could lead to an increased demand for water and groundwater pumping, water supply exceeds demand by at least 6,000 acre-feet per year (AFY). Additionally, the General Plan EIR accounted for the SCVWD's Groundwater Recharge Program and concluded that through compliance with all applicable General Plan policies and actions, a less-than-significant impact would occur. The project is consistent with the General Plan and the site's zoning district and would comply with all applicable policies, standards, and regulations set forth by the City's General Plan and Municipal Code. Therefore, the proposed project would not result in impacts beyond what were concluded in the General Plan and would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Additionally, as the exclusive groundwater management agency for Santa Clara County, the SCVWD serves as the local Groundwater Sustainability Agency (GSA), in accordance with the Sustainable Groundwater Management Act (SGMA). The SGMA requires local agencies to form GSAs, which develop and implement Groundwater Sustainability Plans to avoid undesirable results and mitigate overdraft within 20 years. The SCVWD-adopted 2016 Groundwater Management Plan (GWMP) for the Santa Clara and Llagas Subbasins describes SCVWD's groundwater sustainability goals, and the strategies, programs, and activities that support such goals. In 2019, the Department of Water Resources (DWR) approved the GWMP for both the Santa Clara and Llagas Subbasins, determining it satisfies the objectives of SGMA. According to DWR, the Santa Clara Subbasin is a medium-priority subbasin.²² Recharge within the Santa Clara Subbasin generally occurs along the margins and southern portion of the subbasin where coarse-grained sediments predominate.

While the proposed project would include development of new impervious surfaces on the project site, as discussed under question 'a' above, on-site stormwater runoff from impervious surfaces would be collected by BMPs, which would provide water quality treatment and peak management at pre-project levels for both on-site and off-site runoff. Runoff collected by the project's stormwater facilities would ultimately be discharged to the existing ditch along the northern side of Monterey Road, which would allow for captured runoff to infiltrate underlying soils in a manner that would allow groundwater

²¹ City of Morgan Hill. *Morgan Hill 2035 Environmental Impact Report* [pg. 4.9-18]. Adopted July 2016.

²² Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins* [pg. 1-1]. November 2016.

recharge. Additionally, the proposed rain tanks would also allow for runoff to infiltrate underlying soils. As such, the proposed project would not conflict with or obstruct implementation of the GWMP.

Based on the above, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Thus, a **less-than-significant** impact would occur.

- ci-iv. Runoff collected from the project site drains to Fisher Creek, which is located to the west of Monterey Road. Currently, an underground collection system does not front the property. Sheet flow from Monterey Road pavement conveys by way of an open ditch along both sides of the roadway. The following discussion assesses potential project impacts related to erosion/siltation and flooding and drainage system capacity.

Erosion/Siltation

As previously discussed under question 'a' above, the proposed project would be required to comply with the permanent stormwater pollution prevention measures set forth in Chapter 18.140 (Post Construction Stormwater Pollution Prevention) of the City's Municipal Code. As such, the project would be required to prepare a stormwater runoff management plan that shows compliance with the design standards set forth in Section 18.140.040 (Design standards and selection of best management practices), and implement BMPs to the satisfaction of the City. On-site stormwater runoff from new impervious surfaces would be collected by BMPs, which would provide water quality treatment and peak management at pre-project levels for both on-site and off-site runoff. The project site would feature several BMPs across four DMAs (see Figure 6). In general, each DMA would include a series of bio-retention basins that would provide initial stormwater treatment prior to being routed to underground rain tanks for additional treatment and retention. Following treatment, flows would be metered and released into the existing ditch along the northern side of Monterey Road.

Based on the above, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on- or off-site. Thus, a less-than-significant impact would occur.

Flooding and Drainage System Capacity

A Hydraulic Analysis Memorandum was prepared for the proposed project by Akel Engineering Group, Inc. to assess the extent to which the project's alteration of the existing drainage pattern of the project site and surrounding areas could result in potential runoff impacts (see Appendix D of this IS/MND).²³ The applicable threshold for evaluating the proposed project's effects on localized flooding is derived from the City of Morgan Hill Storm Drainage System Master Plan.²⁴ Table 3.4 of the Storm Drainage System Master Plan establishes a one-foot depth flooding threshold for streets. Therefore, a significant impact would occur if post-construction runoff depths were to exceed one foot along Monterey Road.

²³ Akel Engineering Group, Inc. *Manzanita Park Two-Dimensional (Grid Size: 5 ft by 5 ft) Hydraulic Analysis Memorandum*. December 17, 2021.

²⁴ City of Morgan Hill. *2018 Storm Drainage System Master Plan*. September 2018.

To ascertain the extent to which the proposed project would result in a potential impact, the FLO-2D model and a five-foot-by-five-foot grid was used as part of the Hydraulic Analysis Memorandum. With respect to the model, FLO-2D is a comprehensive two-dimensional floodplain simulation model that has been approved by the Federal Emergency Management Agency (FEMA) for flood study use. The model utilizes user-defined cells to store hydrologic information such as elevation, overland roughness, channels, building footprints, and streets. The model additionally incorporates existing gravity stormwater conveyance facilities within the City limits, as well as overland flow characteristics based on land cover types. The two-dimensional hydraulic model was developed based on one-foot contour elevation data prepared by SCVWD. With respect to the grid size, the five-foot-by-five-foot grid allows for taking full advantage of existing topography, which provides realistic results.

Under Existing conditions, stormwater from impervious surfaces along Burnett Avenue is diverted towards the project site, where runoff flows collect and settle on the project site. Flows during the simulated 100-year, 24-hour flood event are shown in Figure 9 for existing conditions. Based on the FLO-2D model of such conditions, the maximum observed flood depths ranged between 0.25-feet and 0.75-feet on the currently undeveloped project site. Maximum flood depths of 0.3-feet were modeled along the centerline of Monterey Road, while the maximum flood depths may reach up to 0.5-feet along the edges of the roadway.

Following project construction, floodwaters that previously collected on-site from off-site areas to the south would be routed through the project site by way of the newly constructed drainage infrastructure along the Tilton Avenue extension. Runoff would then be discharged into the ditch along Monterey Road. The maximum depths observed during the 100-year, 24-hour flood simulations under Existing Plus Project conditions are shown in Figure 10. The Existing Plus Project conditions incorporated the project site's proposed finished grade surface elevations and additional storm drain inlets that would be constructed as part of the project. Based on such a scenario, the FLO-2D model indicated that the maximum flood depths along the Monterey Road and the proposed Tilton Avenue extension would range between 0.25-feet and 0.90-feet. The results demonstrate that the proposed inlets along the easterly boundary of the project site would effectively convey pass-through stormwater from the eastern side of the site during the 100-year, 24-hour flood event and that the proposed project would not exceed the one-foot depth flooding threshold established by the City's Storm Drainage System Master Plan.

In addition, as previously discussed, on-site stormwater runoff from impervious surfaces would be collected by BMPs, which would provide water quality treatment and peak management at pre-project levels for both on-site and off-site runoff. As part of the BMPs incorporated in the project stormwater facilities, flows would be metered such that stormwater discharges to the existing ditch along the northern side of Monterey Road would not occur all at once. The design, construction, operation, and maintenance of the proposed stormwater system would be confirmed in a final stormwater runoff management plan, which would be submitted to the City of Morgan Hill, in accordance with the stormwater management requirements set forth in the City's Municipal Code. The final design of the proposed drainage system would be reviewed and approved by the City of Morgan Hill Land Development Engineering Division, which would ensure that the proposed drainage system complies with all applicable regional and local standards and requirements.

Figure 9
Existing Runoff Conditions

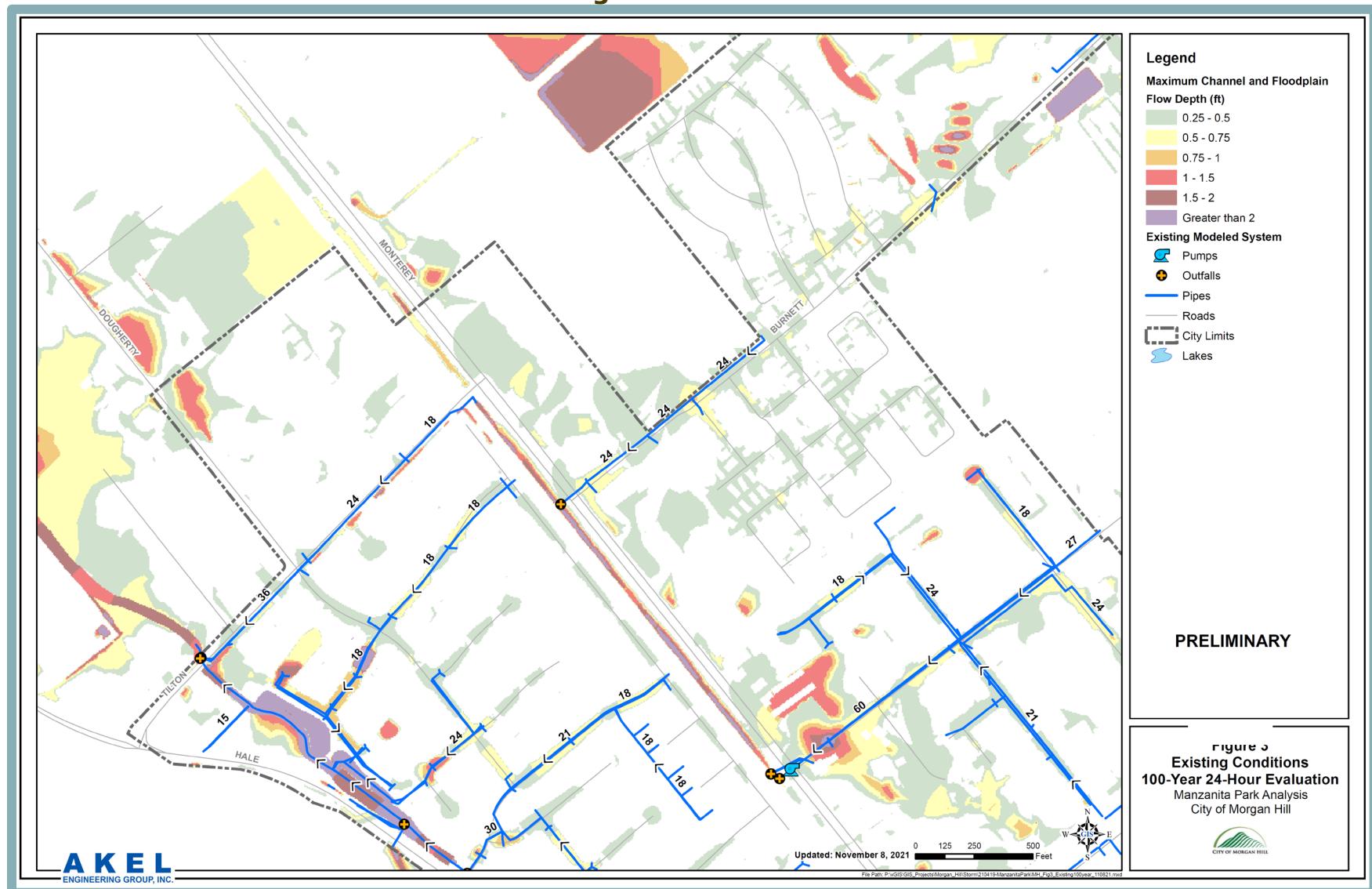
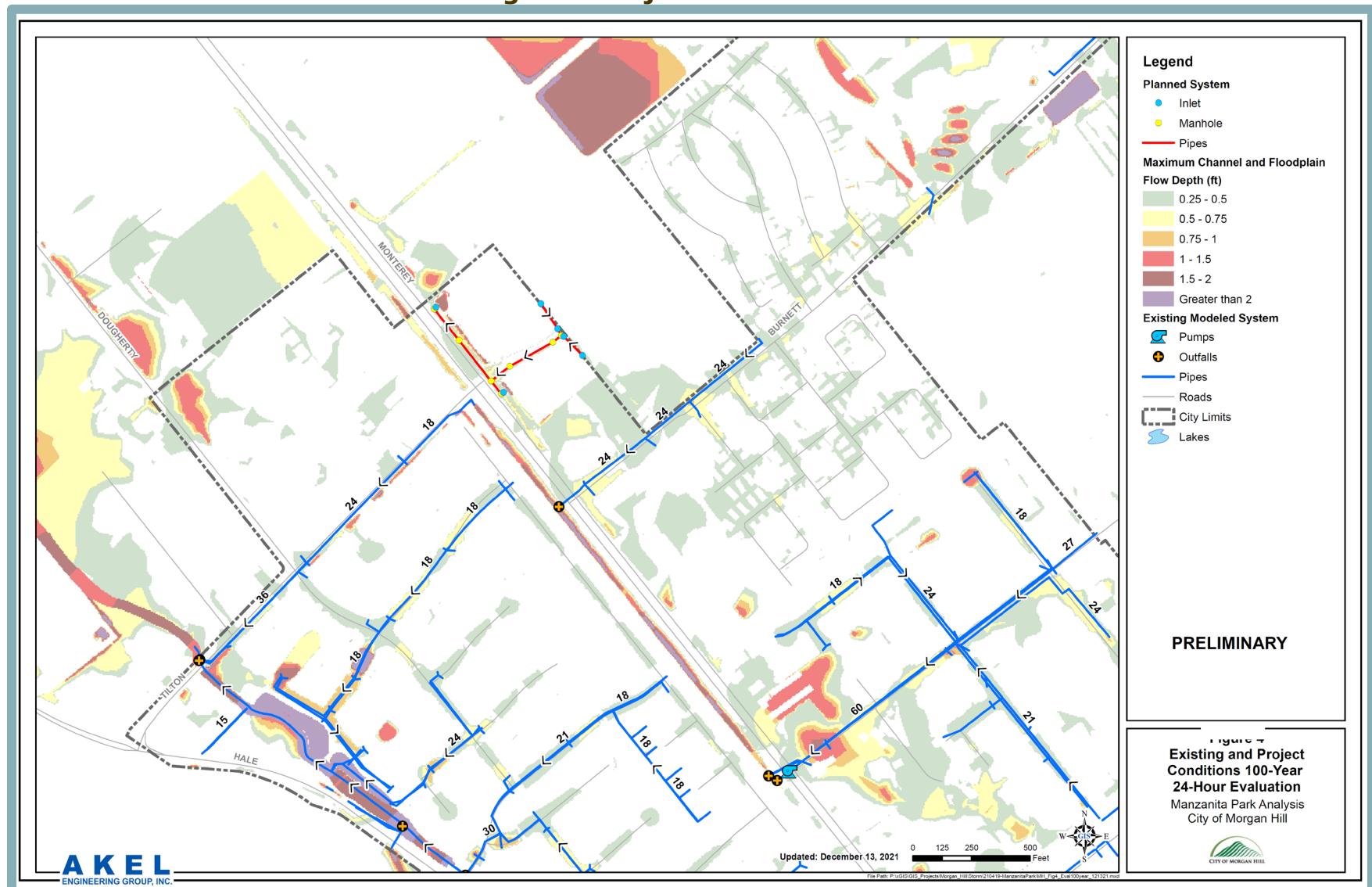


Figure 10
Existing Plus Project Runoff Conditions



Conclusion

Based on the above, the proposed project under post-construction conditions would not result in flooding depths along Monterey Road in excess of the one-foot depth flooding threshold established by the City's Storm Drainage System Master Plan.

Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would (1) result in substantial erosion or siltation on- or off-site; (2) substantially increase the rate of runoff in a manner that would result in flooding on- or off-site; (3) 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; or (4) impede or redirect flood flows. Thus, a **less-than-significant** impact would occur.

- d. Furthermore, according to FEMA Flood Insurance Rate Map (FIRM) number 06085C0443H, the project site is located within Zone X, which is not designated as a Special Flood Hazard Zone (SFHA).²⁵ The project site is located within the 500-year floodplain.

A seiche is defined as a wave generated by rapid displacement of water within a reservoir or lake, due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The project site is not located near a water body that is susceptible to seiche hazard. The nearest closed body of water is Anderson Lake, located approximately 2.6 miles to the northeast of the site. In addition, the distance to the nearest coastline does not subject the site to tsunami hazards.

The dams in Santa Clara County are managed by the SCVWD. The dams are inspected twice each year and are continuously monitored for seepage and settling and inspected immediately following significant earthquakes. A seismic stability evaluation performed in 2007 for Anderson Dam indicated that the downstream and upstream embankments could become unstable during a very large magnitude earthquake and the rupture of faults underlying the dam may have adverse impact on the outlet pipes and intake structure. The SCVWD has initiated a capital project, the Anderson Dam Seismic Retrofit Project (ADSRP), to complete the planning, design, and construction of the seismic retrofit of the dam. Construction work for the ADSRP is planned to start in 2021.²⁶

Until recently, in order to protect the public from potential effects until the ADSRP is complete, a storage restriction of approximately 45 feet below the dam crest has been put in place, with a reduced storage capacity of 61,810 acre-feet. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake. As of December 2020, Anderson Reservoir, the largest reservoir in Santa Clara County, has been completely drained under the direction of federal dam regulators.

²⁵ Federal Emergency Management Agency. *FEMA Flood Map Service Center Flood Map 06085C0443H*. Available at: <https://www.fema.gov/flood-maps>. Accessed December 2021.

²⁶ Santa Clara Valley Water District. *C1: Anderson Dam Seismic Retrofit*. Available at: <https://www.valleywater.org/anderson-dam-project>. Updated November 2018.

*Manzanita Park Project
Initial Study/Mitigated Negative Declaration*

Based on the above, the proposed project would not be exposed to substantial risks related to flooding as a result of the failure of a dam, tsunamis, or seiches. Therefore, a ***less-than-significant*** impact would occur.

XI. LAND USE AND PLANNING. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. The proposed project would be consistent with the existing residential land uses to the northeast, southeast, and southwest of the project site. In addition, the proposed project would include a bicycle lane along Monterey Road and sidewalk improvements along the project frontage to increase pedestrian connectivity in the project area. Therefore, the proposed project would be a continuation of the surrounding development and would not isolate an existing land use. As such, the proposed project would not physically divide an established community, and a ***less-than-significant*** impact would occur.
- b. The proposed project would be generally consistent with Municipal Code standards and General Plan policies, as well as other applicable policies and regulations adopted for the purpose of avoiding or mitigating environmental effects. For example, with implementation of Mitigation Measures IV-1(a) and (b) and IV-2, the project would not conflict with any applicable policies, regulations, or ordinances related to the protection of biological resources. As discussed under Section XIII, Noise, of this IS/MND, the proposed project would comply with the noise level thresholds established in the City's General Plan and Municipal Code during construction and operation with implementation of Mitigation Measures XIII-1.

Thus, the proposed project would be consistent with the General Plan and would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and a ***less-than-significant*** impact would occur.

XII. MINERAL RESOURCES. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,b. The City's General Plan does not identify any regionally or locally important mineral resources within the City of Morgan Hill. The Santa Clara County General Plan does identify mineral resources of importance; however, the project site is not in proximity to the quarries currently in operation. Consequently, the proposed project would not result in the loss of a known mineral resource that would be of value to the region nor would the project result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, ***no impact*** to mineral resources would occur as a result of the proposed project.

XIII. NOISE. <i>Would the project result in:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. The following is a discussion of the existing noise environment of the project site and surrounding vicinity, as well as an evaluation of the proposed project's construction and operational noise and vibration levels. The discussion is based on an Environmental Noise & Vibration Assessment (Noise Report) prepared for the proposed project by Bolland Acoustical Consultants, Inc. (BAC) (see Appendix E of this IS/MND).²⁷

It should be noted that impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Ballona Wetlands Land Trust v. City of Los Angeles*, [2011] 201 Cal.App.4th 455, 473 [Ballona]). The California Supreme Court recently held that “CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project’s future users or residents. What CEQA does mandate... is an analysis of how a project might exacerbate existing environmental hazards.” (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* [2015] 62 Cal.4th 369, 392; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* [2016] 6 Cal.App.5th 160, 197 [“identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes”], quoting *Ballona*, *supra*, 201 Cal.App.4th at p. 474). Therefore, for the purposes of this IS/MND, the relevant inquiry is not whether the proposed project’s future residents would be exposed to pre-existing environmental noise-related hazards, but instead whether project-generated noise would exacerbate the pre-existing conditions.

The following terms are referenced in the sections below:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to dB in this section will be A-weighted unless otherwise noted;

²⁷ Bolland Acoustical Consultants, Inc. *Environmental Noise & Vibration Assessment: Manzanita Park Subdivision, Morgan Hill, California*. June 10, 2021.

- Day-Night Average Level (DNL or L_{dn}): The average sound level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours;
- Average or Equivalent Sound Level (L_{eq}): L_{eq} is the average sound level over the period of measurement;
- Sound Exposure Level (SEL): SEL is an L_{eq} that is normalized to one second. SEL captures both the level and duration of a sound event in a single numerical quantity, which provides a uniform way to make comparisons among noise events of various durations; and
- Maximum Sound Level (L_{max}): L_{max} represents the highest noise level measured.

Existing Sensitive Receptors and Noise Environment

Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the primary intended use of the land. Places where people live, sleep, recreate, worship, and study are generally considered to be sensitive to noise because intrusive noise can be disruptive to such activities. The noise-sensitive land uses that would potentially be affected by the project consist of residential uses (see Figure 11). Specifically, single-family residential land uses are located to the west of the project site, across Monterey Road. Existing commercial uses are located to the south of the site. However, commercial uses are typically not considered to be noise-sensitive, but rather noise-generating.

The existing ambient noise environment within the project area is defined primarily by noise from traffic on Monterey Road, intermittent railroad operations on the adjacent UPRR track, and to a lesser extent, activities at nearby commercial uses. To generally quantify the existing ambient noise environment within the project area, BAC conducted long-term (48-hour) ambient noise level measurements from April 14-15, 2021. The noise survey location is shown on Figure 11, identified as site LT-1. The ambient noise level survey results are summarized below in Table 7. The data indicate that measured day-night average and average hourly noise levels were consistent throughout the monitoring period. Long-term measurement site LT-1 was selected to be representative of the existing Monterey Road traffic and UPRR railroad noise level environment at the project site. In addition, the detailed results of the ambient noise survey are contained in Appendix E in tabular format and graphically in Appendix F of the Noise Report.

Table 7
Summary of Long-Term Noise Survey Measurement Results –
April 14-15, 2021¹

Site Description ²	Date	DNL	Average Measured Hourly Noise Levels (dBA) ³			
			Daytime ⁴		Nighttime ⁵	
			L_{eq}	L_{max}	L_{eq}	L_{max}
LT-1	4/14/21	72	68 (64-73)	90 (80-102)	65 (54-69)	88 (77-99)
LT-1	4/15/21	72	69 (66-74)	94 (83-101)	65 (55-69)	88 (78-99)

¹ Detailed summaries of the noise monitoring results are provided in Appendices E and F of the Noise Report.

² Long-term noise survey location is shown in Figure 11.

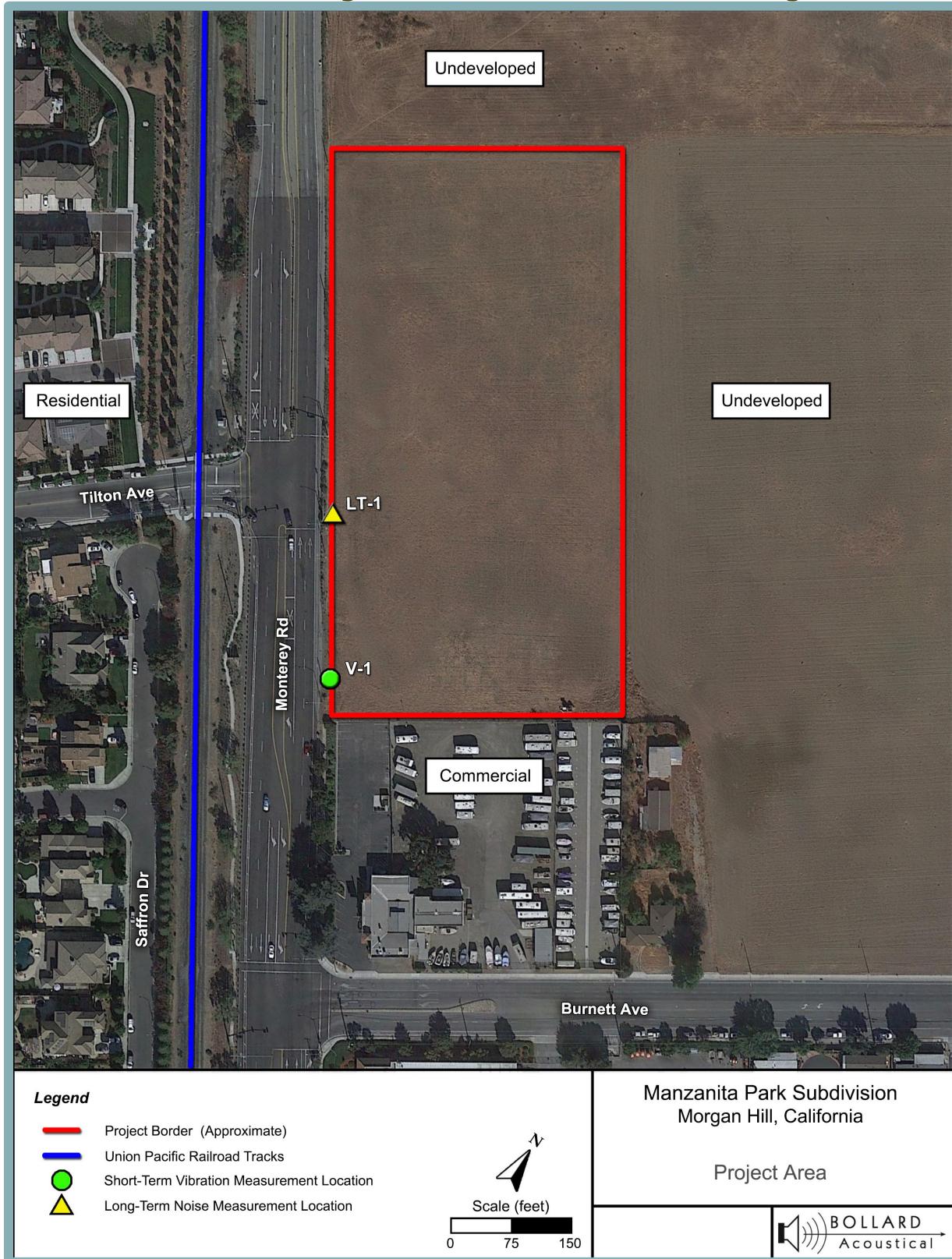
³ Data presented in terms of: Average (Low-High)

⁴ Daytime hours: 7:00 AM to 10:00 PM.

⁵ Nighttime hours: 10:00 PM to 7:00 AM.

Source: Bollard Acoustical Consultants, Inc. (2021)

Figure 11
Manzanita Park Existing Noise and Vibration Monitoring Locations



The Federal Highway Administration (FHWA) Traffic Noise Model (FHWA-RD-77-108) was used to develop existing noise contours expressed in terms of DNL for major roadways within the project study area. The FHWA model predicts hourly L_{eq} values for free-flowing traffic conditions. Estimates of the hourly distribution of traffic for a typical 24-hour period were used to develop DNL values from L_{eq} values.

Traffic data in the form of AM and PM peak hour movements for existing (2020) conditions was obtained and average daily traffic volumes were conservatively estimated by applying a factor of five to the sum of AM and PM peak hour conditions. Using the data and FHWA Model, traffic noise levels at 100 feet from the roadway centerline and distances from the centerlines of selected roadways were determined at the 60 dB, 65 dB, and 70 dB DNL contours, as summarized in Table 8.

Table 8 Existing (2020) Traffic Noise Modeling Results						
Seg.	Intersection	Direction	DNL 100 Feet from Roadway	Distance to Contour (feet)		
				70 dB DNL	65 dB DNL	60 dB DNL
1	Monterey Rd/Tilton Ave	North	69	85	183	395
2	Monterey Rd/Tilton Ave	South	68	74	158	341
3	Monterey Rd/Tilton Ave	East	--	--	--	--
4	Monterey Rd/Tilton Ave	West	59	18	38	82

Note: Blank cell = no traffic data was provided

Source: FHWA-RD-77-108 with inputs from Higgins Traffic Engineer. Appendix C contains FHWA Model inputs.

City of Morgan Hill Noise Standards and Criteria

Chapter 9, Safety, Service, and Infrastructure, of the City's General Plan contains the following policies that would be applicable to the proposed project:

SSI-8.1 Exterior Noise Level Standards. Require new development projects to be designed and constructed to meet acceptable exterior noise level standards (see Table SSI-1 [of the General Plan]), as follows:

- Apply a maximum exterior noise level of 60 dBA L_{dn} in residential areas where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). Where the City determines that providing an L_{dn} of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, an L_{dn} of 65 dBA may be permitted.
- Indoor noise levels should not exceed an L_{dn} of 45 dBA in new residential housing units.
- Noise levels in new residential development exposed to an exterior L_{dn} 60 dBA or greater should be limited to a maximum instantaneous noise level (e.g., trucks on busy streets, train warning whistles) in bedrooms of 50 dBA. Maximum instantaneous noise levels in all other habitable rooms should not exceed 55 dBA. The maximum outdoor noise level for new residences near the railroad shall be 70 dBA L_{dn} , recognizing that train noise is characterized by relatively few loud events.

SSI-8.2 Impact Evaluation. The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.

SSI-8.5 Traffic Noise Level Standards. Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.

SSI-8.6 Stationary Noise Level Standards. Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.

SSI-8.7 Other Noise Sources. Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.

SSI-8.9 Site Planning and Design. Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver, c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas, d) orienting buildings to shield outdoor spaces from the noise source, and e) minimizing the noise at its source.

In addition to the policies listed above, Section 18.76.090 (Noise) of the City's Municipal Code contains maximum noise levels for non-transportation noise sources. The City's quantitative exterior noise standards are reproduced below in Table 9. According to City staff, such standards are interpreted as being hourly average noise level standards (L_{eq}).

Table 9 Noise Level Performance Standards	
Receiving Land Use	Maximum Noise Level at Lot Line of Receiving Use (dBA)
Industrial and Wholesale	70
Commercial	65
Residential or Public/Quasi Public	60

Notes:

- The planning commission may allow an additional 5 dBA noise level at the lot line if the maximum noise level shown above cannot be achieved with reasonable and feasible mitigation.
- Noise standards shown above do not apply to noise generated by vehicle traffic in the public ROW or from temporary construction, demolition, and vehicles that enter or leave the site of the noise-generating use (e.g., construction equipment, trains, trucks).

Source: City of Morgan Hill Municipal Code.

Pursuant to Section 8.28.040.D of the Morgan Hill Municipal Code, construction activities are only permitted between the hours of 7:00 AM and 8:00 PM, Monday through Friday and between the hours of 9:00 AM to 6:00 PM on Saturday. Construction activities may not occur on Sundays or federal holidays.

Federal Interagency Committee on Noise Criteria

As discussed above, General Plan Policy SSI-8.5 requires the consideration of noise level increases resulting from traffic associated with new projects. Consistent with Policy SSI-8.5, the Federal Interagency Committee on Noise (FICON) has developed a graduated scale for use in the assessment of project-related noise level increases. The criteria shown in Table 10 were developed by FICON as a means of developing thresholds for impact identification for project-related noise level increases.

Table 10 FICON Significance of Changes in Cumulative Noise Exposure	
Ambient Noise Level Without Project (DNL or CNEL)	Change in Ambient Noise Level Due to Project
<60 dB	+5.0 dB or more
60 to 65 dB	+3.0 dB or more
>65 dB	+1.5 dB or more

Source: Bollard Acoustical Consultants, Inc., 2021.

The FICON standards have been used extensively in recent years in the preparation of noise sections of EIRs that have been certified by lead agencies in California. The use of FICON standards is considered conservative, relative to thresholds used by other agencies in the State. For example, the Caltrans requires a project-related traffic noise level increase of 12 dB for a finding of significance, and the California Energy Commission (CEC) considers project-related noise level increases between five to 10 dB significant, depending on local factors. Therefore, the use of the FICON standards, which set the threshold for finding of significant noise impacts as low as 1.5 dB, provides a very conservative approach to impact assessment for the proposed project.

Thresholds of Significance

Compliance with the applicable noise level standards established in the Morgan Hill General Plan and Municipal Code is required. For increases in off-site traffic noise, General Plan Policy SSI-8.5 considers noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

Existing residential and commercial land uses are located to the west and south of the project area, respectively. For noise generated by on-site activities, the Municipal Code establishes exterior noise level limits of 60 and 65 dB L_{eq} for residential and commercial land uses (see Table 9). In addition, General Plan Policy SSI-8.6 considers noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels. The primary on-site noise sources of the proposed project have been identified as the playing court (basketball) and playground (tot lot) areas (see Figure 3). Because it is reasonably assumed that activities within the foregoing outdoor areas would take place during daytime hours only (7:00 AM to 10:00 PM), the daytime ambient noise level data presented in Table 7 would serve as the baseline ambient noise level environment in the project vicinity. The General Plan, however, does not provide guidelines for determining a substantial noise increase relative to ambient conditions. As a result, for noise generated by on-site activities and the determination of a substantial noise increase relative to ambient conditions, the FICON criteria presented in Table 10 was used.

According to the FICON criteria, a five dB increase in noise levels due to a project is required for a finding of a significant noise impact where ambient day-night average noise levels without the project are less than 60 dB DNL. Where pre-project ambient conditions are between 60 and 65 dB DNL, a three dB increase is applied as the standard of significance. Finally, in areas already exposed to higher noise levels, specifically pre-project noise levels in excess of 65 dB DNL, a 1.5 dB increase is considered by FICON as the threshold of significance. As indicated in Table 7, the measured day-night average noise level within the project vicinity was 72 dB DNL during the 48-hour monitoring period. Thus, a 1.5 dB increase in noise levels due to on-site project activities is required for a finding of a significant impact.

Existing Plus Project Noise Levels

Based on traffic data in the form of AM and PM peak hour movements for Existing and Existing Plus Project conditions and average daily traffic (ADT) volumes conservatively estimated by applying a factor of five to the sum of AM and PM peak hour conditions, the Noise Report determined the Existing and Existing Plus Project traffic noise levels on the local roadway network, which are shown in Table 11. The data are provided in terms of DNL at a standard distance of 100 feet from the centerlines of the project area roadways.

Seg.	Intersection	Direction	Traffic Noise Level at 100 feet (dB)			Substantial Increase?
			E	E+P	Increase	
1	Monterey Rd/Tilton Ave	North	69.0	69.0	0.0	No
2	Monterey Rd/Tilton Ave	South	68.0	68.0	0.0	No
3	Monterey Rd/Tilton Ave	East	N/A	45.7	45.7	Yes
4	Monterey Rd/Tilton Ave	West	58.7	58.8	0.1	No

Note: N/A = Roadway segment that would not exist without project.

Source: FHWA-RD-77-108 with inputs from Higgins and Hexagon, 2021.

As indicated in the table, the proposed project's contribution to traffic noise level increases is predicted to exceed applicable General Plan Policy SSI-8.5 increase significance criteria along one roadway segment (Segment 3). However, Segment 3 is the future extension of Tilton Avenue that would extend into the project site. Existing noise-sensitive uses were not identified along this roadway segment within the project area. Thus, the noise level increase along this future segment would only be experienced by future project residents. As a result, noise level increases along the Tilton Avenue extension are not related to the project's effects on the surrounding environment. Additionally, the noise level increase resulting from the proposed project along Segment 3 would not exceed the applicable 60 dB standard set forth in General Plan Policy SSI-8.1.

Based on the analysis presented above, off-site traffic noise impacts related to increases in traffic resulting from the implementation of the project (Existing versus Existing Plus Project conditions) would be less than significant.

Cumulative Plus Project Noise Levels With Madone Parkway Extension

Based on traffic data in the form of AM and PM peak hour movements for Cumulative (General Plan buildout without the proposed project) and Cumulative Plus Project conditions, and ADT volumes conservatively estimated by applying a factor of five to the sum of AM and PM peak hour conditions, the Noise Report determined the Cumulative and Cumulative Plus Project traffic noise levels on the local roadway network, which are shown in Table 12. The data are provided in terms of DNL at a standard distance of 100 feet from the centerlines of the project area roadways. Cumulative noise levels are assessed under scenarios that both include and omit the extension of Madrone Parkway.²⁸

Table 12 Traffic Noise Modeling Results and Project Traffic Noise Increases Cumulative (with Madrone Extension) Versus Cumulative Plus Project Conditions						
Seg.	Intersection	Direction	Traffic Noise Level at 100 feet (dB)			Substantial Increase?
			C	C+P	Increase	
1	Monterey Rd/Tilton Ave	North	70.9	70.9	0.0	No
2	Monterey Rd/Tilton Ave	South	69.9	69.6	-0.3	No
3	Monterey Rd/Tilton Ave	East	N/A	53.5	53.5	Yes
4	Monterey Rd/Tilton Ave	West	54.6	54.7	0.1	No

Note: N/A = Roadway segment that would not exist without project.

Source: FHWA-RD-77-108 with inputs from Higgins and Hexagon, 2021.

The data indicate that the proposed project's contribution to cumulative traffic noise level increases is predicted to exceed applicable General Plan Policy SSI-8.5 increase significance criteria along one roadway segment (Segment 3). However, as discussed above, Segment 3 is the future Tilton Avenue extension. Existing noise-sensitive uses were not identified along this roadway segment within the project area, and noise level increases along the segment are not related to the project's effects on the surrounding environment. Additionally, the noise level increase along Segment 3 would not exceed the applicable 60 dB standard set forth in General Plan Policy SSI-8.1.

Based on the analysis presented above, off-site traffic noise impacts related to increases in traffic resulting from the implementation of the project under Cumulative Plus Project conditions, with the Madrone Parkway extension, would be less than significant.

²⁸ The Morgan Hill 2035 DEIR forecasts that the traffic volumes on Tilton Avenue at General Plan Buildout will decrease by approximately 62 percent from 2015 levels due to the Madrone Parkway extension. This is proposed in the City of Morgan Hill General Plan that would extend Madrone Parkway westward from Monterey Road to Hale Avenue. This extension would create a new and more direct connection between those two streets than Tilton Avenue. However, the westward extension of Madrone Parkway would require the crossing of the Union Pacific rail line. It is uncertain if Union Pacific would allow an at-grade crossing at this location and the feasibility of a grade separated crossing is also unclear. These two factors may substantially delay or preclude implementation of the extension. Without the Madrone Parkway extension, traffic volumes on Tilton Avenue would substantially increase over the General Plan Buildout forecasts that assume the extension. Therefore, it is also important to also analyze operations at the Monterey Road / Tilton Avenue intersection without the Madrone Parkway extension as a worst-case condition.

Cumulative Plus Project Noise Levels Without Madrone Parkway Extension

Table 13 provides traffic noise modeling results for Cumulative Plus Project conditions without the extension of Madrone Parkway.

Seg.	Intersection	Direction	Traffic Noise Level at 100 feet (dB)			Substantial Increase?
			C	C+P	Increase	
1	Monterey Rd/Tilton Ave	North	70.9	70.9	0.0	No
2	Monterey Rd/Tilton Ave	South	69.9	69.7	-0.2	No
3	Monterey Rd/Tilton Ave	East	N/A	53.5	53.5	Yes
4	Monterey Rd/Tilton Ave	West	54.6	59.1	4.5	No

Note: N/A = Roadway segment that would not exist without project.

Source: FHWA-RD-77-108 with inputs from Higgins and Hexagon, 2021.

As shown above, the proposed project's contribution to cumulative traffic noise level increases is predicted to exceed applicable General Plan Policy SSI-8.5 increase significance criteria along one roadway segment (Segment 3). However, as discussed above, Segment 3 is the future Tilton Avenue extension. Existing noise-sensitive uses were not identified along this roadway segment within the project area, and noise level increases along the segment are not related to the project's effects on the surrounding environment. Additionally, the noise level increase along Segment 3 would not exceed the applicable 60 dB standard set forth in General Plan Policy SSI-8.1.

Based on the analysis presented above, off-site traffic noise impacts related to increases in traffic resulting from the implementation of the project under Cumulative Plus Project conditions, without the Madrone Parkway extension, would be less than significant.

Playing Court Noise at Nearest Existing Off-Site Land Uses

The primary noise sources associated with activities within the project area have been identified as the proposed outdoor playing court and playgrounds. As shown in Figure 3, the playing court would be located in the northernmost corner of the project site. The primary noise source associated with outdoor playing court use is participant shouting. BAC file data indicate that average and maximum noise levels of similar sized outdoor playing courts are approximately 55 dB L_{eq} and 75 dB L_{max} at a distance of 50 feet from the focal point of the court area. Based on the above-mentioned reference noise levels, and assuming standard spherical spreading loss (-6 dB per doubling of distance), playing court noise exposure at the nearest existing off-site residential and commercial uses was calculated and the results of the calculations are presented in Table 14.

For noise generated by on-site activities, the Morgan Hill Municipal Code establishes exterior noise level standards of 60 and 65 dB L_{eq} for residential and commercial land uses, respectively. The Municipal Code noise level limits are to be assessed at the property lines of receiving uses. The Table 14 data indicate that project playing court noise

levels are predicted to satisfy the applicable Morgan Hill Municipal Code exterior noise level standards at the nearest existing residential and commercial land uses.

Table 14 Predicted Playing Court Noise Levels at Nearest Existing Off-Site Land Uses			
Receiver¹	Distance from Playing Court (ft)²	Predicted Exterior Noise Levels (dB)	
		L_{eq}	L_{max}
Residential – West	550	34	54
Commercial – South	650	33	53

¹ Existing land use locations are identified on Figure 11.
² Distances scaled from center of playing court to receiver property lines using provided site plans.

Source: Bollard Acoustical Consultants, Inc., 2021.

The increase in ambient noise levels resulting from project playing court activities is calculated to be less than 0.01 dB L_{eq}/L_{max}, which would not exceed the 1.5 dB threshold.

Because noise exposure from project playing court activities is predicted to satisfy applicable Morgan Hill Municipal Code noise level standards at the nearest existing off-site land uses, and because noise level exposure from playing court activities is not expected to significantly increase ambient noise levels at the foregoing land uses, the impact related to project playing court noise would be less than significant.

Playground Noise at Nearest Existing Off-Site Land Uses

As shown in Figure 3, the project playground uses would be located to the north and south of the proposed Tilton Avenue extension between the proposed buildings. BAC used noise level data collected at various outdoor play areas in recent years to assess the potential project playground noise impacts. The primary noise source associated with play area use is shouting children. BAC file data indicate that average and maximum noise levels of similar sized outdoor play areas range from approximately 50 to 55 dB L_{eq} and 75 dB L_{max} at a distance of 50 feet from the focal point of the playground area. Based on reference noise levels of 55 dB L_{eq} and 75 dB L_{max} at 50 feet, and assuming standard spherical spreading loss (-6 dB per doubling of distance), playground noise exposure at the nearest existing off-site residential and commercial uses was calculated. The results are presented in Table 15.

Table 15 Predicted Playground Noise Levels at Nearest Existing Off-Site Land Uses			
Receiver¹	Distance from Playing Court (ft)²	Predicted Exterior Noise Levels (dB)	
		L_{eq}	L_{max}
Residential – West	300	39	59
Commercial – South	30	59	79

¹ Existing land use locations are identified on Figure 11.
² Distances scaled from center of playground to receiver property lines using provided site plans.

Source: Bollard Acoustical Consultants, Inc., 2021.

For noise generated by on-site activities, the Morgan Hill Municipal Code establishes exterior noise level standards of 60 and 65 dB L_{eq} for residential and commercial land

uses, respectively. The Municipal Code noise level limits are to be assessed at the property lines of receiving uses. As indicated in Table 15, project playground noise levels are predicted to satisfy the applicable Morgan Hill Municipal Code exterior noise level standards at the nearest existing residential and commercial land uses.

The increase in ambient noise levels resulting from project playground activities is calculated to range from 0.0 to 0.4 dB L_{eq} and 0.0 to 0.2 dB L_{max} , which would not exceed the 1.5 dB threshold. Because noise exposure from project playground activities is predicted to satisfy applicable Morgan Hill Municipal Code noise level standards at the nearest existing off-site land uses, and because noise level exposure from playground activities is not expected to significantly increase ambient noise levels at those land uses, the impact would be less than significant.

Cumulative Noise Levels from On-Site Sources at Nearest Existing Off-Site Land Uses

The projected cumulative (combined) noise level exposure from on-site noise sources at the nearest existing off-site land uses to the west and south of the project site is presented in Table 12. It should be noted that due to the logarithmic nature of the decibel scale, the sum of two noise values which differ by 10 dB equates to an overall increase in noise levels of 0.4 dB. When the noise sources are equivalent, the sum would result in an overall increase in noise levels of 3 dB.

Receiver	Predicted Exterior Noise Levels (dB)¹					
	Playing Court		Playground		Cumulative	
	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
Residential – West	34	54	39	59	41	61
Commercial – South	33	53	59	79	59	79

¹ Calculated cumulative noise levels based on predicted noise levels presented in Impacts 4 & 5.

Source: Bollard Acoustical Consultants, Inc., 2021.

For noise generated by on-site activities, the Morgan Hill Municipal Code establishes exterior noise level standards of 60 and 65 dB L_{eq} for residential and commercial land uses, respectively. The Municipal Code noise level limits are to be assessed at the property lines of receiving uses. The Table 16 data indicate that cumulative (combined) noise level exposure from primary on-site noise sources is calculated to satisfy the applicable Morgan Hill Municipal Code exterior noise level standards at the nearest existing residential and commercial land uses.

The increase in ambient noise levels resulting from combined on-site noise sources is calculated to range from 0.0 to 0.4 dB L_{eq} and 0.0 to 0.2 dB L_{max} , which would not exceed the 1.5 dB threshold. Because cumulative (combined) noise level exposure from on-site noise sources is predicted to satisfy applicable Morgan Hill Municipal Code noise level standards at the nearest existing off-site land uses, and because cumulative noise level exposure from on-site noise sources is not expected to significantly increase ambient noise levels at the foregoing land uses, this impact would be less than significant.

On-Site Noise Levels Associated with Traffic and UPRR

The following discussions are in regards to future exterior and interior noise levels from traffic and the UPRR tracks at the project site. As discussed, effects of the surrounding environment on the project are beyond the scope of CEQA review. The discussions below are provided in this IS/MND for informational purposes and include applicable conditions of approval.

Exterior Noise Levels Associated with Traffic and UPRR

The FHWA Model was used with future traffic data to predict future Monterey Road traffic noise levels at the project site. To predict future railroad noise exposure at the project site, BAC utilized long-term noise level measurement data obtained from a 2017 BAC noise survey for the Harvest Park II Residential Development Project located south of the project area, adjacent to the same UPRR track. According to BAC file data, DNL noise level exposure along the UPRR track was computed to be 71 dB DNL, at a distance of approximately 260 feet from the center of the track. Future railroad activity would be limited to the number of operations that could reasonably occur on the single set of tracks over a 24-hour period. For purposes of this analysis, it was assumed that a future increase in rail activity could occur along the tracks parallel to the project site.

The predicted future traffic and railroad noise level data cited above were projected to the nearest proposed building facades of residences and common outdoor recreation areas of the development and are summarized in Table 17. The proposed project's primary common outdoor recreation areas were identified as the centrally located play lawn areas. The project also proposes outdoor areas including a basketball court and tot lots (active recreation uses), but such noise sources are typically considered to be noise-generating rather than noise-sensitive.

Table 17 Future Combined Exterior Noise Levels at Project Site from Traffic and UPRR		
Location	Offset (dB)¹	Future Exterior DNL (dB)
Common Outdoor Recreation Areas – Play Lawns	-7	63
Nearest First-Floor Building Facades		76
Nearest Upper-Floor Building Facades	+3	79

¹ A +3 dB offset was applied at upper-floor locations to account for reduced ground absorption at elevated locations. Negative offsets were applied where proposed intervening buildings would provide screening.

Source: Bollard Acoustical Consultants, Inc., 2021.

Table SSI-1 of the Morgan Hill General Plan includes the State of California Land Use Compatibility Guidelines for Community Noise Environments. For new multi-family residential land uses, the General Plan indicates a normally acceptable exterior noise level of up to 65 dB DNL for common outdoor recreation areas. The table also identifies a conditionally allowable exterior noise level of up to 70 dB DNL at such locations, provided that a detailed analysis of noise reduction requirements is made, and the needed noise insulation features are included in building design. Finally, General Plan Policy SSI-8.1 states that the maximum outdoor noise level for new residences near railroad tracks shall be 70 dB DNL, recognizing that train noise is characterized by relatively few loud events.

As shown in Table 17, the future combined traffic and railroad noise level exposure would satisfy the Morgan Hill General Plan's normally acceptable and conditionally acceptable exterior noise level limits of 65 and 70 dB DNL at the primary common outdoor recreation areas of the development (play lawns). Thus, the proposed project would be consistent with applicable General Plan policies and standards with respect to future on-site noise levels associated with traffic and the UPRR track.

Interior Noise Levels Associated with Traffic and UPRR

Policy SSI-8.1 of the Morgan Hill General Plan uses an interior noise level standard of 45 dB DNL for new residential housing units. Policy SSI-8.1 further states that noise levels in new residential development exposed to an exterior DNL of 60 dB or more should be limited to a maximum instantaneous interior noise level (e.g., trucks on busy streets, train warning whistles) of 50 dB L_{max} in bedrooms and 55 dB L_{max} in all other habitable rooms.

As indicated in Table 17, future combined noise exposure from Monterey Road traffic and UPRR railroad operations is predicted to be 76 dB DNL at the first-floor building facades of proposed residences nearest to such sources. Due to reduced ground absorption at elevated positions, noise levels at the upper-floor facades of the residences are predicted to approach approximately 79 dB DNL. To satisfy the General Plan 45 dB DNL interior noise level standard, minimum noise reductions of 31 dB and 34 dB would be required of the first- and upper-floor building facades, respectively, of residences constructed nearest to Monterey Road and the UPRR track.

Using audio recordings collected at site LT-1 during the monitoring period, the maximum noise levels associated with discrete train passbys were identified at the project site. In the analysis of 25 train passbys during the 48-hour monitoring effort, the maximum noise levels associated with train passbys ranged from 81 to 99 dB L_{max} (calculated average of 92 dB L_{max}) at approximately 160 feet from the center of the track. The measured railroad passbys included noise associated with train cars, warning horn usage, and at-grade crossing bells. Based on a calculated average of 92 dB L_{max} at 160 feet, train passby noise levels would be approximately 90 dB L_{max} at the building facades proposed nearest to the track, located approximately 200 feet away. To satisfy the General Plan 50 dB L_{max} interior noise level standard (applicable to bedrooms), a minimum noise reduction of 40 dB would be required of the first- and upper-floor building facades of residences constructed nearest to the UPRR track. To satisfy the General Plan 55 dB L_{max} interior noise level standard (applicable to all other habitable rooms), a minimum noise reduction of 35 dB would be required of the nearest first- and upper-floor building facades.

Standard building construction (stucco siding, STC-27 windows, door weather-stripping, exterior wall insulation, composition plywood roof), typically results in an exterior to interior noise reduction of approximately 25 dB with windows closed and approximately 15 dB with windows open. Therefore, to ensure consistency with the foregoing applicable General Plan standards, the City shall condition the project, if approved, to implement the following conditions of approval:

- To comply with the General Plan's interior noise level criteria including a factor of safety, the windows and doors of the building locations identified on Figures 4 and 5 of the Noise Report shall be upgraded to the minimum STC rating indicated. Figure 4 of the Noise Report shows the locations and associated STC ratings needed for bedroom windows/doors. Figure 5 of the Noise Report illustrates the locations and associated STC ratings required for all other habitable room

windows/doors. Finally, mechanical ventilation (air conditioning) shall be provided to all residences of the proposed project to allow the occupants to close doors and windows, as desired, for additional acoustical isolation.

- Disclosure statements shall be provided to all prospective residents of the proposed project, notifying of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.

Project Construction

During project construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would increase ambient noise levels when in use. Noise levels would vary depending on the type of equipment used, how it is operated, and how well it is maintained. Noise exposure at any single point outside the project site would also vary depending upon the proximity of equipment activities to that point. The property lines from the nearest existing off-site land uses are located approximately 275 feet (residential to west) and 25 feet (commercial to south) away from where construction activities would occur within the project site. Table 18 includes the range of maximum noise levels for equipment commonly used in general construction projects at full-power operation at a distance of 50 feet.

Equipment Description	Maximum Noise Level at 50 Feet (dB)	Predicted Maximum Noise Level (dB)	
		25 Feet	275 Feet
Air compressor	80	86	65
Backhoe	80	86	65
Ballast equalizer	82	88	67
Ballast tamper	83	89	68
Compactor	82	88	67
Concrete mixer	85	91	70
Concrete pump	82	88	67
Concrete vibrator	76	82	61
Crane, mobile	83	89	68
Dozer	85	91	70
Generator	82	91	70
Grader	85	88	67
Impact wrench	85	91	70
Loader	80	91	70
Paver	85	86	65
Pneumatic tool	85	91	70
Pump	77	91	70
Saw	76	83	62
Scarfier	83	82	61
Scraper	85	89	68
Shovel	82	91	70
Spike driver	77	88	67
Tie cutter	84	83	62
Tie handler	80	90	69
Tie inserter	85	86	65
Truck	84	91	70

Source: Federal Transit Administration Noise and Vibration Impact Assessment Manual, Table 7-1, 2018.

Not all of the listed construction activities would be required of the proposed project. The data also include predicted maximum equipment noise levels at the property lines of the nearest residential and commercial uses located west and south of the project site, respectively, which assumes a standard spherical spreading loss of 6 dB for each doubling of distance.

Based on the equipment noise levels shown above, noise levels from project construction are predicted to range from 61 to 70 dB L_{max} at the residential use located nearest to the project site, and from 82 to 91 dB L_{max} at the nearest commercial use. As mentioned previously, not all of the listed construction activities would be required of this project.

As noted above, Section 8.28.040(D) of the Morgan Hill Municipal Code exempts construction noise provided that such activities do not occur during set hours. Specifically, construction activities are prohibited other than between the hours of 7:00 AM and 8:00 PM, Monday through Friday, and between the hours of 9:00 AM to 6:00 PM on Saturday. Furthermore, construction activities may not occur on Sundays or federal holidays. Provided project construction activities occur during the foregoing allowed hours and days, construction activities would be exempt.

However, if construction activities are proposed during the hours not exempted by Municipal Code Section 8.28.040(D), noise levels generated by construction activities could result in temporary nuisance to nearby sensitive receptors. As a result, noise impacts associated with construction activities would be potentially significant.

Conclusion

Based on the above, noise generated as part of project operations would not exceed the applicable thresholds established by the City's Municipal Code or FICON criteria. However, should construction activities occur outside of the allowed hours set forth in Municipal Code Section 8.28.040(D) and not include industry standard BMPs to reduce temporary noise increases to the extent feasible, noise levels generated by construction activities could result in temporary nuisance to nearby sensitive receptors. Therefore, the proposed project could generate a substantial temporary increase in ambient noise levels in the vicinity of the project during construction. Thus, the project could result in a ***potentially significant*** impact.

Mitigation Measure(s)

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

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.

b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, while vibration is related to noise, it differs in that noise is generally considered to be pressure waves transmitted through air, whereas vibration is usually associated with transmission through the ground or structures. As with noise, vibration consists of an amplitude and frequency. A person's response to vibration depends on their individual sensitivity as well as the amplitude and frequency of the source.

Vibration can be described in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of velocity in inches per second peak particle velocity (IPS, PPV) or root-mean-square (VdB, RMS). Standards pertaining to perception as well as damage to structures have been developed for vibration in terms of peak particle velocity as well as RMS velocities. As vibrations travel outward from the source, they excite the particles of rock and soil through which they pass and cause them to oscillate. Differences in subsurface geologic conditions and distance from the source of vibration will result in different vibration levels, characterized by different frequencies and intensities. In all cases, vibration amplitudes will decrease with increasing distance. The maximum rate, or velocity of particle movement, is the commonly accepted descriptor of the vibration "strength".

Human response to vibration is difficult to quantify. Vibration can be felt or heard well below the levels that produce any damage to structures. The duration of the event has an effect on human response, as does frequency. Generally, as the duration and vibration frequency increase, the potential for adverse human response increases. According to the Caltrans *Transportation and Construction-Induced Vibration Guidance Manual*, operation of construction equipment and construction techniques generate ground vibration. Traffic

traveling on roadways can also be a source of such vibration. At high enough amplitudes, ground vibration has the potential to damage structures and/or cause cosmetic damage. Ground vibration can also be a source of annoyance to individuals who live or work close to vibration-generating activities. However, traffic rarely generates vibration amplitudes high enough to cause structural or cosmetic damage.

As part of the Noise Report's analysis, a site visit was conducted on April 13, 2021 to assess the existing ambient vibration environment. Vibration levels were below the threshold of perception at the project site. Nonetheless, to quantify existing vibration levels at the project site, BAC conducted short-term (one-hour) vibration measurements at the location identified on Figure 11 (site V-1). In the analysis of the vibration measurement data, it was revealed that the measured existing maximum vibration levels did not exceed 60 VdB RMS during the 1-hour monitoring period.

The City of Morgan Hill does not currently have adopted standards for groundborne vibration. As a result, vibration impact assessment criteria established by the U.S. Department of Transportation's Federal Transit Administration (FTA) criteria was applied to the project. The FTA vibration impact criteria is based on maximum overall levels for a single event, such as vehicle or train pass-bys. The vibration impact criteria, identified in Table 6-3 of the FTA's *Transit Noise and Vibration Impact Assessment Manual*, is reproduced in Table 19.

Table 19
Groundborne Vibration Impact Criteria for Annoyance Determinations

Land Use Category	Groundborne Vibration Impact Levels (VdB re 1 μ inch/sec, RMS)		
	Frequent Events ¹	Occasional Events ²	Infrequent Events ³
Category 1 – Buildings where vibration would interfere with interior operations	65 ⁴	65 ⁴	65 ⁴
Category 2 – Residences and buildings where people normally sleep	72	75	80
Category 3 – Institutional land uses with primarily daytime use	75	78	83

¹ "Frequent Events" is defined as more than 70 vibration events of the same source per day.
² "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.
³ "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day.
⁴ This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. For equipment that is more sensitive, a Detailed Vibration Analysis must be performed.

Source: Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual*, Table 6-3, 2018.

During project construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the proposed construction activities. The nearest existing off-site sensitive receptors have been identified as residential structures located approximately 350 feet from the construction activities that would occur within the project vicinity. Table

20 includes the range of vibration levels for equipment commonly used in general construction projects at a distance of 25 feet. The data also include predicted equipment vibration levels at the nearest existing off-site residences located approximately 350 feet away.

Table 20 Vibration Source and Projected Levels for Construction Equipment		
Equipment	Approximate RMS Lv¹	
	Reference Level at 25 Feet²	Predicted Level at 350 Feet
Vibratory roller	94	59
Large bulldozer	87	58
Loaded trucks	86	55
Jackhammer	79	54
Small bulldozer	58	<50

¹ RMS velocity in decibels (VdB) re 1 micro-inch/second
² Reference vibration level obtained from the Federal Transit Administration *Transit Noise and Vibration Impact Assessment Manual*, 2018.

Source: Bollard Acoustical Consultants, Inc., 2021.

Because vibration levels generated by the type of construction equipment that would be required for the proposed project dissipates very rapidly with distance, vibration levels at the nearest residences are expected to be well below 70 VdB RMS over the course of project construction activities. Construction-generated vibration levels of less than the 70 VdB RMS at nearby existing sensitive receptors would satisfy the strictest FTA groundborne vibration impact criterion of 72 VdB for residences shown in Table 19 (regardless of number of vibration events from a source). Therefore, project construction would not result in the exposure of persons to excessive groundborne vibration levels.

Based on the above, the proposed project would not generate excessive groundborne vibration or groundborne noise levels, and a **less-than-significant** impact would occur.

- c. The public airport nearest to the project site is the San Martin Airport, which is located approximately 6.3 miles southeast of the project site at 13030 Murphy Avenue. The project site is located well outside of the AIA identified in the South County Airport Comprehensive Land Use Plan.²⁹ In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with air traffic, and **no impact** would occur.

²⁹ Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport*. Amended November 16, 2016.

XIV. POPULATION AND HOUSING. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. The proposed project would include the development of a total of 67 multi-family residential units. Based on 2020 housing estimates for persons per household in the City provided by the California Department of Finance, the proposed project is anticipated to potentially generate an estimated 211 additional residents (67 units x 3.14 persons per household) in the City.³⁰ Considering that the total population of the City was estimated to be approximately 45,952 in July 2019,³¹ a potential increase of 211 residents would be considered negligible.

In addition, as discussed throughout this IS/MND, the proposed project would be consistent with the General Plan land use and zoning designations for the site. As such, the increase in population associated with the proposed project has been previously anticipated. Thus, implementation of the proposed project would not induce substantial unplanned population growth in the area, and a ***less-than-significant*** impact would occur.

b. Residences do not currently exist on the project site. Therefore, the proposed project would not displace any people or housing, and ***no impact*** would occur.

³⁰ California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Census Benchmark*. Available at: <https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed April 2021.

³¹ U.S. Census Bureau. QuickFacts Morgan Hill, California. Available at: <https://www.census.gov/quickfacts/morganhillcitycalifornia>. Accessed April 2021.

XV. PUBLIC SERVICES.

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

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

Discussion

a-c,e. The City of Morgan Hill contracts with CAL FIRE (California Department of Forestry and Fire Protection) for fire protection services. Three fire stations are located within the City boundaries: El Toro Station, located at 18300 Old Monterey Road; Dunne-Hill Station, located at 2100 Dunne Avenue; and the CAL FIRE station at 15670 Monterey Road. The nearest fire station (El Toro station) is located approximately 1.2 miles to the southeast of the site. Although the City has not adopted response time standards or goals related to fire suppression, CAL FIRE is held to a seven minute, 59 second response time standard pursuant to the 911 Emergency Medical Services Provider Agreement between the City of Morgan Hill and the County of Santa Clara Emergency Medical Services Agency.³² The project site has been previously anticipated by the General Plan for residential development. The increase in demand associated with the proposed project would not necessitate new or physically altered facilities and, due to its proximity to the nearest fire station, the Emergency Medical Services (EMS) response time standard of seven minutes, 59 seconds could be maintained. In addition, the proposed structures would be equipped with fire sprinklers and fire alarm systems. Such features would help to address fire situations within the site, which would reduce the demand for fire protection services from the project site.

The Morgan Hill Police Department is located at 16200 Vineyard Boulevard, approximately 3.5 miles southeast of the project site. The project site is located within the Morgan Hill Police Department's normal patrol routes, and, thus, police response times would be comparable to nearby existing developments. Furthermore, given that the project is consistent with the site's current General Plan land use and zoning designations, impacts related to provision of new or physically altered fire and police protection facilities have been previously analyzed in the General Plan EIR. The General Plan EIR concluded that buildup of the City would have a less-than-significant impact related to the provision of such public services. There is nothing peculiar about the site or project that would alter the General Plan EIR conclusion.

The Morgan Hill Unified School District (MHUSD) operates public education facilities that serve the project site and surrounding area. The City of Morgan Hill is served by eight elementary schools, two middle schools, two high schools, one continuation school, one K-8 home school program, and one community adult school. As specified in the General Plan EIR, using the MHUSD student yield rate of 0.465 students per household, the total

³² Dwight Good, Assistant Chief Cooperative Fire Protection, Morgan Hill Fire Department. Personal communication [phone] with Nick Pappani, Vice President, Raney Planning and Management, Inc. June 1, 2021.

anticipated development potential for the project site (67 residential units) could add approximately 32 new students to MHUSD schools.

The City collects development impact fees to help pay for public services that include public schools. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act involving the planning, use, or development of real property.” (Government Code 65996(b).) Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be “full and complete mitigation.” Therefore, according to SB 50, the payment of the necessary school impact fees for the project would be full and satisfactory CEQA mitigation.

With regard to other public facilities, such as libraries, the proposed project would not be anticipated to result in a substantial increase in demand for library services, or other public facilities, such that expanded facilities would be required. Future residents of the proposed project would have access to the Morgan Hill Library, which is operated by the Santa Clara County Library District. In addition, the General Plan EIR concluded that buildup of the City, including the project site, would have a less-than-significant impact related to libraries.

Based on the above, the project would have a ***less-than-significant*** impact with respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, and schools.

- d. The proposed project is anticipated to potentially generate an estimated 211 additional residents (67 units x 3.14 persons per household) in the City. However, pursuant to Section 3.56.030 (Development fees) of the City’s Municipal Code, development impact fees are established and imposed on the issuance of all building permits for development within the City to finance the cost of various categories of public facilities and improvements required by new development, including park and recreation facilities. In addition, the propose project would include on-site features such as a basketball court, a cabana, two picnic areas, passive water features, park benches, and passive recreation areas and/or gardens. As such, on-site recreational amenities would be provided to serve future residents of the project.

Given that the proposed project would be required to comply with Section 3.56.030 of the Municipal Code and would include on-site park features, the project would have a ***less-than-significant*** impact with respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for parks.

XVI. RECREATION. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. The proposed project would potentially generate approximately 211 additional residents (based on 3.14 persons per household, pursuant to Department of Finance estimates) in the City of Morgan Hill. Given the City's parkland standard of five acres per 1,000 residents, the proposed project's 211 additional residents would equate to a demand of approximately 1.06 acres of additional parkland. As discussed above, pursuant to Section 3.56.030 (Development fees) of the City's Municipal Code, development impact fees are established and imposed on the issuance of all building permits for development within the City to finance the cost of various categories of public facilities and improvements required by new development, including park and recreation facilities.

In addition, pursuant to Morgan Hill Municipal Code Chapter 17.28, the proposed project would be subject to the City's Parkland Dedication and Parkland Fee In-Lieu requirements. The project would be required to pay fees in lieu of parkland dedication to meet the parkland obligation. Such fees would be calculated using the formula set forth in Morgan Hill Municipal Code Section 17.28.060, with the fees due at the time of filing of the project's Final Map.

Given that the proposed project would be required to comply with Sections 3.56.030 and 17.28 of the Municipal Code, park fees imposed by the City would generate revenue to acquire necessary land to develop new parks or rehabilitate existing neighborhood parks and recreation facilities reasonably related to serve the subdivision.

Based on the above, a ***less-than-significant*** impact would occur with regard to recreational resources.

XVII. TRANSPORTATION. <i>Would the project:</i>	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a. The following analysis is based on the Trip Generation and Operations Analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc. (see Appendix F of this IS/MND).³³ The Trip Generation and Operations Analysis includes a discussion of the proposed project's potential impacts on transit, bicycle, and pedestrian facilities, which are discussed in further detail below. A level of service (LOS) evaluation is also included in the Trip Generation and Operations Analysis; however, LOS analysis is not required as part of CEQA review for the reason described below. As such, while the proposed project's consistency with the City's applicable LOS standards will be reviewed by the City in order to determine if the project should be conditioned to implement any transportation operation enhancements, such analysis is not included in this IS/MND.

The law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used LOS to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), LOS D, E, or F often represented significant environmental effects. In 2013, however, the Legislature passed legislation with the intention of ultimately removing LOS in most instances as a basis for environmental analysis under CEQA. Enacted as part of SB 743 (2013), PRC Section 21099, subdivision (b)(1), directed the Governor's Office of Planning and Research (OPR) to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing "criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [OPR] shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section."

³³ Hexagon Transportation Consultants, Inc. *Trip Generation and Operations Analysis for the Proposed Manzanita Residential Development in Morgan Hill, California*. May 4, 2021.

Subdivision (b)(2) of Section 21099 further provides that “[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any.”

Pursuant to SB 743, the Natural Resources Agency promulgated CEQA Guidelines Section 15064.3 in late 2018. It became effective in early 2019. Subdivision (a) of that section provides that “[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.”

Please refer to Question ‘b’ for a discussion of VMT.

Transit, Pedestrian, and Bicycle Facilities

The project site is served by VTA bus routes that run along Cochrane Road and Hale Avenue. Frequent Route 68 (Gilroy Transit Center to San Jose Diridon Transit Center) serves bus stops at the intersection of Hale Avenue and Tilton Avenue, approximately 0.4-mile walking distance from the project site. Local Route 87 (Morgan Hill Civic Center to Burnett Avenue) serves a bus stop at the Burnett Avenue/Greenwood Circle intersection, approximately 0.3-mile walking distance from the project site. According to the Trip Generation and Operations Analysis, a typical mode share in Morgan Hill (the percentage of travelers using a particular type of transportation) is a three percent transit share. As such, applying a three percent transit mode share to the proposed project would equate to a maximum of three transit riders during each of the daily peak hours. Based on such a number of new transit riders, the City’s existing transit facilities would be able to accommodate the transit ridership demands generated by the proposed project, and a less-than-significant impact would occur.

With respect to pedestrian facilities, the existing pedestrian generators in the project vicinity include Sobrato High School to the northeast of the project site, Central High School to the west, and the bus stops discussed above. Sidewalks are located in the project vicinity along the following roadway segments:

- Southbound Monterey Road, between Tilton Avenue and Burnett Avenue;
- Northbound Monterey Road, between 230 feet south and 300 feet north of Burnett Avenue;
- Eastbound and westbound Burnett Avenue;
- Westbound Tilton Avenue, between Monterey Road and Dougherty Avenue; and
- Eastbound Tilton Avenue, between Monterey Road and 400 feet west of Dougherty Avenue.

Existing crosswalks with protected crossing phases are provided at the following signalized intersections:

- Monterey Road/Tilton Avenue – west leg;
- Monterey Road/Burnett Avenue – north leg and east leg;
- Monterey Road/Peebles Avenue – east leg; and
- Monterey Road/Madrone Parkway – east leg.

Existing access to nearby pedestrian generators is described below:

- Sobrato High School: A continuous pedestrian route is provided by way of sidewalks along northbound Monterey Road and westbound Burnett Avenue.
- Central High School: A continuous pedestrian route is provided by way of sidewalks along northbound Tilton Avenue and southbound Monterey Road and the existing crosswalk across Monterey Road at Burnett Avenue.
- Route 68 Bus Stop at the Hale Avenue/Tilton Avenue intersection: A continuous pedestrian route to/from the project site is not available, due to a missing sidewalk segment along eastbound Tilton Avenue, between Hale Avenue and 400 feet west of Dougherty Avenue. It should be noted that the project does not propose to install crosswalks across Monterey Road at Tilton Avenue. Therefore, pedestrians would need to use the existing crosswalk at the Monterey Road/Burnett Avenue intersection.
- Route 87 Bus Stop at the Burnett Avenue/Greenwood Circle intersection: A continuous pedestrian route is provided by way of sidewalks along northbound Monterey Road and westbound Burnett Avenue.

The project proposes to construct a six-foot-wide sidewalk along the project site's Monterey Road frontage and six- to eight-foot-wide sidewalks along both sides of the proposed Tilton Avenue extension. Pedestrians would be able to access walkways within the project site by way of multiple access points from the proposed sidewalks along Monterey Road and the Tilton Avenue extension. In addition, a crosswalk with a protected crossing phase and ramps designed to be compliant with the Americans with Disabilities Act (ADA) would be installed across Tilton Avenue, at the new leg of the Monterey Road/Tilton Avenue intersection. Based on the above, the proposed project would construct sidewalks along project frontages, as required, and would not conflict with an adopted plan related to the City's pedestrian facilities. Thus, a less-than-significant impact would occur.

With respect to bicycle facilities, bike lanes are located in the project vicinity along Monterey Road (including along the project frontage) and Burnett Avenue. The project includes an upgrade to the existing northbound bike lane along the project frontage by providing a three-foot, painted buffer between the existing bike lane and travel lane. The project is not expected to generate a significant number of bicycle trips. As such, the demand generated by the proposed project could be accommodated by the existing and proposed bicycle facilities in the project vicinity, and a less-than-significant impact would occur.

Conclusion

Based on the above, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Thus, the project would result in a **less-than-significant** impact.

b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts, with other relevant considerations consisting of the effects of the project on transit and non-motorized travel. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips, with one end within the project site. Typically, development projects that are farther from other, complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, development projects located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the project vicinity.

Hexagon Transportation Consultants, Inc. prepared a VMT Assessment for the proposed project (see Appendix G of this IS/MND).³⁴ The evaluation was completed using VTA's *VMT Evaluation Tool*, which identifies the existing average VMT per capita and VMT per employee for the project area based on the APN of a project site. Based on the project location, type of development, project description, and proposed trip reduction measures, the evaluation tool calculates the project VMT. Projects located in areas where the existing VMT is above the established threshold are referred to as being in "high-VMT areas." Projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the greatest extent possible.

To adhere to the state's legislation, the City is currently developing the framework for new transportation policies based on the implementation of VMT as the primary measure of transportation impacts for CEQA purposes. The new policies will replace the City's current transportation policies that are based on LOS. However, as the City has not formally adopted City-specific VMT policies, the VMT Assessment incorporated methodology and impact thresholds recommended in the OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory)*. In accordance with the *Technical Advisory*, VMT per capita is the recommended metric to evaluate CEQA-related transportation impacts for residential land uses, with an impact threshold of 15 percent below the existing VMT levels for residential land uses. The VTA's *VMT Evaluation Tool*, indicates that the City-wide VMT per capita is currently 24.64. Therefore, the impact threshold is 20.94 (i.e., 15 percent below 24.64 VMT per capita).

The results of the VMT Analysis using the *VMT Evaluation Tool* indicate that the existing VMT per capita in the project vicinity is 21.75, less than the City-wide average of 24.64. Furthermore, the proposed project is projected to generate a VMT per capita of 20.76, which would be below the OPR's recommended impact threshold of 20.94.

Based on the above information, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a ***less-than-significant*** impact would occur.

³⁴ Hexagon Transportation Consultants, Inc. *VMT Assessment for the Proposed Manzanita Park Residential Development in Morgan Hill, California*. May 14, 2021.

c,d. The proposed project would not include design features that would affect traffic safety, such as substantial changes to Monterey Road, nor the introduction of an incompatible use or any design features that would be considered hazardous. Site access would be provided by way of an extension of Tilton Avenue into the project site. Upon full buildout of the proposed project, the Tilton Avenue extension to Burnett Avenue would likely have a posted speed limit between 25 mph and 35 mph. For a design speed of 25 mph, the recommended Caltrans stopping sight distance is 150 feet. For a design speed of 35 mph, the recommended Caltrans stopping sight distance is 250 feet. Based on the project site plan, the proposed full-access driveways along Tilton Avenue would be located approximately 350 feet east of Monterey Road. Therefore, sufficient sight distance would be provided along Tilton Avenue.

The project site's ingress/egress would conform with applicable design standards and requirements contained in Section 18.22.040 (Development Standards) of the Municipal Code pertaining to the MU-F zoning district and the City's Design Standards and Standard Details for Construction, which would ensure that the additional traffic entering and exiting the site during project operation would not pose hazards to through traffic on Monterey Road.

Based on the above information, the proposed project would not substantially increase hazards due to design features or incompatible uses, and emergency access to the site would be adequate. However, during construction of the proposed project, the possibility exists for potential impacts; for example, construction activities could include disruptions to the transportation network near the project site. Such disruptions would include the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Bicycle and transit access could also be disrupted. In addition, heavy-truck traffic would temporarily increase due to delivery of construction materials. As a result, the above activities could degrade roadway conditions and result in a ***potentially significant*** impact.

Mitigation Measure(s)

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

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*

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- *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.

XVIII. TRIBAL CULTURAL RESOURCES.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. As discussed in Section V, Cultural Resources, of this IS/MND, the project site does not contain any existing structures or any other known resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k). Through compliance with the City's standard conditions of approval set forth in Morgan Hill Municipal Code Section 18.60.090, the proposed project would not significantly impact unknown, subsurface historical resources or unique archaeological resources, or disturb human remains. Additionally, a review was completed as part of a California Historical Resources Information System (CHRIS) search request of the archaeological site base maps and records, survey reports, and other materials on file at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California. Sources of information included, but were not limited to, the current listings of properties on the National Register of Historic Places, California Historical Landmarks, California Register of Historical Resources, and California Points of Historical Interest as listed in the California Office of Historic Preservation's *Historic Property Directory* and the *Built Environment Resources Directory*. Archival research included an examination of 19th and 20th century maps and aerial photographs to gain insight into the nature and extent of historical development in the general project vicinity as well as within the study area. Ethnographic literature that describes appropriate Native American groups, county histories, and other primary and secondary sources were also reviewed. The CHRIS results recommended that earthmoving activities be monitored by a qualified archaeologist.³⁵ Such recommendations would be fulfilled as part of compliance with the City's standard conditions of approval. Additionally, a search of the NAHC Sacred Lands File was completed with respect to the project site, which returned negative results, indicating that known tribal cultural resources are not present on-site.³⁶

In compliance with AB 52 (PRC Section 21080.3.1), representatives from the City and the Tamien Nation met on October 11, 2021. The Tamien Nation requested that the City's standard conditions be imposed upon the proposed project. As discussed above, the

³⁵ California Historical Resources Information System: Northwest Information Center. *Re: Record search results for the proposed Manzanita Park Project*. October 4, 2021.

³⁶ Native American Heritage Commission. *Re: Manzanita Park Project, Santa Clara County*. November 2, 2021.

standard conditions include requirements that an archaeologist and Tamien Nation Tribal Monitor be present on-site to monitor all ground-disturbing activities, as well as requirements that must be followed in the event that known or suspected Native American remains are encountered.

Based on the above, the proposed project is not expected to adversely impact tribal cultural resources. In addition, the project applicant would be required to comply with the City's standard conditions of approval related to cultural resource discovery, as presented in Section V of this IS/MND. Therefore, a ***less-than-significant*** impact to tribal cultural resources would occur.

XIX. UTILITIES AND SERVICE SYSTEMS.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-c. Brief discussions of the water, wastewater, stormwater drainage, electrical, and telecommunications facilities that would serve the proposed project are included below.

Water

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 17 groundwater wells, 10 reservoir sites, nine pumping stations, and 165 miles of pressured pipes ranging from two to 14 inches in diameter. The City's water distribution system meets the needs of existing customers. The City has planned and constructed water projects in conjunction with new street construction in anticipation of future growth and water needs.

The proposed project would be provided water service by the City through connections to the existing eight-inch water main in Monterey Road, which are stubbed at the southwest corner of the project site. From the point of connection, the eight-inch water line would be extended along the project's entire Monterey Road frontage. At the intersection of Monterey Road and Tilton Avenue, the water line would be extended north into the project site along the extension of Tilton Avenue, where the line would connect to a six-inch private water line in the site's private driveway. The six-inch line would then connect to each of the proposed buildings.

According to the City's Urban Water Management Plan (UWMP), the City's projected water supply far exceeds the water demand for normal, single-dry, and multiple-dry years

until at least 2040.³⁷ For example, Table 7-2 of the UWMP indicates that, by 2035, Morgan Hill would have a water supply surplus of 62,934 acre-feet during a normal dry year. Under a 2035 multiple-dry year scenario, Morgan Hill would have a 50,339 acre-feet water surplus during the first dry year and a 31,169 acre-feet water surplus by the third dry year. Although the proposed project would develop new 67 residential units, which would result in an increase to the existing City population, the proposed project would not increase water demand such that the construction of new water treatment facilities would be required. For instance, using the UWMP's per capita water use rate of 123 gallons per capita per day, the proposed project would generate a water demand of approximately 25,953 gallons per day (211 residents x 123 gallons). A water demand rate of 25,953 gallons per day is well within the City's anticipated water supply for the years 2025 through 2040, even under the multiple-dry year scenario third-year water supply surplus of 31,169 acre-feet.

Given that the proposed project would not generate water demand substantially higher than the type and intensity of growth that was generally considered for the project site in the 2035 General Plan, and associated water use has been analyzed in the General Plan EIR, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and sufficient water supplies would be available to serve the project from existing entitlements and resources.

Wastewater

The City of Morgan Hill sewer collection system consists of approximately 160 miles of gravity sewers, over 3,000 manholes, nearly 3 miles of force mains, and 14 lift stations. The sewer lines range in size from four inches to 30 inches in diameter and the piping system includes 26 siphons. The City's collection system moves the City's wastewater south to the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Facility (WWTF) located in southern Gilroy. SCRWA is a joint powers authority formed by the cities of Morgan Hill and Gilroy to collectively treat the wastewater of both cities.³⁸ The City of Morgan Hill has an allocation of 3.56 million gallons per day (MGD) from the WWTF. Pursuant to the General Plan EIR, the average dry weather flow from the City of Morgan Hill was approximately 2.7 MGD in 2015.

The proposed project would connect to existing sewer lines located within the site vicinity in Monterey Road by way of new sewer lines located within the extension of Tilton Avenue and the interior roadway circling the 12 proposed condominium buildings.

Based on a per capita flow rate of 78 gallons per capita per day, the proposed project would generate approximately 16,458 gallons of wastewater per capita per day (211 residents X 78 gallons), which is well within the 3.56 MGD treatment capacity of the WWTF allocated for the City of Morgan Hill.³⁹ In addition, because the General Plan EIR determined that the WWTF would be required to be expanded by the year 2022 in order to accommodate buildup of the General Plan, the SCRWA is planning to fund, design, and construct expansion of the WWTF beyond its current wastewater treatment capacity of 8.5 MGD. The General Plan EIR determined that, after expansion of the treatment plant, wastewater generated by General Plan buildup, including the project site, would not

³⁷ City of Morgan Hill. 2015 *Urban Water Management Plan* [pg. 7-4 to 7-7]. 2016.

³⁸ City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. February 6, 2019.

³⁹ City of Morgan Hill. 2035 *General Plan Draft EIR*. [pg. 4.15-30]. January 2016.

exceed the expanded permitted treatment capacity of the SCRWA WWTF facility. Therefore, the proposed project would not generate wastewater flows beyond the capacity of existing wastewater treatment facilities or planned future improvements to such facilities.

Stormwater

Issues related to stormwater infrastructure are discussed in Section X, Hydrology and Water Quality, of this IS/MND. As noted therein, the proposed project would not significantly increase stormwater flows into the City's existing system. The final drainage system design for the project and SWPPP would be subject to review and approval by the City of Morgan Hill City Engineer to confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan. Therefore, the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Electricity and Telecommunications

Electricity service for the proposed project would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. The proposed project would not use natural gas, as natural gas is prohibited in all new construction, pursuant to Chapter 15.63 of the Municipal Code. The project would not require major upgrades to, or extension of, existing infrastructure. Thus, impacts to electricity and telecommunications infrastructure would be less than significant.

Conclusion

Sufficient water supplies would be available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Furthermore, adequate wastewater capacity would be available to serve the project's projected demand in addition to the SCRWA's existing commitments. Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Thus, a ***less-than-significant*** impact would occur.

d,e. Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill (Landfill). Pursuant to the Landfill's current 2018 Solid Waste Facility Permit, the Landfill has a maximum permitted tonnage limit of 1,574 tons per day, a remaining capacity of 6,923,297 cubic yards, and an estimated closure date of 2055.⁴⁰ For fiscal year 2019/2020, 224,979 tons of waste were disposed of at the Landfill.⁴¹ The proposed project would not produce solid waste at quantities to exceed landfill capacity. As such, sufficient permitted capacity exists at the Johnson Canyon Sanitary Landfill to accommodate the proposed project's incremental increase in solid waste disposal needs.

⁴⁰ California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill (27-AA-0005)*. Available at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/27-AA-0005/Detail/>. Accessed April 2021.

⁴¹ Salinas Valley Solid Waste Authority. *2019-20 Annual Report*. Available at: <https://svswa.org/svswauploads/2019-20-Annual-Report-Final.pdf>. Accessed April 2021.

The proposed residences would involve the generation of typical solid waste types and would not require specialized solid waste disposal needs. Furthermore, as required by CBC Section 4.408, the proposed project would be required to submit a Waste Management Plan to the City detailing on-site sorting of construction debris. Implementation of the Waste Management Plan would ensure that the proposed project meets established diversion requirements for reused or recycled construction waste. As such, the proposed project would comply with applicable federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed project would have a ***less-than-significant*** impact related to solid waste.

XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

a-d. As discussed in Section IX, Hazards and Hazardous Materials, of this IS/MND, the City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High FHSZ. Furthermore, CAL FIRE's Fire and Resource Assessment Program indicates that the project site is not located in a Very High FHSZ. While the nearest High or Very High FHSZ is located approximately 0.75-mile to the southwest, the project site is separated from such areas by Monterey Road and the UPRR track, which serve as a fire break to the project site. In addition, the proposed project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.44 of the City's Municipal Code, including installation of fire sprinkler systems.

As noted in Section IX, implementation of the proposed project would not interfere with potential evacuation or response routes used by emergency response teams. The project would not conflict with the City's Emergency Operations Plan. In addition, the project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for employees.

Based on the above, the proposed project would not be subject to substantial risks related to wildfires, and a ***less-than-significant*** impact would occur.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. As discussed in Section IV, Biological Resources, of this IS/MND, the proposed project would be required to implement mitigation measures to minimize impacts to nesting migratory birds and raptors protected by the MBTA. In addition, the site does not contain known historical or cultural resources. Although unlikely, the possibility exists that subsurface excavation of the site during grading and other construction activities could unearth deposits of cultural significance. However, this IS/MND explains how the City's Municipal Code requires standard measures for development projects that would ensure any impacts to archaeological resources would be less than significant. Therefore, the proposed project's impact related to degradation of the quality of the environment, substantial reduction of habitat or plant and wildlife species, and elimination of important examples of the major periods of California history or prehistory would be ***less than significant***.
- b. As discussed throughout this IS/MND, the proposed project would be consistent with the site's current General Plan land use and zoning designations. As such, the type and intensity of growth that would be induced by the proposed project has been generally anticipated as part of the General Plan and associated cumulative environmental effects have been analyzed in the General Plan EIR. Furthermore, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level with implementation of project-specific mitigation measures and compliance with applicable General Plan policies. When viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the proposed project would not contribute to cumulative impacts in the City of Morgan Hill, and the project's cumulative impact would be ***less than significant***.
- c. The proposed project would be developed in a generally urbanized and built-up area of the City of Morgan Hill. Development of the proposed project would not be expected to result in substantial adverse impacts to human beings, either directly or indirectly. The

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potential for substantial environmental effects on human beings is addressed within this IS/MND and all impacts have been identified as less-than-significant or less than significant with the incorporation of mitigation measures. As such, a ***less-than-significant*** impact would result.